Manual Transmittal Letter Checklist

File this checklist in front of the Minnesota WIN Handbook. When a Manual Transmittal Letter is received:

1. Make the changes specified in the manual transmittal letter.
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MTL #	Date Issued	Date Inserted	Location in Handbook	Initials	MTL #	Date Issued	Date Inserted	Location in Handbook	Initials
1	10-6-80		New Handbook		13	6-15-84	4-27-87	Chapter IX	
2	2-5-81	4-27-87	Appendix		14	1-3-84	4-27-87	Chapter XIV	
3	4-8-81	4-27-87	Chapters V, VIII, IX & Appendix		15	5-22-84			
4	4-17-81	4-27-87	In Front of Handbook		16	6-8-84			
5	6-9-81				17	8-1-84	4-27-87	Chapter XIV	
6	7-2-81				18	8-6-84	4-27-87	Chapter IX	
7	9-23-81	4-27-87	Chapters IX, VIII, XIII		19	8-21-84	4-27-87	Chapter ~~IX~~ XI	
8	10-2-81				20	5-15-85	5-13-87	Chapter V	
9	10-28-81				21	8-13-86	5-13-87	Chapter XIV, I	
10	1-21-83	4-27-87	Chapter VIII		22	10-27-86	5-13-87	Chapters V, VIII	
11	3-31-83								
12	4-11-83	4-27-87	Chapter V						

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JOINT MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

MINNESOTA DEPARTMENT OF PUBLIC WELFARE

WORK INCENTIVE PROGRAM (WIN) HANDBOOK

Statement of Purpose

This WIN Handbook is the first comprehensive manual for WIN intended for the use of both the Employment Services staff and Public Welfare staff. Its purpose is to provide standards and guidelines to State and local Employment Service and Public Welfare staff for the operation and administration of the Work Incentive Program (WIN) in Minnesota.

Issuance of a single manual for WIN underscores the close cooperation required between Employment Services and Welfare for successful WIN Operation, and the need for all agencies of the program to understand thoroughly the roles and responsibilities of the other.

This handbook incorporates the original legislation setting up WIN, amendments to the Social Security Act, Federal Rules and Regulations, and subsequent policy guidance issued by Minnesota Department of Employment Services (MDES) and Minnesota Department of Public Welfare (MDPW).

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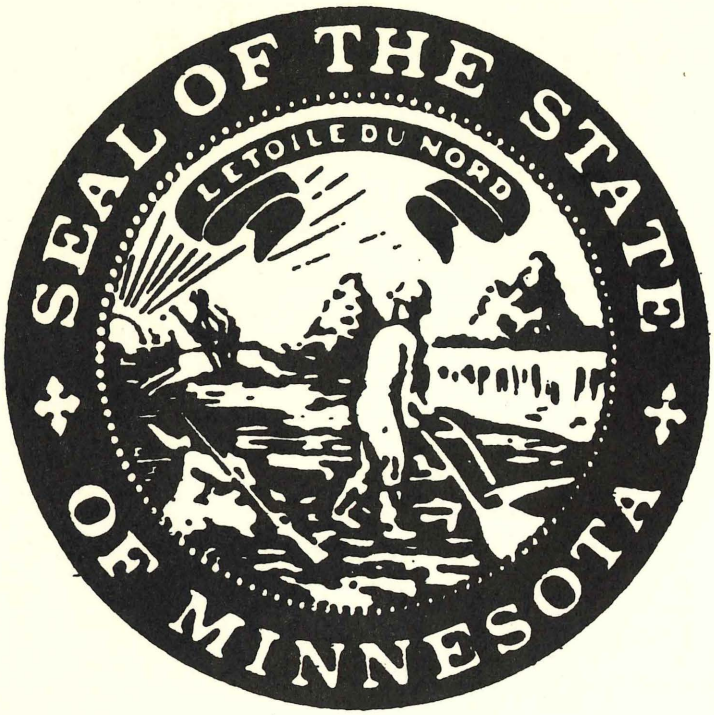

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(1b) WIN Section.

STATE OF MINNESOTA

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Employment
Public Welfare

MINNESOTA WIN HANDBOOK

The purpose of the Minnesota WIN Handbook is to provide the guidelines to operate the WIN program in Minnesota. As such, the Handbook is provided at no cost to the agencies involved in operating the program, i.e., MDES, MDPW, and county welfare agencies.

Copies of the Handbook may be purchased by interested parties, not involved in operating the program, at a price which covers printing and handling costs. Copies of this edition of the Handbook (10/80) may be obtained at a cost of $45 per copy. This price includes all subsequent updates of Handbook material. (The Handbook is also available without updates at a cost of $22.) A check, payable to the Minnesota Department of Economic Security, must be included with each order. Address orders to:

State WIN Office
Minnesota Department of Economic Security
610 American Center Building
160 East Kellogg Boulevard
St. Paul, MN 55101

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CHAPTER ONE

BACKGROUND AND DESCRIPTION OF THE WIN PROGRAM

Content: This chapter provides the legislative and regulatory authority of the Work Incentive (WIN) program and describes the various federal programs and efforts which led to the current WIN program. The chapter also briefly describes the WIN program flow.

I. Legislative and Regulatory Authority. The enabling legislation for the WIN program is contained in Parts A and C of Title IV of the Social Security Act as enacted in 1967 and amended in 1971. Regulatory authority is contained in Title 29 CFR, Part 56, and Title 45 CFR, Part 1398.

II. Program Background. The public assistance programs presently operating in the United States, Guam, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands, had their beginnings in 1935 with enactment of the Social Security Act. That Act made possible federal grants to States to help them in providing assistance to three groups of needy people--the aged, the blind, and dependent children who were living with a specified relative and who were deprived of parental support or care by reason of the death, physical or mental incapacity, or continued absence from the home of a parent. These provisions of the Act built upon limited experience of States in administering similar programs, variously called old-age pension, and mothers' aid or mothers' pension programs, as well as the longer experience of general assistance programs.

It was not until 1961 that children could be included in the aid to dependent children program when their need was due to the unemployment of parents. It then became optional with States, on a temporary basis for one year. Unemployment of either parent was covered.

During the 1960s, Congress developed programs for that part of the welfare population who were considered to be employable. Such programs were designated to reduce welfare rolls and expenditures as well as increase the productive capacity of the nation.

These programs focused heavily on the extensive use of general education, institutional skill training, and social services as the means toward increasing the employability potential of recipients. The 1962 Amendments to the Social Security Act created the Community Work and Training Program, and the 1967

Amendments established the Work Incentive Program, both of which were employment-oriented programs for AFDC recipients.

In 1971, amendments to Title IV of the Social Security Act significantly changed the nature and direction of the WIN program from training for employment to immediate employment whenever possible. The 1971 Amendments mandated the registration of employable adult individuals for available work or training for work. Exempt from this registration requirement were the aged, incapacitated, or ill, or caretakers of the young, aged, or ill. The Amendments also required that at least 1/3 of WIN employment and training funds be spent for on-the-job training and public service employment to reverse the established pattern of overwhelming reliance on institutional training. The emphasis of the program was clearly sharpened to provide only those employment, training, and social services which would contribute directly to immediate job placement.

The work and training requirements of the WIN program have been a successful employment strategy for welfare recipients, which has had a significant impact on the number of persons receiving welfare and has reduced welfare expenditures. The experience gained through WIN has been invaluable in the continuous designing and refining of programs to aid those persons who require some form of assistance but who have the potential to compete in the labor market and successfully gain employment. WIN experience also makes it possible to identify the mixes of various kinds of employment and social services which are most effective in assisting employable persons to reenter employment.

III. The WIN Program Flow. The staff of both the WIN employment and training (E&T) agency and the welfare agency separate administrative unit (SAU) and Income Maintenance Unit (IMU) should be viewed as a team working together to help WIN registrants to find employment and achieve self-sufficiency. All AFDC applicants and recipients unless exempt by law, must register with the WIN employment and training agency for AFDC benefits. Exempt individuals may register voluntarily for WIN without threat of financial sanction for subsequent refusal to participate.

At registration, individuals are offered job referral assistance. After registration and as the individual moves through the program's activities, social services are available to provide the additional personal support and encouragement necessary for the registrant to participate effectively.

Appraisal may take place at registration or at a later date. During appraisal, WIN E&T agency and SAU staff begin to

jointly assess the registrant's employability potential. An initial employability plan (EP) for each registrant is developed by the two agencies, with input by the registrant, setting forth the registrant's employment goal, training, employment and social services needs, and the timetable for meeting these needs. A certification record, specifying those services necessary for participation in the program is initiated for potentially employable registrants. When such services are arranged for or provided to the registrants, the SAU will certify that the registrants are ready for employment or training. WIN registrants who are only AFDC applicants cannot be required to participate in WIN until they become recipients. Certified registrants who are AFDC recipients must accept appropriate work or training. If they do not, their AFDC assistance payment may be affected.

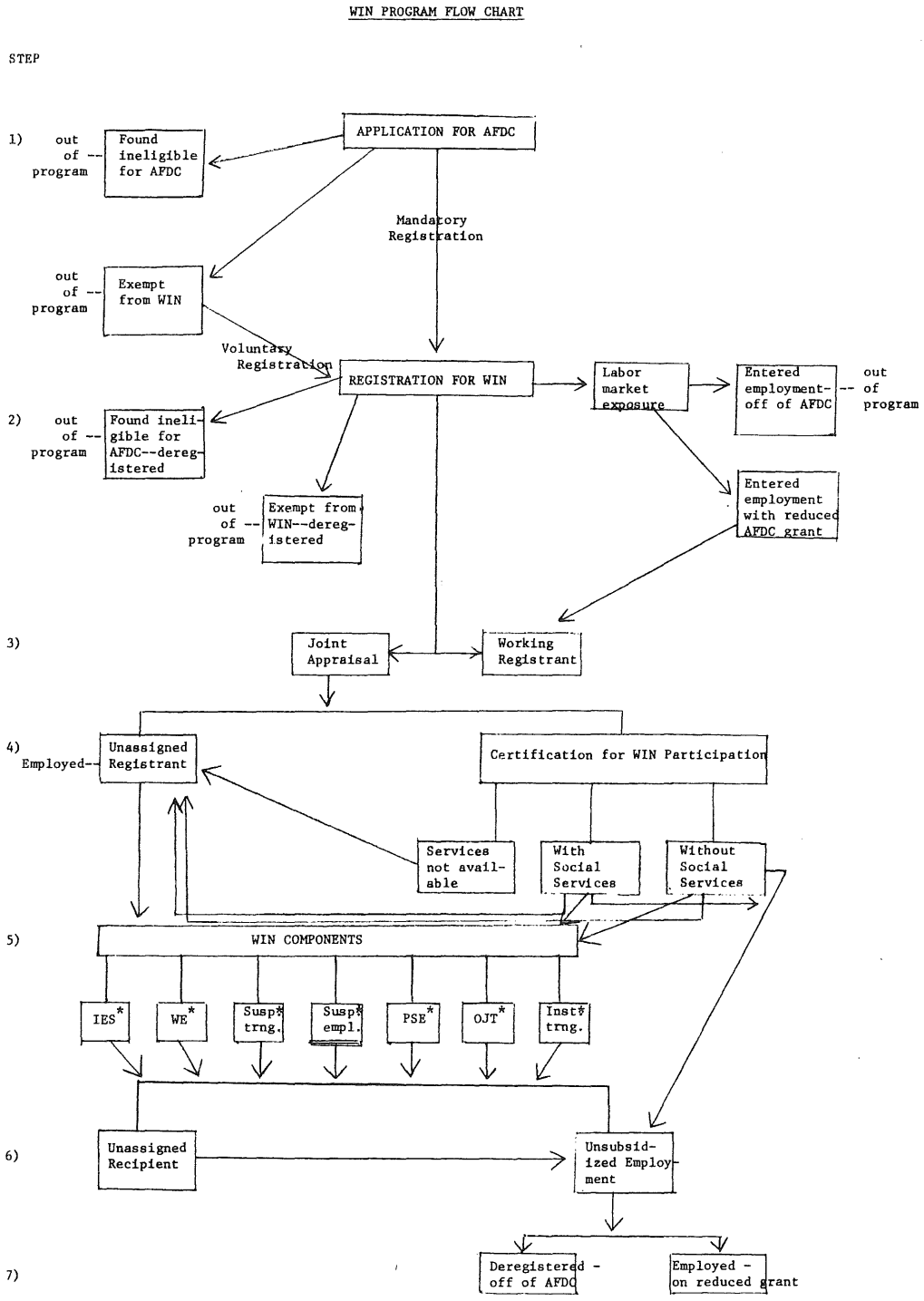
An unemployed WIN registrant may be placed in employment, referred to a training or job development component, suspended to another employment and training program, or remain unassigned if there is no suitable activity available. The registrant may be assigned from one activity to another (in accordance with the EP) as the program staff deems appropriate.

WIN pays for, or arranges for, social services which are provided to registrants in public service employment, on-the-job training, or non-employment activities. Such social services are also provided for a period after registrants obtain unsubsidized employment.

The SAU performs a key role in following up with registrants after placement in employment to assure the continuation of necessary social services either through referral to other social service agencies or through direct counseling with the individual to encourage the best use of his/her new income and/or supplemental assistance payment.

Nonexempt WIN registrants remain registered with WIN as long as they are receiving AFDC benefits, even though they may be working full-time. The WIN E&T agency deregisters all individuals who are no longer receiving either AFDC benefits or WIN employment training or social services. Mandatory registrants who have been determined to have refused to participate without good cause are deregistered and the family's assistance payment is adjusted to remove the registrant's needs. In states with Unemployed Parent programs, the entire family's grant will be terminated if the unemployed parent is deregistered from WIN. Volunteers may be deregistered upon request or if it is determined that they have failed to participate without good cause. However, registrants subject to such action can request review of the action through the WIN adjudication system.

IV. WIN Program Flow Chart.



Adjudication Proceedings may begin at any step on the chart after Step 1.

*See Chapter VIII for definitions.

CHAPTER TWO

ROLES AND RESPONSIBILITIES

Content: This chapter describes the roles and responsibilities of the employment and training and welfare agencies at the local, state, regional, and national levels. It also describes coordination committees required by WIN legislation. Studies have consistently shown that those local and state WIN staffs (E&T, SAU and IMU) which maintain open lines of communication, jointly plan and train staff, and hold regular meetings to resolve operational problems and to design new approaches for serving registrants, are among the most effective and efficient WIN programs.[1]

I. General. The WIN program is a bi-agency effort to achieve a significant national goal to reduce welfare dependency by assisting AFDC recipients to become self-sufficient. The Departments of Health and Human Services (HHS) and Labor (DOL) jointly administer the Work Incentive Program, providing program guidance and assistance and establishing policy direction. At the state and local levels the program is generally operated by the department of social services and the Employment or Job Service. Optimal use is made of each agency's expertise through this cooperative and coordinative approach to program administration. Employment and training services expressly designed to enhance welfare recipients' abilities to obtain and retain employment can be successful only when meshed with social services to prepare and support the registrants and their families as they strive for self-sufficiency.

II. Local Level Responsibilities.

A. Joint and/or Common Responsibilities. At the local level, the WIN program is jointly administered by the E&T agency and the SAU. This section describes responsibilities which are either common to both the E&T agency and the SAU or which are jointly discharged. They shall:

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[1]Prelimiary findings from the Urban Institute Report.

1. Establish local program performance standards and goals, consistent with the State and federal guidelines and procedures;

2. Prepare the local WIN program operations plan (LWOP);

3. Discuss local program operations on a regular basis in order to identify joint needs and to resolve operational problems and policies;

4. Communicate with appropriate State agencies or program operations and changes, requesting technical assistance;
Provide overall administrative management, which may include budget, personnel, accounting and payroll;

5. Collect and report data as required;

6. Maintain complete, accurate and current case records reflecting the status and activities of WIN registrants;

7. Develop and install procedures for the registration and deregistration functions;

8. Assure that registrants receive complete and correct information about their rights and responsibilities under the WIN program and assist them in pursuing those rights;

9. Participate in appraisal activities and in the development of the employability plan;

10. Participate in the general program orientation and Intensive Employability Services component to inform clients of those services available and to encourage attitude and behavior changes conducive to seeking, obtaining and retaining employment;

11. Conduct group and individual counseling to assist registrants to overcome barriers to employment;

12. Work closely to insure coordinated services and their maximum utilization for conciliation and counseling;

13. Provide in-service training and technical assistance for the guidance of the staff;

14. Coordinate WIN program activities with other local, State, and federal agencies and programs, such as the Comprehensive Employment and Training Act (CETA) and State Adult Education programs. They should be knowledgeable about other assistance programs such as Food Stamps and Title XX in order to represent WIN client needs and to keep informed on training, employment and social service opportunities for WIN registrants

15. Ensure that WIN regulations and guidelines are followed;

16. Monitor local operations for nondiscriminatory policies and procedures; and

17. Monitor and evaluate the provision and effectiveness of each respective agency's services.

B. Local WIN E&T Agency Responsibilities. The WIN E&T agency is the agency responsible for employment and training activities for WIN registrants. The term "WIN E&T agency" does not denote overall control of the program but rather responsibility for provision of all employment services and is used in lieu of the term "Manpower agency" or WIN sponsor."

E&T project managers are accountable to the State WIN E&T agency or local ES manager for all aspects of local project administration, including overall supervision and direction of local WIN E&T operations. In addition to the responsibilities listed in Section II above, the local E&T agency shall perform the following functions:

1. Provide specific E&T agency administered management, which may include for example, WIN allowances and payments to employers;

2. Register AFDC applicants and recipients and inform the IMU within 3 days of registration that registration is completed;

3. Work closely with the Income Maintenance Unit in referrals, recruitment of volunteers, status changes, deregistrations, and the adjudication process;

4. Inform the IMU in 3 working days of any changes in employment or other status affecting AFDC grants or service eligibility;

5. Inform the SAU in 3 working days of any changes in employment or status, including component assignments, affecting the need for or interruption of social services;

6. Develop OJT and PSE opportunities; to meet legislative expenditure requirements;

7. Monitor OJT and PSE contracts;

8. Provide employers with information concerning the WIN and WIN tax credit Eligibility Declaration Forms; and

9. Serve as liaison with various employment and training related community agencies and committees such as the Urban League, United Way, Community Shelter Workshops and Mayor's Committees on employment and training.

C. Local SAU Responsibilities. The SAU is responsible for social service activities for WIN registrants. Within each WIN project area, the welfare agency shall establish a separate administrative unit of the welfare agency, which will perform functions only in connection with the WIN program. In addition to the responsibilities listed in Section II-A above, the local SAU worker shall perform the following functions:

1. Identify those social services necessary for successful WIN participation;

2. Develop, arrange, and provide in conjunction with WIN employment and training activities, those social services necessary to enable WIN registrants to accept employment or training for employment, and certify in writing the arrangement for, or provision of, such services;

3. Certify all unemployed parents within 30 days of their receipt of AFDC assistance payments;

4. Provide up to 60 days of counseling to certified registrants who fail or refuse to participate without good cause;

5. Follow-up to assure satisfactory provision of social services, to identify and resolve services-related client problems and to determine an acceptable quality level of service provision;

6. Coordinate with the appropriate provider agency, upon termination of WIN-funded services, to assure continued registrant access to services; or, if the registrant is no longer eligible for service assistance or lacks access to them, to plan alternative approaches;

7. Maintain active liaison with the IMU to share information about the recipient's status, maintain accurate financial records, exchange medical information about the client and assist the registrant in understanding any changes in the assistance check as a result of training, employment, sanction, or change in family circumstances;

8. Assess the need for and assist in developing additional community resources to supplement the provision of those social services which may or may not be available through WIN and Title XX which are/are not considered to be employment related;

9. Obtain case records when possible and coordinate the case with other social workers involved, if the registrant has used social services in the past, or is currently receiving social services.

10. Serve as liaison with various agencies such as local educational resources, community organizations, child welfare boards, and child care coordinating committees, to ensure availability of services to registrants; and

11. Provide specific SAU administrative management, which may include, for example, monitoring social service providers and paying transportation costs.

D. The Income Maintenance Unit (IMU). The IMU of the state or local welfare agency is a cooperating partner in the WIN program. Since the IMU is the first contact the registrant has within the WIN program, it is important that it provide a positive view of the opportunities the program offers to registrants. The IMU should maintain open lines of communication and be in frequent contact with both the E&T agency and the SAU in order to assure the effective operation of the WIN program. Under the legislation and current regulations, the IMU shall:

1. Inform all appropriate AFDC applicants about the WIN program;

2. Determine which AFDC applicants and recipients are exempt from registration and which are required to register as a condition of eligibility for AFDC benefits based on established medical exemptions, where appropriate;

3. Inform exempt individuals verbally and in writing that they may volunteer for WIN and that incentives may be available to them;

4. Inform nonexempt individuals verbally and in writing of the incentives available to them and that failure to register as required shall affect the AFDC assistance payment;

5. Immediately refer all nonexempt AFDC applicants and recipients and all volunteers to the WIN E&T agency for registration;

6. Inform each applicant and recipient in writing of his/her right to a hearing before the state welfare agency to contest a determination of nonexempt status or to contest a denial of AFDC assistance payments because of refusal to register for WIN;

7. Inform exempt applicants and recipients that they must report to the IMU any changes which affect their exempt status;

8. Refer individuals exempted from registration on the basis of incapacity to the state vocational rehabilitation agency;

9. Furnish written notice of final AFDC eligibility determinations of registrants to the WIN E&T agency within 3 days of such determinations;

10. Include a redetermination of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years or older, is permanently incapacitated, or is still living in a remote area or outside of a WIN project area specified in the state WIN plan;

11. Calculate the amount of the assistance payment and explain the procedure to the applicant/registrant, including the types of changes in circumstances that might affect the amount of the assistance payment such as wages, work-related expenses, and a child reaching the maximum age for inclusion in a grant;

12. Inform the WIN E&T agency in writing of any changes affecting an individual's exemption or employment status within 3 days of such change, and report any grant changes related to WIN;

13. Recalculate the AFDC payment when the registrant obtains a job or enters a salaried WIN component, and report the resulting grant changes to the state welfare agency;

14. Promptly apply and report grant adjustments required by law for refusal to register or for failure to participate in the WIN program without good cause;

15. As part of the on-going eligibility determination, request a medical statement from an applicant/recipient with a possible medical condition which would affect WIN registration and participation eligibility requirements and share such medical information with WIN project staff in those instances where the individual is not determined to be incapacitated or ill;

16. Refer applicant/registrant and other family members to the Title XX service agency for emergency and nonemployment related social services. The SAU should be notified of such a

referral so that it is informed of the registrant's involvement in other nonemployment-related services;

17. Inform the state level IMU supervisor of any operational problems, policy issues, and/or suggestions related to program operation improvements; and

18. Collect and report data as required.

E. Staff Collocation. Improved coordination and cooperation between the WIN E&T agency and SAU staffs generally occurs when these units are collocated. Collocation facilitates the appraisal process and employability planning by permitting the activity to be conducted jointly. With joint appraisal, each staff member has the opportunity to understand the influence of other programmatic factors on the registrant's participation in WIN, and all the factors necessary for successful participation are more likely to be considered for each registrant. Collocation ensures the maximum ease of interagency communication as well as increased efficiency in the certification process and in the provision of services.

Registrants also benefit from collocation. It permits them to meet with staff from both agencies simultaneously regarding any participation problem. It establishes 1 focus for the registrant's involvement with the program thereby lessening their confusion and establishing the feeling that all of the staff is working together in their interest. One convenient location avoids the time and costs of trips by the registrant to several locations to resolve 1 program concern.

III. State Level Responsibilities.

A. State WIN Coordination Committee (SCC Responsibilities). Each state shall establish an SCC. Its duties will include the following:

1. Prescribe state policy in accord with federal and state legislative directives;

2. Prepare a WIN budget for approval by the state legislature or appropriate employment and training and welfare authorities;

3. Establish goals and standards for the program;

4. Accept the state WIN plan and submit it to the RCC for approval;

5. Determine how the State WIN program will relate to any other State initiated Welfare employment programs;

6. Establish priorities and allocate funds;

7. Promote collocation of operational staff to the maximum extent feasible;

8. Review closely and give direction to efforts to improve the activities and performance of State Hearing Officers and appellate bodies who constitute the WIN adjudication system through adherence to the adjudication regulations;

9. Support, and include in the WIN plan, training for WIN staff at all levels, including the IMU;

10. Promote increased use of performance indicators by local project managers;

11. Promote the use of non-WIN funded employment and social services to expand the services available to registrants;

12. Inform the RCC of any policies or issues affecting program performance; and

13. Review, approve and forward to the RCC any waiver requests for extended training authorization for selected registrants.

B. Joint and/or Common Responsibilities. The State E&T agency and SAU shall jointly administer the State WIN program and will be responsible for policy development, program planning and direction, monitoring and evaluation and agency coordination. They shall:

1. Develop and issue directives to implement federal, regional, and State WIN policy;

2. Set performance standards for local WIN operations;

3. Review and approve the local WIN plans;

4. Develop a comprehensive State WIN plan for recommendation to the SCC:

5. Inform the SCC of any policy issues affecting program operations or disparities in performance by a particular WIN local office or project in the State;

6. Conduct an ongoing program of monitoring and evaluation of local WIN activities and share findings with counterpart agency;

7. Provide continuing technical assistance, training, and staff development to all levels of WIN operations within the State;

8. Develop and test new local delivery models and program techniques. Furnish information to local WIN projects on those developments that have been found to be effective;

9. Coordinate with the State welfare agency, State CETA Prime Sponsors, the Title XX agency, the State Employment & Training Council, the Governor's Employment and Training Council, the State employment service, publicly supported work programs, and other pertinent employment and training and welfare programs;

10. Provide for the administrative functions necessary for program operation and control, including budget and fiscal, personnel, reporting, public information and legal services;

11. Ensure that management information system reports are timely and accurate and that the information is made available to State and local level project evaluators;

12. Represent the WIN program and its registrants in a public relations capacity to interpret the objectives of the program to the community and play an advocacy role for welfare clients and their needs; and

13. Encourage community resource development by local level E&T agency and SAU staff and establish Statewide linkages with other service providers.

C. State E&T Agency Responsibilities. There shall be an identifiable WIN E&T office and staff at the State level, under the general direction of the SCC. In addition to the responsibilities described in Section III-B above, the State WIN E&T agency shall:

1. Oversee the WIN payments for incentives and training-related expenses;

2. Provide and ensure a proper hearings and appeal system for review of WIN registrants' grievances and disputed E&T agency actions;

3. Assure the development of an adequate number of OJT and PSE contract positions to meet the statutory requirement governing the expenditure of WIN employment and training funds;

4. Preview all contract formats to assure nondiscriminatory clauses are included; and

5. Ensure that all program contracts are being monitored with regard to allowable expenditures, activities, and program goals.

D. State SAU Responsibilities. Within the state welfare agency there will be an SAU under the general direction of the SCC. In addition to the responsibilities described in Section III.B. above, the State SAU shall:

1. Ensure that the legislative requirement of the certification of at least 15 percent of the number of mandatory registrants in the state is being met;

2. Provide local SAUs with information on those social service program developments which have been found to be effective;

3. Participate and provide input to Title XX planning to promote continuity of services to WIN clients; and

4. Coordinate the provision of WIN social services with the available services of the Title XX agency, vocational rehabilitation, Medicaid (Title XIX) services and other statewide service providers.

E. IMU Responsibilities. The state welfare agency must give assurance through its state WIN plan and state plan under Title IV-A of the Act that those WIN-related provisions set forth under IV-A of the Act are carried out, including such responsibilities as: exemption determinations; appropriate referrals for WIN registration; application of AFDC sanctions in connection with WIN activities; review and adjustment of AFDC grants; maintenance of appropriate records in relation to WIN; and reporting.

IV. Regional Level Responsibilities. The WIN program is administered at the regional level through the Regional Coordination Committee (RCC) consisting of the Regional Administrator for Employment and Training (RA) and the Regional Administrator for OHDS. Its responsibilities are carried out through the collocated WIN unit and other units of the regional structure. The RCC shall:

A. Establish and clarify policy under current regulations, the Federal WIN Handbook, and directives of the National Coordination Committee (NCC), and establish other requirements for effective administration;

B. Apply NCC policy directives and guidance;

C. Review and approve the State WIN plan and modifications to such plans;

D. Approve the State WIN E&T agency grant agreements;

E. Allocate WIN E&T funds to the States;

F. Establish State performance standards;

G. Assist in the identification and development of non-WIN funded social services and training resources. Encourage the use of community resources such as Title XX, CETA, United Way agencies, community recreation and education programs;

H. Establish and maintain active liaison with regional counterparts in the CETA, Title XX, VR, EDA (Economic Development Administration through the Department of Commerce) to assist in identifying those opportunities for services appropriate to WIN clients and their families.

I. Analyze program and budget data to ensure that regional WIN program goals and standards are achieved;

J. Monitor each State program and encourage active State monitoring;

K. Monitor local programs on a selective basis to verify State operational procedures;

L. Develop WIN corrective action plans with the State as needed;

M. Ensure that provision of data by the States is timely and accurate; and

N. Provide training and technical assistance at the State and local levels as needed.

V. National Level Responsibilities. The Secretaries of Labor and Health, Education, and Welfare have joint responsibility for the WIN program. They have designated the Assistant Secretary of Employment and Training (DOL) and the Assistant Secretary for the Office of Human Development Services (DHEW) to serve as the National Coordination Committee (NCC). The NCC has designated an Executive Director to administer the WIN program with collocated staff of both agencies. The NCC shall:

A. Prescribe national WIN policy;

B. Prepare the WIN budget for approval by Congress;

C. Set national program goals and standards;

D. Develop program regulations and guidelines;

E. Allocate WIN employment and training funds to the regions and allocate WIN social services funds to the States;

F. Evaluate the program;

G. Monitor program operations at all levels;

H. Require WIN corrective action plans as needed;

I. Establish uniform reporting requirements and oversee the information system;

J. Collect, analyze, and disseminate data and program information;

K. Provide training and technical assistance to regional and State agencies;

L. Conduct research and demonstration projects to test new program ideas and improvements;

M. Report to the Congress periodically concerning the status of the program;

N. Recommend legislative action; and

O. Maintain liaison with those federal agencies which programs impact on WIN clients.

CHAPTER THREE

WIN PLANNING

Content: This chapter describes the planning process and sets forth general guidelines for the development of state and local WIN plans.

I. The Planning Process.

A. Coordination of Effort. The planning process involves coordination of efforts by the E&T agency and the welfare agency at the national, state, and local levels as delineated in succeeding sections of this chapter.

Planning must take place not only from the National Office and its Regional representatives downward to the state based on the issuance of planning levels to each state, but also from the local level upward to the state board on program projections from local WIN projects as reflected in the State WIN Plan.

B. Unified Planning and Funding. A single amount will be issued by the Region to each state. State E&T and welfare agencies will then negotiate the appropriate mix of WIN E&T and social service funds based on their joint planning projections developed to meet program objectives.

II. State WIN Plans (SWPs).

A. Legal Requirements. SWPs are required by law (Section 433(b)) and also provide for the establishment of Labor Market Advisory Councils in accordance with Section 432(f) of the Act.

B. Use of SWPs. SWPs constitute the staffing levels supporting numerical and cost data as well as operational implementation of National WIN planning efforts.

C. Basis of SWPs. SWPs are based on projections from previous years' program operations, taking into consideration expected welfare caseload, availability of funds and program emphases as well as performance goals.

D. Content of the SWPs. While specific areas of program operation may be emphasized from year to year, certain basic

information is required in the plans every year. This information will be in the form of a narrative and accompanying work sheets to:

1. Describe how the WIN program will be operated at the local project level.

2. Indicate the number and types of positions that will be developed for institutional training, on-the-job training (OJT), and for public service employment (PSE).

3. Indicate anticipated social service needs and level of planning resources available to meet these needs.

4. Specify the state agency or administrative unit which will be responsible for each of the various activities and functions to be performed under the WIN program.

5. Describe the relationship and coordination between the WIN program and any complementary state work program for AFDC recipients or for unemployed or underemployed persons, CETA, and the Title XX agency.

6. Describe the standards for participation for the intensive employability services (IES) component, if it is being implemented.

7. Prescribe rules and procedures applicable to certified and uncertified registrants. These would include rules and procedures governing participation, attendance, conduct, disputes, notice and opportunity for a fair hearing, and any state appellate review.

8. Describe payment procedures, attendance criteria for determining incentive allowance reductions, the amount and rationale for the TRE allowance - if other than the base TRE amount, amounts to be permitted for auto repair, and procedures for establishing a verification and audit system.

9. Support the jointly determined division of the assigned WIN planning level between the state E&T agency and the SAU. This division of funds, upon approval by the RCC, becomes the assigned WIN E&T agency planning level and the SAU limit of entitlement.

10. Identify those training and staff development needs to be met through existing state WIN resources and personnel as shown in the State WIN Training Plan. The number and type of personnel to be trained in each agency must be included, as well

as an indication of which training will be conducted jointly and which will be conducted separately.

E. Negotiation with Local Projects. The State agencies will negotiate program goals and appropriate activity levels with the local projects as necessary.

F. Review by the Governor. A copy of the SWP should be provided to the Governor or the Governor's designee for review and comment.

G. CETA Review and Comment. The CETA State Employment and Training Council should be forwarded a copy of the SWP so that it may have an opportunity to review and comment on the plan. This should be concurrent with the Governor's review. The comments of the Council should be forwarded to the RCC for consideration as soon as possible. Copies also should be provided to the State WIN E&T agency and State welfare agency.

H. Review by the RCC. The State WIN E&T agency and State welfare agency shall submit the SWP with local plans attached, along with any related documents, to the RCC by the date designated in the planning instructions.

I. A SWP Review Guide has been developed to aid the Regions in their review process.

1. Principal objectives of the Review:

a. To ensure that all SWP requirements have been met;

b. To support negotiation among all parties to the SWP;

c. To identify issues that need resolution through formal RCC-State agency directors communications;

d. To identify specific areas of weakness or risk needing regional office attention during the coming year.

2. The region will review each plan for:

a. Completeness;

b. Internal consistency;

c. Responsiveness;

d. Cost effectiveness;

e. Staff productivity;

f. Use of linkages enhancing WIN services through other funding sources;

g. Appropriateness of operating assumptions and outcomes to a State's known or anticipated circumstances. These include:

1) availability of training and services;

2) labor market conditions in the sectors in which WIN registrants can be expected to compete effectively;

3) fluctuations in welfare (AFDC) case applications and closing; and

4) relationship of projected program activity and costs to prior years' experience.

h. Identification of staff development needs and implementation of appropriate training through the State WIN Training Plan by maximization of joint-training efforts directly related to WIN program concerns.

3. The region may also compare a State's planned performance on the Program Level Indicators with other States with similar program parameters.

J. Approval of the SWP. The SWP is binding on the State WIN E&T agency and State welfare agency after it has been approved by the RCC, although it may be modified with RCC approval.

K. Amendment of the SWP. The SWP shall be revised in any of the following instances:

1. Federally initiated action in which a form would be prepared and distributed for use by local projects and State offices in amending plans to comply with new or revised federal regulations or policy issuances.

2. State initiated action (required by State legislative changes or administrative decisions) in which the State will prepare new or revised pages and worksheets to be submitted to the RCC for approval.

3. The Planning Level is increased or decreased or redistribution of the planning levels between the SAU and the E&T agency occurs.

L. A copy of the SWP must be on file at State agencies and the regional office; a signed copy must be forwarded to the National Office.

III. NCC Responsibilities.

A. A National Coordination Committee Operating Memorandum (NCCOM) is issued each spring to the RCCs, detailing the year's planning cycle and requirements.

B. Planning Levels. The NCC distributes WIN planning levels to the regions based on a statutorily mandated prescription and discretionary authority in support of successful program activities.

1. Mandatory 50 Percent Allocation. The Act requires that not less than 50 percent of newly appropriated WIN employment and training funds be allocated among the States based on their share of the average number of WIN registrants in January of the previous fiscal year.

2. Performance-based Allocation of the Remaining 50 Percent. The NCC distributes the remaining 50 percent of the newly appropriated funds, and residual funds from the previous fiscal year, and the entire amount appropriated for social services on a performance-based allocation formula. This formula stresses such factors (in order of importance) as:

a. Retention (the only factor used twice in the formula);

b. Wage levels;

c. The number of registrants who enter employment;

d. Welfare grant reductions;

e. Costs-benefit ratio.

Various research studies have shown conclusively that quality measures such as retention and wage rate are more strongly rewarded in the formula than are quantity measures such as the number of registrants entering employment.

3. During the course of the year the NCC may provide increased or decreased funds for State use by issuing a revised formula allocation to the RCCs.

C. Program Goals, Objectives and Emphases. The NCCOM issued each spring reflects specific aspects of the WIN program which are to receive special attention during the coming year.

1. Goal. WIN's primary goal is to assist WIN registrants to enter employment leading towards economic self-sufficiency and independence.

2. Objectives. Numerical objectives are established to provide a more specific focus on results expected from activities carried out in support of WIN's program goal. Frequently these are based on prior year's achievements and expenditure levels.

3. Policy Emphases. The program operations in support of policy statements reflect the evolution of the WIN program in response to continuing areas of importance and national concern. Such emphases may:

a. Reflect further emphasis on maximizing opportunities for WIN registrants in the broader community by specifying new program activities;

b. Identify specific groups within the registrant population such as youth or displaced homemakers for whom special initiatives should be undertaken;

c. Direct the establishment of committees for policy direction and effective program management.

D. WIN Plan. The NCC shall establish annually a standard format for State and local WIN plans including an outline for program narrative and required and optional plan work sheets.

E. Review of SWPs.

1. Development of SWP Review Guidelines. The National office will provide direction to the regions in their review of SWPs.

2. Provision of Assistance to the Regions. The NCC may be asked for assistance in resolving disagreements between members of an RCC or in disputes between a State and an RCC which concern the approval of a SWP.

3. Review of Approved SWPs. When copies of SWP worksheets are forwarded to the National office, summary data will be entered into OWIN's Management Information System. Analytical SWP Extract tables will be run and conveyed to the Regions. Further review of a State's indices of performance compared to narrative statements, previous performance and planned performance of similar States elsewhere in the country, and clarification and possible amendment of worksheets or narrative may appear warranted and therefore requested of the regions.

4. Program Refinement. As an outgrowth of the planning and review cycle, program changes will be explored and implemented as appropriate in data systems, planning work sheets, review systems, and operational emphasis for the succeeding fiscal year's cycle.

IV. RCC Responsibilities.

A. Planning Levels and Goals. The RCCs are responsible for distribution of program goals and planning levels among their respective States. They do so by negotiating specific performance goals; allocating WIN planning levels; and providing guidance regarding areas such as staffing levels and use of linkages with each State.

B. Assistance in Preparation of SWPs. Wherever it is deemed mutually beneficial, contact between the Regional WIN staff and State planning staffs is encouraged.

C. Review and Approval of SWPs. The RCC reviews the plans submitted by each State to assure that they are satisfactory. Prior to approval, the RCC may negotiate changes in each SWP to assure that NCC requirements and criteria are met. After approval of a SWP, subsequent amendments also must be approved by the RCC. If the SWP is approved conditionally, the RCC shall list conditions of approval in the transmittal memo used to send copies of the conditionally approved plan to the State and the NCC.

D. Forwarding to NCC. The RCC will forward SWPs and other required documents to the NCC by the date specified in the planning instructions.

V. State Responsibilities.

A. Annual SWPs. The State welfare agency and State WIN E&T agency jointly will develop a SWP for the coming year. This annual plan shall, after consideration of such factors as the expected welfare caseload and anticipated budgetary constraints, identify the areas in which they propose to operate WIN projects. Each SWP shall describe the operations to be carried out by the State WIN E&T agency and the State welfare agency and contain a summary of the local WIN plans.

B. Distribution of Program Goals and Planning Levels to Appropriate sub-State Levels.

C. Negotiation with Local Projects. The State agencies will negotiate program goals and appropriate activity levels with the local project offices as necessary and resolve necessary or advisable adjustments among competing jurisdictions.

D. Relationship to Other State Plans. The SWP must be developed in relation to:

1. The annual plans of the state welfare agency (IV-A);

2. The comprehensive annual state plan for Title XX;

3. The annual plan of service of the State Employment Security Agency; and

4. The annual plan by applicable CETA prime sponsors.

E. Inclusion of Additional Policy and/or Operational Emphases. States may include additional policy and/or operational emphases which they consider of particular importance or to highlight a special operational problem or registrant group.

VI. Local Responsibilities.

A. Joint Local Plan. Each local WIN E&T agency and each local SAU shall develop jointly an annual local WIN plan (LWP) for their project after consulting with the IMU and other agencies as appropriate. Such plans shall describe the local project's operation. These local plans should correspond to project level planning, recognizing this may mean an LWP reflects the planning efforts of several WIN offices.

B. Realistic Local Goals. Local office managers shall review established program goals to assure that they are challenging yet realistic objectives for the project. Activity levels such as certifications and training will be established to support the program goals.

C. Local Approval. Both the local WIN E&T agency and the SAU jointly will review and approve the LWP before forwarding it to the state WIN E&T agency and the state SAU.

D. Local Linkages. The LWP should describe linkages with other activities that operate in the local project's area such as CETA, Title XX, and vocational rehabilitation.

VII. State and Local Planning Development Process.

A. Projected Registrant Characteristics, Number, and Service Needs. The E&T agency and the SAU should estimate, based on information from the IMU, the number of volunteers and mandatory WIN registrants that are expected during the coming year. Characteristics of the target population such as age, sex, educational level, family size, employment status, and length of time on welfare should be identified.

B. Labor Market Conditions. The WIN E&T agency staff should make an analysis of the State and local labor market. The analysis should include current estimates and projections of employment needs by broad occupational areas; the unemployment rate; the insured unemployment rate; labor shortages and surpluses; and characteristics of the major and minor employers in the area. Sources of data should include the Chamber of Commerce, employer groups, occupational analyses, skill surveys, and other community resource data.

C. Identification of Employment and Training Resources. Because WIN resources are limited, and to some extent designated in regard to their uses (e.g., the PSE/OJT one-third expenditure requirement) it is extremely important to maximize the usage of other resources to enhance the overall purposes of the program. E&T agency staff should survey and evaluate the availability of all local, State, and federally financed employment and training resources of potential use to the project.

D. Identification of Social Services Resources. The SAU should determine the resource availability for child care, medical, and other social services, and projected registrant numbers and service needs. An analysis of service availability should be made in terms of:

1. Staff provision of services;

2. Purchase of service capability through regular WIN funding;

3. Identification of current and potential providers of services, including public and private agencies; and

4. Identification of non-WIN resources such as the Title XX social service agency, community organizations, and non-profit organizations. The analysis should include the capacity of each service resource. Should these resources be insufficient to meet the anticipated needs for a particular service, the SAU should develop ways in which such services might be made available.

CHAPTER FOUR

CASE AND CASELOAD MANAGEMENT

Content: This chapter provides a general case management model for managing the various tasks related to providing both E&T and social services to WIN registrants. It also describes caseload management activities which will assist the WIN worker in the effective and efficient utilization of resources.

I. Case Management.

A. Definition. Case management is a general model made up of a series of interconnected steps which assist a worker to negotiate a program of services with one client. Case mangement involves overall responsibility for planning, arranging and providing services and includes overseeing and recording of service activities; a defineable order of events is established and staff responsibilities are assigned.

B. The Case Management Concept. Case management is important as a concept for it provides an orderly way of managing the various tasks related to providing services. It is part of a larger service delivery system which includes general administrative functions--e.g., clerical work, fiscal reporting, personnel management and other special functions such as resource and staff development and special studies. The joint nature of the WIN program requires that both WIN E&T and SAU staff be familiar with case management concepts.

C. Case Management Steps. The successful movement of a registrant through the WIN program requires defineable steps and staff responsibilities.[1] Following registration with WIN, continuing worker-registrant dialogue and fact-finding will trigger all, or most of these steps. Planning, overseeing and recording are steps that pervade the process. Many of the steps are decision-making points in the delivery of services (e.g., is the registrant eligible for services? Are appropriate services available? Are case objectives being met?). Case management steps are listed below.

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[1]This case management model is based on the case management model developed by the Regional Institute of Social Welfare Research, Inc. in 1977.

1. Evaluation of Need. This step involves obtaining factual information pertinent to the needs of a registrant and evaluating such information (Chapter Six, Section I-Appraisal). The purpose is to determine what the needs of the registrant are and to determine who can fulfill these needs. Where certification is needed or required, further decisions must be made regarding the readiness of the registrant for employment. A determination must be made if the needs are employment-related or if non-WIN resources should be used.

2. Eligibility. This step involves completion of required forms and obtaining from the registrant any information needed to determine eligibility for Title XX services or other community based programs. Those WIN registrants applying for Title XX services must be determined eligibile in the same manner as any other AFDC family.

3. Planning. This step involves establishing a service plan for the registrant and specifies a course of action for meeting the registrant's needs (See Chapter Six, Section II-Employability Planning). It includes setting viable objectives and is predicated on the desire to either reduce the gap between established objectives and the registrant's condition or to maintain the registrant's present condition in the face of anticipated deterioration.

4. Arrangement.

a. This step involves establishing contact with identified service providers to determine if WIN or non-WIN services can be provided; setting up services or; referring a registrant to any other program offering appropriate services. When a registrant is referred to another agency, it is necessary that the WIN worker assure that the agency to which the registrant is referred is advised of the referral action through agreed upon interagency procedures. As registrants may lack the skills or resources to obtain the services needed, WIN workers have an obligation to act as an advocate for the registrant to assure that services are provided.

b. Establishing personal contacts with key individuals in various agencies and organizations is useful. If possible, an agreement between the WIN office and another agency should be written and should include referral procedures. This would enable registrants to avoid many of the usual problems and delays in reaching the appropriate person to deliver the needed service.

c. In arranging services, the WIN worker should be able to provide information to the registrant on a full range

of services available in the community (i.e., public, private non-profit, and religious) which may help in solving socio-economic problems or in meeting basic human needs.

Fulfillment of this responsibility would require the maintenance of an up-to-date community resources listing. This listing should not be limited to the usual service providers but should include government agencies, schools, police departments, consumer protection agencies, immigration services, and agricultural extension services (See Chapter Ten, Section III).

5. Provision. The purpose of this step is to help the registrant achieve his/her objectives by the actual delivery of services. The content will vary according to the need or service. Services may be provided by the E&T worker (e.g., vocational testing), by the SAU worker (e.g., counseling), or by a worker in another agency (e.g., medical examination).

6. Overseeing.

a. General. One of the most critical case management steps is determining if the planned services are provided; if they meet the objectives mutually agreed upon by the worker and the registrant; and if the services plan needs revision. Thus, overseeing pertains to the whole program flow. As part of overseeing, workers must follow-up to assure that EP steps are implemented and that a smooth and logical progression takes places from one step to the next. Follow-through after employment is also one aspect of overseeing (see Chapter Twelve, Section II, D).

b. Case Review and Summary. As part of overseeing a registrant's Employability Plan, record contents should be reviewed and summarized periodically (e.g., every 6 months). This would require a review and synthesis of all data collected on all components of need; eligibility; problem definition; objective setting; service plan; arrangement and provision of services. Purging records of outdated and/or cumbersome data should also be routine.

7. Recording.

a. Purpose. The purpose of recording is to facilitate the worker's management of services to a registrant by:

1) Keeping systematic records of activity;

2) Assuring program continuity for a client over time. Easily retrievable and pertinent information helps

to assure that evaluation of need and planning will not have to be repeated and facilitates the worker's management of services to a client.

3) Maintaining legal documentation (important in the light of adjudication).

b. Information to be Included. The following information should be included in case records:

1) All efforts to contact the individual, whether or not successful;

2) Copies of letters and notices;

3) Receipt of written communications and forms (to include internal agency status reporting forms; letters received from the registrant; written correspondence with other agencies; and any other written communication bearing on the case);

4) Summaries of staff conferences relating to the registrant's activities and/or participation in the program; and

5) All relevant contacts or conferences with other individuals relating to the case.

Comments must be accurate, concise, and legible, and must indicate the date of entry, the date of the event, what occurred, any other pertinent information, and the name or initials of the person making the entry.

c. Process. Recording must be done at each step in the WIN process. It should take place after concluding a contact with or about a registrant which results in something being done or decided in terms that have a bearing on a registrant. For example, after discussions with a registrant, the worker should note the jointly identified problem; solutions to the problem; strategy being used to achieve the objective; reasons for picking a particular strategy; description of services to be provided; beginning time for provision of services; provider name and related factors. Pertinent family and social information should also be recorded.

D. WIN Case Record Disclosure. WIN case records shall be made available upon request for review purposes to the Departments of Labor and Health, Education, and Welfare, or to any authorized representative of these Departments. The E&T agency, the SAU

and the IMU should be encouraged to share with each other information in their records in order to facilitate program operations.

E. Case Record Retention. Case records will be maintained for at least 3 years from the date of final action on the case. The case record shall be retained beyond the 3 year period if review of the case is in progress and has not been completed. In such event, the file will be retained until completion of the review.

F. The Role of the WIN Supervisor in Case Management. The WIN supervisor has responsibility for assuring that registrants receive adequate services and that staff is properly utilized. Specific duties are:

1. Monitoring Cases. The WIN supervisor is responsible for the quality of services provided to registrants. As a way of assuring that services are provided in a timely fashion according to the Employability Plan and that proper reporting is accomplished, supervisors should periodically review case records and should discuss the status of WIN registrants with their workers.

2. Targeting Services. WIN supervisors should, through monitoring cases and analysis of regular reporting systems, be aware of service needs and should have tools available for developing additional resources. Both short term needs (e.g., child care for registrants in IES, and aptitude testing, and long term needs (e.g., services delivered through Title XX and basic literacy) must be considered in developing services. The State WIN office should be kept informed of any lack of services which are preventing registrant employability. A thorough understanding of the community served by the WIN office will aid in anticipating registrant needs and in providing up-to-date policy and program planning.

II. Caseload Management.

A. Definition. Caseload management is the effective and efficient utilization of staff and other resources to assure that WIN is able to deliver services to all registrants requiring them.

B. Grouping of Cases.

1. Screening of Cases. Cases should be divided into two groups: active and inactive, and the WIN worker should establish criteria for each category. Criteria should include, at a minimum, anticipated program activity and resource availability of staff and community. If a screening devise is not

utilized and resources are limited, workers may be responsible for unmanageable caseloads and offer little in the way of services.

2. Active Cases. Unless the agency already has its own method of deciding what would be considered active and inactive, the following should be considered as an active case:

a. The registrant is in the process of appraisal or certification, or

b. The registrant is assigned to a component, or

c. The E&T agency is currently seeking either employment of training for the certified registrant, or

d. The registrant is not assigned to a component but is currently receiving WIN social services, or

e. The registrant is in adjudication or in supporting activities.

All other cases should be considered inactive.

3. Inactive Cases. Registrants are considered inactive for a variety of reasons and workers should distinguish among them. While some registrants have multiple barriers to employment, others are temporarily inactive because they are awaiting placement or recovering from a health condition. "Tickler" files should be maintained on these temporarily inactive registrants, indicating the approximate time until they will be able again to participate in WIN components. Other inactive files should be reviewed periodically to assertain if barriers to employment have changed or if WIN is able to assist the registrant.

4. Limiting Caseload. Workers should try and anticipate what their workload will be at any time as a way of determining whether additional cases can be accepted. For example, the worker may recognize that a large number of registrants are in transition to work and may require an intensified period of assistance. Accepting additional cases at such a time would have to be weighed against the amount of time realistically spent with the registrants in transition. (OWIN recommends that an active SAU caseload not exceed sixty cases. No caseload limit has yet been set for E&T workers where responsibility for any one registrant may be precluded due to divisions of responsibility.)

5. Distribution of Cases. WIN supervisors should have a system for equitably distributing cases to workers in terms of numbers and amount of time anticipated that will be needed to

assist a registrant. For SAU caseloads, the geographic location of registrants should also be considered since home visits by SAU staff are encouraged.

6. Organizing Files by Component. To better enable the WIN worker to follow a registrant through the WIN program flow, files may be organized by component. For example, all registrants currently in OJT, or those individuals whose eligibility for WIN services will expire, may be located in one file. Files may be more easily kept together if they are organized by color. This system should help to alert the worker, in oversight of the cases, that planning should be activated for those registrants who soon should be moving into unsubsidized employment.

7. Service Priority. Registrants whose employability appears feasible should be the first priority of WIN workers. Unassigned Recipients should be offered services to assist in their employability as a second priority.

C. Staff Utilization. Effective use of staff time, skills and interests are critical to the delivery of services.

1. Single Case Manager. The same worker responsible for a registrant from the time of appraisal (unless appraisal is assigned to a special or rotating worker) until deregistration from WIN is recommended. In cases of reccurring registration with WIN, the single case manager concept should be followed, where possible. Single case management is important for several reasons: continuity of service delivery may be maintained; employment patterns and problems can be better identified; and support and understanding may be built between the worker and the registrant.

2. Special Duties. Job specialization is a way of producing expertise in a particular area of agency responsibility, while at the same time, continuing on-going case management responsibilities. Below are suggestions for specific utilization of staff. The advantages of assigning duties to one individual are: development of expertise; freeing other workers to devote their energies elsewhere; and visibility of program interests.

a. Appraisal. A WIN worker could be assigned to do all initial appraisals. Assignment of an individual to specialize in initial appraisals has the advantage that the worker may develop special competencies in interviewing and assessment and would learn to participate fully with the counterpart WIN staff. It would also free other E&T and SAU workers to spend more time with active cases.

b. Special Interests. While retaining responsibility for the on-going caseload, workers may also develop expertise in particular areas or with particular groups. Examples are: hard to place teenagers, individuals who have been out of the labor force for long periods of time, and young mothers.

c. IES. Both SAU and E&T agency staff may participate in some IES activites. Group sessions, where issues such as orientation to WIN, motivation to work, and fears of the work world are discussed, offer an opportunity for these workers to use their particular skills.

III. Financial Case Management.

A. Each financial case record should contain the following WIN documents:

1. Referral for WIN Registration (DPW-1932);

2. WIN Registration Record (WIN-39);

3. WIN Status Change Notice(s) (WIN-20), as received;

4. WIN Information Transmittal (DPW-1929), as initiated or received;

5. IMU Referral to Vocational Rehabilitation (DPW-1683), as appropriate;

6. Correspondence from the local WIN office regarding adjudication proceedings if appropriate. Such forms include:

a. Notice of Intended Deregistration (WIN-2)

b. Notice of Deregistration (WIN-6)

7. AFDC Grant Change Record (DPW-1689), as appropriate; and

8. Other WIN related correspondence as received.

B. The IM worker is responsible for entering the appropriate WIN code on the Application and Redetermination for AFDC (DPW-2101 and DPW-2124). This must be completed for each individual for whom there is a WIN Code box and must be updated as appropriate. The current WIN Code must also be reflected on the most recent form 106, block 100, for the CI file.

IV. SAU Case Files.

A. WIN Administrative File. The following procedure is recommended for counties to control active WIN social service cases when a time lag exists between WIN certification and the enactment of the WIN employability plan, and when certification is made without social services.

1. The certification process is completed on the WIN Certification and Employability Plan (DPW-2005/WIN-31). However, until social services requested and authorized by the WIN E&T agency are actually being arranged or provided, no social service case needs to be opened. All WIN documents in such instances should be placed in a "WIN administrative file" on an individual case basis.

2. When the WIN E&T agency is ready to place a WIN registrant in training or employment, the SAU would open a WIN social service case to provide requested/needed services. This is accomplished according to standard social service case opening procedures.

3. When certification without social services is made, WIN documents would remain in the WIN administrative file, and no social service case would be opened. In these instances, the SAU continues to be responsible for all WIN activity relative to the registrant (an example of such activity would be initiating an AFDC Grant Change Record (DPW-1689) upon receipt from the WIN E&T agency of the appropriate WIN Status Change Notice (WIN-20).

4. Each case in the WIN administrative file should contain the following documents:

a. Referral for WIN Registration (DPW-1932).

b. WIN Registration Record (WIN-39).

c. WIN Certification and Employability Plan (DPW-2005/WIN-31).

d. WIN Status Change Notice(s) (WIN-20), as received.

e. AFDC Grant Change Record (DPW-1689), as appropriate.

f. When a registrant has been certified with services but the SAU is waiting for the enactment of the employability plan prior to the provision of services, a notation to that effect is to be placed in the WIN administrative file.

g. When a registrant is certified with "no service needed" a statement as to why no social services are needed must be placed in the WIN administrative file by the SAU. In these instances, a reassessment of social services needs would be made quarterly, to see if there has been any change in the registrant's status relative to social service needs.

h. WIN Information Transmittals (DPW-1929), as initiated or received.

i. Correspondence from the local WIN office regarding adjudication proceedings, if appropriate; such forms include:

1. Notice of Intended Deregistration (WIN-2)

2. Record of Refusal or other Action (WIN-14)

3. Report of Findings (WIN-15)

4. Notice of Deregistration (WIN-6)

B. WIN Social Service Case File.

1. Services cases shall be opened, following standard agency case documentation procedures, when the SAU is providing any social services, either directly or through a purchase of services agreement. (See SSM VI-3000).

A WIN Social Services case shall be opened on every certified registrant receiving 60-day counseling.

2. Specific WIN documentation shall include:

a. Referral for WIN Registration (DPW-1932);

b. WIN Registration Record (WIN-39);

c. WIN Certification and Employability Plan (DPW-2005/WIN-31); additional case notes may be needed if this form does not provide enough space;

d. WIN Status Change Notice(s) (WIN-20), as received;

e. AFDC Grant Change Record (DPW-1689), if applicable;

f. Identification and documentation of WIN social services actually provided; also, a statement to indicate social services status (needed or not needed) when 90% reimbursement may no longer be claimed;

g. Notations of progress on the plan;

h. WIN Informational Transmittal (DPW-1929), as initiated or received;

i. Correspondence from the local WIN office regarding adjudication proceedings, if appropriate; such forms include:

1. Notice of Intended Deregistration (WIN-2)

2. Record of Refusal of other Action (WIN-14)

3. Report of Findings (WIN-15)

4. Notice of Deregistration (WIN-6)

j. Other WIN correspondence as received.

CHAPTER FIVE
EXEMPTION DETERMINATION AND REGISTRATION

CONTENT: This chapter covers the welfare agency income maintenance unit (IMU) staff (also designated as the eligibility determination unit staff) responsibilities for determining whether an AFDC applicant or recipient is required to register for WIN and for referring non-exempt individuals and volunteers to the JS agency for registration. It covers the JS agency responsibilities for registration as well as alternative registration procedures.

I. IMU RESPONSIBILITIES

A. Exemption Determinations. The IMU staff determines which applicants for AFDC assistance payments are required to register with the JS agency as a condition of eligibility for AFDC. The IMU staff will also determine which recipients, previously exempt from registration, must register with WIN as a condition of continuing eligibility for AFDC. Each applicant and recipient shall register with the JS agency for manpower services, training, employment and other employment-related activities unless the individual is:

1. Under age 16; or

2. A full-time student (as defined in State welfare regulations), aged 16 but under 18 who is attending an elementary or secondary school, or a vocational or technical school that is equivalent to a secondary school, or a full time student under age 19, if the State AFDC plan extends coverage to children under age 19, who is attending a secondary school or a program in a vocational or technical school that is equivalent to a secondary school and is reasonably expected to complete such school or program before reaching age 19; or

3. Ill, when determined by the IMU on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training; or

4. Incapacitated, when verified by the IMU that a physical or mental impairment, determined by a physician or licensed or certified psychologist, either by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN; or

5. 65 years of age or older; or

6. Residing outside of a WIN project area specified in the State WIN plan or residing within a WIN project area at a location which is so remote from the WIN office or service unit that effective participation in the program is precluded. The individual residing within a WIN project area will be considered remote if a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day. However, if normal round-trip commuting time in the area is

more than 2 hours, the round trip commuting time shall not exceed the generally accepted community standards; or

7. A person in the home and the IMU has verified that another member of the household with a physical or mental impairment, as determined by a physician or licensed or certified psychologist, requires the individual's presence in the home on a substantially continuous basis and that no other appropriate member of the household is available; or

8. A parent or other caretaker relative of a child under age 6 who personally provides full-time care of the child with only very brief and infrequent absences from the child; or

9. A parent or other caretaker of a child who is deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent if another adult relative in the home is registered and has not failed or refused to participate in the program or to accept employment without good cause; or

10. A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 work days; or

11. The parent of a child who is deprived of parental support or care by reason of the unemployment of a parent, if the other parent (who is the principal earner) is not exempt under one of the other exemptions described above and set forth in other federal regulations.

12. A pregnant woman when it is verified by IMU, on the basis of medical evidence, that the child is expected to be born in the month that registration otherwise would be required, or within the next three months; or

13. An individual employed under a Work Supplementation Program established under 45 CFR Part 239. The only activity currently conducted under this part is the AFDC grant diversion. Recent changes in WIN regulations provide that once a WIn registrant actually becomes employed in a job under AFDC grant diversion they are to be considered to be exempt from the WIN registration and participation requirements and may therefore refuse to participate without threat of sanctions. Additional details concerning grant diversions are outlined in Chapter Eight, OJT and Suspense to Employment. Mandatory registrants not actually employed under this provision are subject to the normal WIN work and training requirements.

<u>Please Note the Following:</u>

1. The U.S. Department of Health and Human Services, Office of Family Assistance, has ruled that the "very brief and infrequent absences" clause will no longer justify a WIN exemption for AFDC recipients who attend any form of post-secondary education full-time during the day and who are also caring for a child under the age of six. This includes full-time students in college, vocational school, business college or any other post-high school education or training program. For more details refer to Section VIII, page VIII-62, item IV.

2. A recent federal AFDC policy interpretation provides that individuals enrolled full time in the Volunteers In Service to America (VISTA) program and are eligible for AFDC prior to enrollment in VISTA shall be exempt from the WIN registration requirment, individuals entering VISTA before becoming eligible for AFDC are required to register with WIN unless otherwise exempt.

B. Medical Examinations to Determine Exemption

1. The IMU may be reimbursed with SAU WIN funds for the allowable cost of medical exams required for exemption determinations, for necessary IMU staff training on WIN-related activities and for conducting hearings on exemption determinations.

2. Information from such an examination shall be shared with the SAU and JS agency in the event a determination is made that the individual is not so incapacitated as to be exempt or when another member of the family is examined and it is determined that a caretaker is not needed in the home.

C. Exemption Determination Disputes

1. The IMU shall inform all applicants and recipients in writing that they have a right to a hearing before the State Welfare hearing officer to contest a determination of nonexempt status or to contest a denial of AFDC assistance payments when such benefits have been denied because of refusal to register for WIN. If a dispute arises between an individual and the IMU regarding a determination of nonexempt status, the IMU's determination is binding on the individual. If, however, the individual requests a hearing on the issue, they shall be considered as exempt until their status is finally decided.

2. If, upon referral, the JS agency believes an individual referred as "mandatory" should be exempt, the WIN JS agency shall register the individual and then state its reasons in writing to the IMU and request the IMU to review the case. The IMU should inform the JS agency in writing, or orally of its redetermination of exemption within 30 days of the request. The decision of the IMU is then binding on the JS agency. If a medical verification or other information is necessary and cannot be obtained within 30 days, the IMU must notify the JS agency prior to the end of the initial 30-day

period of any arrangements that have been made to obtain such information. An acceptable response can also be notification that the redetermination will be delayed, in which case the JS agency should not deregister the individual until and unless the IMU's determination necessitates deregistration. If the JS agency receives no response from the IMU within 30 days of its request it should contact the IMU to determine what action has been taken. If no action has been taken the individual should be deregistered at the end of the 30-day period. However, if an individual is deregistered and the IMU later determines that they are nonexempt, their registration must be reopened in order to ensure eligibility for AFDC.

D. Notification of Right to Volunteer

The IMU shall inform all exempt AFDC applicants and recipients in writing of their right to volunteer to register for the WIN program and their right to withdraw such registration at any time without loss of AFDC assistance payments, provided their status has not changed in a way which would require registration. Individuals who are exempt because they are the parent or other caretaker relative of a child under 6 shall be informed of the child care services (if any) which will be available to them in the event that they volunteer for WIN. In discussing the WIN program with exempt individuals, it should be emphasized that WIN is primarily a job placement program, although there may be a limited number of training opportunities available, depending on availability of project or other resources.

E. State Work Requirements and Projects

1. State IV-A (AFDC) agencies may establish work requirements or programs for AFDC recipients which are independent of the WIN registration requirements. Such state work requirements and projects must be included in the approved state IV-A plan. Refer to Section X for information on special work projects currently in operation.

2. State requirements cannot contravene the requirements of the Social Security Act which takes precedence.

3. However, DHHS may approve Title IV-A state plans which require, as a condition of AFDC eligibility, that recipients engage in individual or group job seeking activities and accept available salaried jobs which meet standards for suitable employment.

4. DHHS policy specifies that the same rules and protections must apply to independently established state program job referral and acceptance standards as apply to those activities when conducted under WIN unless stated otherwise in 45 CFR.

6. State and local WIN plans should reflect the potential impact of such state programs on WIN operations and the coordination necessary to avoid both interagency conflicts and undue hardship on recipients.

F. Referral for Registration

1. The local welfare agency and the local WIN JS agency will jointly develop a procedure for referral to registration for the WIN program. Any jointly agreed-upon procedure meeting the requirements and approved by both MDES and DHS is acceptable. Written referral information must be included on a separate referral document (Referral for WIN Registration - DHS-1932) or on a form approved by DHS. Applicants are to be instructed to take the referral document to the WIN JS agency. With the IMU, the local SAU and JS agency should develop a procedure for recruitment of volunteers. Such a procedure might include an orientation program, brochure or letter.

2. The IMU shall immediately refer all nonexempt applicants and recipients, along with exempt individuals who volunteer, to the WIN JS agency for registration. The IMU must provide the individuals with written information on the location where registration is to occur.

3. It shall also refer registrants or family members to appropriate Title XX services when indicated by family circumstances.

4. Referral information provided by the IMU to WIN shall indicate for each person:

a. Name;

b. Case name;

c. Address;

d. Welfare case number;

e. Social Security number;

f. Name of IMU worker and referring office address;

g. Medical release form and medical information obtained as a part of the eligibility determination process;

h. Any of the following categories that apply:

1. Is either an applicant or a recipient

2. Is either mandatory or voluntary

3. Is either exempt or non-exempt

4. Is, or is not, an AFDC unemployed parent (AFDC-UP)

5. Is, or is not, employed

6. Is employed less than 30 hours per week.

5. Where the applicant is a minor, notification of the requirement to register, and all relevant registration information, should also be sent to the parent or guardian.

6. The Referral for WIN Registration is the referral form which should be used when registration is conducted by the WIN JS agency or by an agency other than the IMU. The purpose of the Referral for WIN Registration is threefold: it explains the WIN program to applicants or recipients being referred for registration, advises them of the consequences of failure to register for WIN, and gives the WIN JS agency registrant information that must be provided by the IMU. The top part of the Referral for WIN Registration gives the individual information about WIN and sets forth the penalties for not registering. It also gives the address and telephone number of the WIN office and the date the person is to appear for registration, if a specific appointment is made.

7. The Referral for WIN Registration also serves as notification of AFDC recipient status in cases where individuals are recipients at the time of referral to the WIN JS agency.

G. Other IMU Responsibilities

1. The IMU shall inform all nonexempt applicants and recipients that their needs will not be taken into account in determining the need and the amount of the AFDC family's assistance payment if they fail to register as required. If the registrant is an unemployed parent, they should be advised that the family's entire grant will be terminated if they fail to register.

2. The IMU shall inform exempt persons in writing of their obligation to report to the IMU any changes affecting their exempt status.

3. In accordance with the Act, the IMU shall refer those individuals who have been determined to be exempt from registration on the basis of incapacity to the appropriate state vocational rehabilitation (DVR) agency. Medical and other appropriate information, if available, should be provided with the referral. Upon evaluation by the DVR agency, notification of the decision to accept or reject the individual for vocational rehabilitation should be sent to the IMU. In those cases when the individual is accepted for rehabilitation, the IMU shall work in cooperation with the DVR agency to assure that the recipient is referred to WIN when ready for training and/or employment.

4. The IMU of the welfare agency shall include a review of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years of age or older, or to be permanently incapacitated. The opportunity to volunteer for the WIN program should be offered and explained where appropriate as part of the redetermination process.

5. The IMU shall notify the WIN JS agency within three working days of any welfare determination which may affect an individual's WIN status. The registrant shall also be notified promptly of any determination. Information

affecting status in the program includes but is not limited to the registrant's:

a. Beginning date of receipt of AFDC assistance;

b. Leaving welfare for any reason;

c. Obtaining employment (include name and address of employer);

d. Losing employment;

e. Becoming exempt; or

f. Changing from exempt to nonexempt (e.g., a person whose youngest child reaches the age of 6).

6. The AFDC WIN Information Transmittal (DHS-1929) is a suggested form that the IMU may use to communicate with the WIN JS agency. It provides information on a registrant's AFDC status which may affect the individual's status in WIN.

7. The IMU shall, in addition to the WIN registration referral, determine if a referral to Title XX services is needed and refer those registrants and family members requiring other related services.

II. REGISTRATION OF UNEMPLOYED PARENTS (UP)

A. AFDC-UP recipients who qualify for unemployment compensation must apply for or accept such compensation as required by law (SSA Title IV-A Section 407(b)(2)(c)(ii)) in order to continue receiving AFDC assistance payments.

B. Unemployed parents who are eligible for unemployment compensation may register for work with the WIN program. WIN registration fulfills the requirement that an individual shall be eligible to receive unemployment compensation benefits only if they have registered for work at a state employment office. This thereby reduces the number of locations where individuals are required to register for work.

C. In WIN areas where AFDC-UPs are exempt from WIN, and in those non-WIN areas where they are exempt due to remoteness, the work registration requirement must be met by registering with the State Job Service.

D. Where the single work registration is in effect in the WIN office:

1. Immediate registration or deregistration notification and reason must be provided to UI staff;

2. The suitable work criteria of the UI program must be taken into consideration in job placement;

3. Identification as a UI recipient must be included on the WIN registration form.

III. REGISTRATION WITH THE WIN JS AGENCY

A. Referral Document. The applicant will report to the WIN JS agency with a Referral for WIN Registration. When a medical examination has been given to determine exemptions and the applicant has been determined to be nonexempt, the form should so indicate. A copy of any useful medical statements or medical history should accompany the referral form. Appropriate medical information or inquiry release forms should be signed by the registrant.

B. Promptness of Registration. The WIN JS agency shall register all volunteers and nonexempt individuals promptly when they appear at the WIN office. In general, registration should be completed the day the individual appears for registration so that the AFDC eligibility determination is not delayed. If it is impossible for the WIN JS agency to complete all registration functions that day the individual should return the next work day. Registration is not complete until all registration functions are completed.

C Registration Requirements. At registration, the WIN JS agency shall perform all of the following registration functions:

1. Complete the WIN Registration Record; however, this form is not to be signed by the client until all other registration functions (described below) have been completed;

2. Complete the Application Card (MDES-511);

3. Conduct a face-to-face interview to make sure that the WIN Registration Record and the Application Card are completed properly, and to gain any other information about the individual that will be useful to the WIN JS agency and SAU in conducting the appraisal interview;

4. Inform the individual orally and in writing about the nature of the program and about a registrant's rights and responsibilities while enrolled in WIN. A copy of the WIN Rules (WIN-1) is to be given the registrant as part of this requirement. The WIN Data Privacy Notice is included on this form. The registrant must be informed of the following:

a. The rights and responsibilities of the registrant;

b. The registrant's welfare status while in WIN;

c. The need for regular attendance at all scheduled activities and prompt response to all WIN correspondence;

d. The circumstances under which WIN participation and/or employment may affect the registrant's AFDC grant;

e. The WIN adjudication system, including procedures for handling grievances and disciplinary problems, the conciliation period, and procedures for filing discrimination complaints; and

f. Possible WIN sanctions and their effect on the AFDC grant.

5. Provide job market information, and referral services when appropriate, to both applicants and recipients.

a. Acceptance of a job referral is voluntary when offered to applicants as well as to uncertified mandatory and voluntary recipients. WIN sanctions do not apply to these individuals if they refuse job referrals.

b. Employment-related services will consist of, but are not limited to:

1. Information on jobs available through listings with the WIN JS agency and methods of seeking out such job opportunities;

2. Screening of the individual's work application against current open job orders by WIN staff and referral to appropriate employment;

3. Individual job development efforts, if indicated by the individual's work experience and current labor market demands;

4. Providing leads to job opportunities not listed with the WIN JS agency and methods of seeking out such job opportunities;

5. Career guidance information and other job related information such as announcements of civil service examinations;

6. Placing the individual's work application in the area office active files to permit further exposure to job openings and file search activities; and

7. Referring to the SAU any registrant with immediate social service needs related to employment.

c. The WIN JS agency should verify whether such activities, especially job referrals, have resulted in the employment of the registrant. When employment has been verified the WIN JS agency shall inform the IMU within three working days.

6. Provide orientation to registrants concerning their roles and responsibilities in the WIN program.

a. General orientation to the WIN program shall take place as part of the registration process.

b. Areas to be covered during this program orientation are of vital concern to all registrants. The activities and materials to convey this general program information should be provided either individually or in group meetings.

c. Content. General program orientation shall include:

1. Description of the WIN program, its purpose and goals for the registrant;

2. Introduction of the appropriate WIN JS agency and SAU staff and an explanation of their roles;

3. Orientation to buildings and location of staff;

4. Procedures for making appointments with JS counselors and social services staff;

5. Information on how necessary social services will be provided;

6. Community and project resources;

7. The rights and responsibilities of the registrant;

8. Explanation of the registrant's welfare status while in WIN;

9. Possible WIN sanctions and their effect on the AFDC grant;

10. The need for regular attendance at all scheduled activities and prompt response to all WIN correspondence;

11. The circumstances under which WIN participation and/or employment may affect the registrant's AFDC grant;

12. The WIN adjudication system--including procedures for handling grievances and disciplinary problems, the conciliation period, and procedures for filing discrimination complaints; and

13. A question and answer period to respond to concerns raised by registrants.

d. Upon completion of the presentation of program orientation information, the registrants shall be asked to sign the statement on the WIN Registration Record affirming that they have received an explanation of the program and recognize their roles and responsibilities in the WIN program.

7. Provide each registrant with a copy of his/her signed WIN Registration Record.

D. Notification of Failure to Complete Registration. If an individual appears at the WIN office for registration, but fails to complete all required registration functions within five working days, the WIN JS should notify the IMU that the individual has failed to register with WIN. The mere fact that an

individual has completed and signed a WIN Registration Record does not mean that they are registered. See "F" below.

E. Notification of Completed Registrations. Within three days after all required registration functions have been completed, the WIN JS agency shall notify the IMU in writing that an individual has been registered with the WIN program. This will be accomplished by sending a copy of the WIN Registration Record to the IMU at the end of each day. The WIN Registration Record is not to be signed until all registration functions are completed by the registrant. If the IMU has not received such notification, it has the responsibility to contact the WIN JS agency to determine whether or not registration has been completed. This contact by the IMU must be done in sufficient time so as not to delay the establishment of AFDC eligibility.

F. Notification of AFDC Eligibility. The IMU informs the WIN JS agency that the AFDC applicant has been accepted for AFDC or AFDC-UP by forwarding a copy of the WIN Information Transmittal or Notice of County Welfare Board Action (DHS-2) to WIN on the same date that the applicant is notified. For WIN/JS agency purposes any AFDC applicant is considered an AFDC recipient the day the WIN Information Transmittal or the DHS-2 so indicates. If the AFDC application is denied the IMU informs the JS agency by sending a copy of the DHS-1929 or DHS-2 to the JS agency on the same date that the applicant is notified. The JS agency then deregisters the individual. If WIN has not received a notification of grant approval or denial from the IMU within 30 calendar days of registration, it is the responsibility of the WIN JS agency to contact the IMU to determine the disposition of the case.

G. Registration of Remote Volunteers. If an individual who resides in a remote area wishes to volunteer and appears to be appropriate for WIN, the individual shall be registered and the SAU shall negotiate for the provision of any necessary social services with the individual's appropriate welfare agency.

H. If all individuals seen by the JS agency at registration are not given a joint appraisal the SAU and the JS agency must develop a procedure by which minimal screening characteristics are jointly agreed upon thereby permitting both agencies to have a role in determining which registrants will receive no further immediate WIN services and which registrants' circumstances merit further appraisal.

IV. ALTERNATE REGISTRATION PROCEDURES

A. Proposals of Alternate Registration Procedures. In special circumstances, the WIN JS agency may request the RCC to authorize the WIN JS agency to contract directly with a designated agency to assume the registration function in that area. Designated agents, if used, must register all appropraite individuals in a specified area. Proposals to use alternative registration procedures must be clearly spelled out in the SWP, indicating the area to be covered, the alternate registration agent, procedures to be followed and the reasons for not using the prescribed method. The designated agency may be the IMU or another appropriate private non-profit agency approved by the RCC.

B. Registration Requirements When a Designated Agent is Used. The designated agency shall register all applicants and recipients who are found by the IMU to be nonexempt and all volunteers and shall provide a record of such registration to the WIN JS agency and IMU. Individuals shall be registered promptly when they appear for registration so that AFDC eligibility determinations are not delayed. The designated agency must complete the WIN Registration Record and must complete most of the Application Card. The agent also must provide the individual with a copy of the completed WIN Registration Record. All other registration functions listed in Section II.C of this chapter may be handled by the WIN JS agency and are not a prerequisite to the determination of AFDC eligibility by the IMU when a designated agent is used.

C. Notification of Registration. The designed agent shall provide the IMU and the JS agency with a copy of the completed WIN Registration Record within three days of registration. The agent also shall provide the WIN JS agency with a copy of the Application Card.

D. Completion of Registration Functions. The WIN JS agency is required to complete the registration functions listed in Section II.C. of this chapter within thirty days of receipt of the WIN Registration Record. If an individual fails without good cause to complete all registration functions the WIN JS agency shall, after two written call-in notices, so notify the IMU which will take appropriate action regarding the individual's grant.

E. Contracts With Designated Agents. The contract between a WIN JS agency and a designated registration agent shall be written for a period of one fiscal year or until an earlier date on which the WIN JS agency is able to take over WIN registration activities. Allowable costs for designated agents shall be limited to those incurred in:

1. Completing a WIN Registration Record;

2. Initiating an Application Card for every AFDC applicant and recipient who is registered;

3. Providing each registrant with a brief explanation of the nature of the WIN program and the registrant's rights and responsibilities;

4. Providing each registrant with a copy of the completed WIN Registration Record.

F. Application. The alternate registration procedures described in this section may not be used by any WIN location unless the authorizations outlined in "A" above, have been obtained. Any questions regarding this proposal should be directed to your State JS/WIN offices.

V. FORMS AND INSTRUCTIONS

Facsimiles of forms referred to in this chapter and applicable instructions follow.

V. Forms and Instructions - Continued.

A. WIN Registration: What Does It Mean? (DPW-81).

1. Facsimile Form DPW-81.

Registration for the Work Incentive Program is considered to be the FIRST STEP in a program intended to help people receiving assistance under Aid to Families with Dependent Children program find work.

YOU ARE REQUIRED TO REGISTER FOR WIN UNLESS you are...

* A child under age 16 or are between the ages of 16 and 21 and attending school full time;
* Ill, Incapacitated, or 65 years of age or older;
* So far from a WIN Project that you could not participate in the program;
* Needed in the home because of the illness or incapacity of another member of your household;
* A mother or other relative caring for a child under 6 years of age; or
* The mother of a child, and your husband is required to register.

IF YOU ARE NOT REQUIRED TO REGISTER, you may VOLUNTEER for WIN. Registration in this way is the method by which you make formal application for help in obtaining work or training.

REGISTRATION FOR WIN MEANS...

* THAT (unless you are working full-time) you will be called for an APPRAISAL INTERVIEW to determine what activities will be included in your participation in WIN;
* THAT you will be assigned a WIN STATUS depending upon your plan for participation; and
* THAT you and your employer may both be entitled to certain benefits if you should now find work on your own.

REGISTRATION DOES NOT MEAN...

* THAT you are now assured of getting a job.
* THAT you will be guaranteed help in securing work or training.
* THAT you will be selected for training leading to employment.
* THAT you will be required to accept any employment offered to you.
* THAT you are now entitled to any additional financial benefits at this point.

IF YOU WERE REQUIRED TO REGISTER FOR WIN, you are expected to...

* APPEAR in person for an APPRAISAL INTERVIEW when you are called in by the WIN Project. (Failure to appear without good reason could jeopardize your eligibility for continued financial assistance.)
* PARTICIPATE in the WIN Program.

IF YOU WERE NOT REQUIRED TO REGISTER, but VOLUNTEERED for the program, you are expected to inform the WIN Project or the Welfare Department immediately if you decide later you do not want to participate in the program.

YOU HAVE A RIGHT TO appeal your need to register.

After you have registered for WIN, you do have additional rights and responsibilities. These will be explained to you at the time of the APPRAISAL INTERVIEW.

B. Referral for WIN Registration (DPW-1932).

1. Facsimile Form DPW-1932.

REFERRAL FOR WIN REGISTRATION

NOTICE TO AFDC APPLICANTS AND RECIPIENTS:

All persons receiving or applying for AFDC grants, who are not exempted, are required to register with the Work Incentive Program (WIN) for employment or training. *Failure to register with WIN may affect the amount of the grant.*

If it is determined that you are not a mandatory WIN registrant, you may voluntarily register with the WIN program for assistance in obtaining employment. A volunteer may withdraw from the WIN program at any time without penalty as long as he or she continues to be exempt from the WIN registration requirement.

In order to register, you must take this form with you and report to the following office:

ROOM NUMBER	ADDRESS	
CITY	STATE	ZIP CODE

IF YOU ARE UNABLE TO APPEAR, YOU MUST CALL:

Date of appointment _____

Time _____

PZ-01932-02
DPW-1932 (9-78)

1. NAME	2. SOCIAL SECURITY NUMBER	3. CASE NAME	4. CASE NUMBER
5. ADDRESS	CITY / STATE / ZIP CODE		6. TELEPHONE
7. AFDC STATUS a. AFDC APPLICANT: ☐ MANDATORY ☐ VOLUNTARY b. AFDC RECIPIENT: ☐ MANDATORY ☐ VOLUNTARY		8. AFDC-UP: ☐ Yes ☐ No	
9. COMMENTS			
10. NAME OF IM WORKER	TELEPHONE	11. DATE OF REFERRAL	
12. ADDRESS OF IM OFFICE			

PZ-01932-02
DPW-1932 (9-78)

CLIENT

2. Purpose.

a. To briefly explain the WIN program to applicants or recipients being referred for registration, while telling them the consequences of not registering for WIN;

b. To provide the WIN sponsor with some registrant characteristics;

c. If the client is already an AFDC recipient, to provide such documentation for the WIN sponsor.

3. Instructions for Completing the Referral for WIN Registration (DPW-1932). This form is completed by IMU staff who make determination or redetermination of eligibility for AFDC. All non-exempt persons and those exempt persons who wish to volunteer must be referred to the WIN sponsor for registration. The Referral for WIN Registration (DPW-1932) is filled out by the IMU worker making the referral. Mandatory referrals must understand that if they do not register, their grants will be affected (e.g., grant reduced, terminated, not opened, etc.).

a. The top-half of the Referral for WIN Registration (DPW-1932) gives the individual information about WIN and the penalties (sanctions) for not registering. It also gives the address and telephone number of the WIN office (or other location where registration takes place) and the date the person is to appear for registration. Enter the appropriate address, date and time of appointment, and name and telephone number of the person to call if the client cannot appear.

b. The bottom-half of the Referral for WIN Registration (DPW-1932) contains information about the persons being referred. This information is used by the WIN worker in completing the Application Card (ES-511).

Item 1. Enter the full name of the applicant or recipient being referred for registration.

Item 2. Enter the social security number, if available, of the individual being referred. If the individual cannot provide a social security number, write "no SSN." Do not delay completing this form. As soon as the individual has received a social security number, this number should be forwarded to the WIN sponsor.

Item 3. Enter the name of the individual who is the head of the case as it appears in case records.

Item 4. Enter the case number as assigned to the case by the Income Maintenance Unit.

Item 5. Enter the complete address of the individual being referred.

Item 6. Enter the telephone number of the individual being referred.

Item 7. Check the appropriate box to indicate whether or not the individual being referred is an AFDC applicant or recipient and, within these categories, whether the individual is non-exempt (mandatory), or exempt, but wishes to register (volunteer).

Item 8. Check the appropriate box to indicate whether or not the individual referred is receiving or applying for benefits under the AFDC-UP Program.

Item 9. Use this section for any comments that would be helpful to the WIN office in the registration process, such as the fact that a medical exam had taken place.

Item 10. Enter the name and telephone number of the IMU worker making the referral of the applicant or recipient to the WIN office for registration.

Item 11. Enter the date the individual was referred to the WIN office by the Income Maintenance Unit.

Item 12. Enter the complete address of the WIN office.

4. Distribution.

Client copy (white):	Hand-carried to WIN office by applicant or recipient; WIN worker separates at perforation, keeps bottom-half for client's file, returns top-half to client.
IMU copy (yellow):	Retained in client's case file.
SAU copy (blue):	Sent to SAU worker at the time referral is made; filed in client's file.
WIN Office copy (green):	Sent to WIN staff worker at the time referral is made; returned to IMU with notation if client does not appear; filed in client's file if registration is completed.

C. WIN Registration Record (WIN-39).

1. Facsimile Form WIN-39.

WIN REGISTRATION RECORD

1. NAME (Last, First, Middle Initial)	2. CASE NAME	
3. ADDRESS	4. CASE NUMBER	
	5. SOCIAL SECURITY NO.	6. TELEPHONE NO.

7. EXPLANATION OF THE WIN PROGRAM

The Work Incentive Program (WIN) is designed to help people receiving AFDC to become either partially or completely self-supporting through employment.

If it is determined that you are a mandatory WIN registrant, your application for assistance will be denied unless you are registered in the WIN program. Failure to cooperate with WIN will affect the amount of your grant.

If you are exempt from WIN registration, you may volunteer to register with the WIN program for help in obtaining employment. You may withdraw from the WIN program at any time without penalty as long as you continue to be exempt.

8. MY RIGHTS AND RESPONSIBILITIES

If I am assigned to work or training, necessary social services will be made available to me.

I understand that if I have a complaint or grievance regarding my participation or treatment in the WIN program, I should notify the WIN office. I will have the opportunity to discuss my grievance and present my views. If I am not satisfied with the result of the review, I may receive help in filing a request for a fair hearing.

I understand my responsibility to participate in WIN and to seek and accept appropriate employment.

I understand my responsibility to inform the WIN office promptly of any change in my:

a. Employment status
b. Health (including hospitalization)
c. Address or phone number
d. Child care arrangement
e. Need for or use of any social services

9. REGISTRATION STATEMENT (Check only one box)

☐ *Mandatory (Unemployed Parent)*
I understand that it is mandatory that I register for the WIN program; therefore, I am registering.

☐ *Mandatory (Non-U.P.)*
I understand that it is mandatory that I register for the WIN program; therefore, I am registering.

☐ *Volunteer*
I have been determined exempt from mandatory registration, but I am volunteering to register for the WIN program.

10. REGISTRANT'S SIGNATURE		11. DATE SIGNED
12. SIGNATURE OF WIN REPRESENTATIVE	13. DATE SIGNED	14. PHONE NUMBER
15. ADDRESS OF AREA/WIN OFFICE	16. ADDRESS OF IM OFFICE	

17. LABOR FORCE STATUS (Check appropriate box)

☐ Employed Full-time: _____ Hours Per Week ☐ Not Employed
☐ Employed Part-time: _____ Hours Per Week

DISTRIBUTION: White - Registrant Canary - IMU Blue - SAU Green - Area/WIN Office

WIN-39 (8/80)(ES-26023-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for completing the WIN Registration Record (WIN-39). Four copies of the WIN REgistration Record (WIN-39) are required. Distribution is as follows: white - registrant; green - Area/WIN office; canary - IMU; blue - SAU.

Item 1. Registrant's name.

Item 2. Name under which application for AFDC was made (from DPW-1932).

Item 3. Registrant's address.

Item 4. AFDC case number (from DPW-1932).

Item 5. Registrant's social security number. If the SSN is not available, it will be necessary to create a pseudo SSN. Follow the instructions in the MODS Handbook.

Item 6. Registrant's telephone number.

Items 7 and 8. Registrant is to read the explanation of the WIN program, and the rights and responsibilities. In the event the registrant can't read, the WIN staff person is to read these items aloud. Any questions the registrant may have regarding enrollment in WIN should be answered at this time.

Item 9. Check the appropriate box according to the classification indicated on the DPW-1932.

Items 10 and 11. Registrant is to sign and date the form but not until all registration functions have been completed. See part III.C. of this chapter.

Items 12 and 13. Signed and dated by WIN staff person, even if client has not completed all registration functions.

Item 14. Phone number of WIN staff person.

Item 15. Self-explanatory.

Item 16. Self-explanatory.

Item 17. Check the appropriate box. If the client is working full or part-time, indicate the number of hours per week.

D. Notice of County Welfare Board Action (DPW-2).

1. Facsimile Form DPW-2.

IMM VII-3510

NOTICE OF COUNTY WELFARE BOARD ACTION

DPW-2 (3-77)

TO:

Date of Notice_____

Case Number_____

The _____ County Welfare Department has taken the following action concerning your application, or increase in grant, as listed below:

PROGRAM(S):

- ☐ Aid to Families with Dependent Children
- ☐ General Assistance Medical Care
- ☐ Minnesota Supplemental Aid
- ☐ General Assistance
- ☐ Medical Assistance

Date of Board Action: _____ Action Taken:

- ☐ Application Approved
- ☐ Application Denied
- ☐ Grant Increased to $_____

Effective date of receipt benefit increase.

Reason for action is:

Program(s) Manual Citation is:

If application is approved:

DATE CHECK WILL BE MAILED:	MONTHLY PAYMENT IS FOR MONTH OF:	AMOUNT:
_____	_____	$_____

If your income and/or circumstances do not change, the same amount of grant will continue. If your income or circumstances change in any way, you must report to the county agency within 10 days any such change.

Your agency worker is in a position to assist with questions concerning medical ID cards and eligibility for Food Stamp bonus.

If you are dissatisfied with the county welfare board's action, you may appeal to the state agency within 10 days. The county welfare agency will give you the necessary appeal form and will assist you in filing your appeal. The hearing will be conducted by a state agency appeals referee in the county where you are living. You may be represented by legal counsel, a relative, friend, or you may represent yourself.

If you feel that you were discriminated against because of race, color, or national origin, you may make contact with the state or federal welfare agencies or the State Department of Human Rights.

STATE AGENCY

Department of Public Welfare
Centennial Office Building
St. Paul, Minnesota 55155

STATE DEPARTMENT OF HUMAN RIGHTS

Room 200 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

FEDERAL AGENCY

U. S. Department of Health, Education, and Welfare
Social and Rehabilitation Services
Washington, D. C. 20201

Signature of Agency Worker | Title | Date

1. RECIPIENT

E. WIN Information Transmittal (DPW-1929).

1. Facsimile Form DPW-1929.

WIN INFORMATION TRANSMITTAL

Date: _____

TO: ☐ WIN Office-Attn: _____ ☐ Please Respond
☐ SAU Office-Attn: _____ ☐ Please Respond
☐ IMU Office-Attn: _____ ☐ Please Respond
(NAME)

FROM: ☐ WIN Office- _____ Telephone _____
☐ SAU Office- _____ Telephone _____
☐ IMU Office- _____ Telephone _____

RE: Registrant _____ SSN _____
Case No. _____

This registrant has changed circumstances which may affect the WIN/AFDC status. Please update your records.

Date Effective

☐ Applicant Now Recipient ..... _____
☐ Applicant's Grant Not Opened ..... _____
☐ Recipient Now Mandatory _____
Reason: _____
☐ Recipient Now Exempt _____
Reason: _____
Expected Duration: _____
☐ Employed: Hours/Week _____ ____ Permanent ____ Temporary
$_____/Hour (Under 30 Days) _____

Employer _____
Job Title _____
☐ Left Employment _____
Reason: _____
☐ Left Welfare _____
Reason: _____
☐ Temporarily Cannot Participate _____
Reason: _____
Expected Duration: _____
☐ Address/Phone Change _____
New Address: _____
Phone: _____ Zip Code _____
☐ Enter/Leave Training _____
Name of Course: _____
☐ Please deregister _____
Reason: _____
☐ 60-day counseling ____ Successful ____ Unsuccessful _____
Comments: _____

DPW-1929 (2-79)
PZ-01929-02

MINNESOTA DEPARTMENT OF PUBLIC WELFARE
SAU CASE FILE

2. Purpose.

a. To serve as a communication among the IMU, SAU, and WIN E&T offices;

b. To provide necessary documentation in WIN E&T agency files that the client is an AFDC recipient, or has left welfare.

3. General Instructions. The WIN Information Transmittal (DPW-1929) provides information about a registrant which may affect WIN or AFDC status, and should be completed whenever the registrant's status changes.

NOTE: Either the WIN Information Transmittal (DPW-1929) or a copy of the Notice of County Welfare Board Action (DPW-2) must be used by the IMU to inform the WIN E&T agency of the disposition of an applicant's grant. A facsimile of a DPW-2 is included in this section (P. 21); instructions for the DPW-2 are included in the DPW Income Maintenance Manual. If "recipient" has been checked on the Referral for WIN Registration (DPW-1932), the DPW-1929 or the DPW-2 is not needed to verify recipient status.

4. Distribution.

WIN Office copy (green): Sent to the WIN E&T agency for appropriate action and for client's case file.

IMU copy (buff): Retained in client's case file.

SAU copy (blue): Sent to SAU worker for client's case file.

5. Instructions for Completing the WIN Information Transmittal (DPW-1929).

a. Date: Enter the date of preparation of the form.

b. To: Check the box(es) of the receiving offices(s). If a specific worker is to receive the information, enter the name(s) in the "Attn" space. Indicate whether a response is necessary.

c. From: Enter the sender's name and telephone number on the line for the appropriate transmitting office.

d. RE Registrant: Enter the last name, first name, middle initial, and social security number of the registrant.

e. For the remainder of the form, check the appropriate box for the change, complete the spaces that request additional information and enter the actual date that the change became effective.

Applicant Now Recipient. An individual was registered for WIN as an applicant for AFDC, final eligibility determination was made, and a grant was opened.

Applicant's Grant Not Opened. An individual was registered for WIN while an applicant for AFDC and the grant was not opened.

Recipient Now Mandatory. A formerly exempt AFDC recipient is now mandatory or a volunteer has lost exempt status. Briefly state the reason, e.g., youngest child turned 6.

Employed. The registrant became employed. Indicate the circumstances of employment. If the WIN E&T agency becomes aware of employment, the information will be transmitted to the welfare agency by means of a WIN Status Change Notice (WIN-20).

Left Employment. The registrant has left employment, or moved from full-time to part-time work. State the reason the registrant stopped working for pay or changed from full-time to part-time employment; pertinent circumstances may be described in the comments section below.

Left Welfare. The case was closed or client removed from grant as a result of other-than-WIN activity. This category includes persons working at the time of registration whose earnings later become sufficient for removal from AFDC and those who are recalled by a pre-registration employer after a strike or lay-off. If this entry is for employment, also complete item 5, Employed. Briefly state the reason for leaving welfare.

Temporarily Cannot Participate. The registrant is still mandatory but cannot participate. Describe the circumstances and how long it appears the registrant will be unavailable.

Address/Phone Change. Strike out the one (if either) not applicable and enter the new phone number and/or mailing address.

Enter/Leave Training. A registrant has entered or left training. Strike out the one not applicable; enter the name of the course, if appropriate.

Please Deregister. Enter the reason and date, if not evident from other information on the form.

60-Day Counseling. A registrant has been offered 60-day counseling by the SAU. The SAU should check whether counseling was successful or unsuccessful and enter the effective date. Explanations should be entered in the comments section.

Comments. Use for additional or continued information.

F. Application Card (ES-511).

1. Facsimile Form ES-511.

APPLICANT – PLEASE PRINT

FOR OFFICE USE

1 SOCIAL SECURITY NO. | 2 APPLICANT TYPE 1—REG 2—P REG 3—REN A 4—REN B | 3 SUMMER 1—YES 2—NO | 4 TC 2 | 5 CC 80

6 NAME (LAST, FIRST, M.I.)

7 ADDRESS 11 2 81

CITY | STATE | ZIP CODE | COUNTY

8 TELEPHONE NO. AREA CODE | PED | 9 SEX 1 ☐M 2 ☐F | 10 BIRTHDATE MONTH DAY YEAR | 11 DATES OF MILITARY SERVICE FROM TO

12 U.S. CITIZEN 1—YES 2—NO | 13 NUMBER IN FAMILY | 14 FAMILY INCOME (LAST 12 MONTHS) $ | 15 INCOME EARNED FROM 1—FARM 2—NON-FARM

16 IF NEEDED FOR WORK, DO YOU HAVE 1—TOOLS 2—AUTO 3—DRIVER'S LICENSE 4—CHAUFFER'S LICENSE | 17 WOULD YOU RELOCATE 1—YES 2—NO

18 FED. USE | 19a CIRCLE HIGHEST SCHOOL GRADE COMPLETED GRADE SCHOOL 0 1 2 3 4 5 6 7 8 | HIGH 9 10 11 12 | COLLEGE 13 14 15 | BA 16 | MA 17 18 | PHD 19 | 19b FED USE

20 LIST ANY SPECIAL SCHOOLING OR TRAINING YOU HAVE TAKEN INCLUDING MILITARY
NAME OF SCHOOL | COURSE | LENGTH | DATE ENDED | DEGREE

21 OCCUPATIONAL TITLE | 22 Mo Exp | 23 OCCUPATIONAL CODE

24 CNTY | 25 RACE/ETHNIC 1—W-NH 2—B-NH 3—HISP 4—AI&AN 5—Asian & Pac. Is. 6—NA | 26 WIN FAMILY SIZE 0—Non-WIN 1 2 3 4 5 6 7 or more | 27 HDCP 0—No 1—Physical 2—M RTD 3—M RSTD | 28 REGISTRATION DATE Mo. Day Yr.

29 VETERAN Recently Separated 1 2 3 | 0—No Rec. Sep. Vietnam 4 5 6 | Other Vet 7—Not Disab. 8—Disabled 9—Spec. Dis. | 30 OTHER VETS & ELIGIBLES 0—No 1—Spec. Vet. 2—Oth. Elig. 3—Oth. Viet. Era | 43 DATES

31 ECON DISAD 1—Yes 2—No | 32 WELFARE Win 0—No 1—Mandatory 2—Voluntary 5—Unemployed Parent Non-Win 3—Other Welfare | 33 F.S. Work Reg. Rec'd. 0—No 1—Head Hshld. 2—Other 3—Job Seek Activ (Head Hshld.) 4—Job Seek Activ (Other) | 34 SFW/MIGR 0—No 1—Farm Worker 2—Migr Farm Worker 3—Migr Food Proc

35 EMPLOY. STATUS 1—Part Time 2—Full Time 3—Not Wk 4—Job Attach. | 37 Elig. Claim. 1—State 2—Other 0—No 3— 4— | 38 CETA Part. 0—No 1—CETA Title(s)

39 A OFF. | 40 INTERV. | 41 STATE USE | 42 FED USE 1

44 TYPE OF WORK WANTED ☐ FULL TIME ☐ PART TIME ☐ TEMPORARY

MDES-511 (MA 7-40) (REV. 11/27/79) (ES-10100-03)

IT IS OUR POLICY TO PROVIDE SERVICES TO ALL APPLICANTS WITHOUT REGARD TO COLOR, RACE, CREED, AGE, SEX, RELIGION, NATIONAL ORIGIN, MARITAL STATUS, STATUS OF PUBLIC ASSISTANCE, OR DISABILITY STATUS

THE INFORMATION ENTERED ON THIS CARD IS PRIVATE INFORMATION PURSUANT TO MINN. STAT. § 268.12 AND THE MINNESOTA GOVERNMENT DATA PRACTICES ACT.

INSTRUCTIONS FOR COMPLETION OF JOB APPLICATION – MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

Print each entry carefully with a ball point pen as this application will be used by the Minnesota Job Service to screen and determine your qualifications for future job openings. **Do not fill in the blue shaded areas.** Keep entries between the vertical tic marks.

Numbers listed below correspond to blanks on the application card:

1. Start at far left enter social security number.
6. Print last name, first name and middle initial. | Smith, John T.
7. Print street address, apartment no. (if any). Enter city, state, zip code and county. See example. | 8301 Dupont Ave. N. Apt. #316 Mpls., MN 55401 Henn.
8. List home telephone number. If there is another number where you can be reached, list that above your home number.
9. Check appropriate block.
10. Enter month, day and year. Ex. March 23, 1956 is | 0 3 | 2 3 | 5 6 |
11. Enter first date of active service and last date of active service.
12. Enter number actually living at above address.
14. Total family income of all residents at above address.
15. Check appropriate space.
16. Check those that apply.
17. Check appropriate space.
18. Leave blank.
20. Include vocational, correspondence, apprentice, etc.
44. Enter type of work wanted. Check appropriate category.

Under #45 Work History, start with current or most recent employer and work backwards.

Company Name – Print name and address of company as known locally.

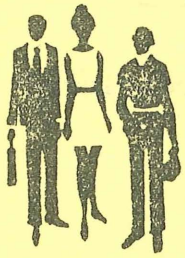
Job Title – Name used by employer to describe your work. Ex. Clerk Typist, Payroll Clerk, Stores Clerk, Drill Press Operator.

Date Job Started } Indicate month and year.
Date Job Ended } Ex. 07 79.

Salary – Indicate in most usual manner.

Pay Unit – Check appropriate space.

Reason for Leaving – Check appropriate space.



JOB SERVICE — MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

APPLICATION CARD

APPLICANT: PLEASE COMPLETE ONLY THE UNSHADED AREA

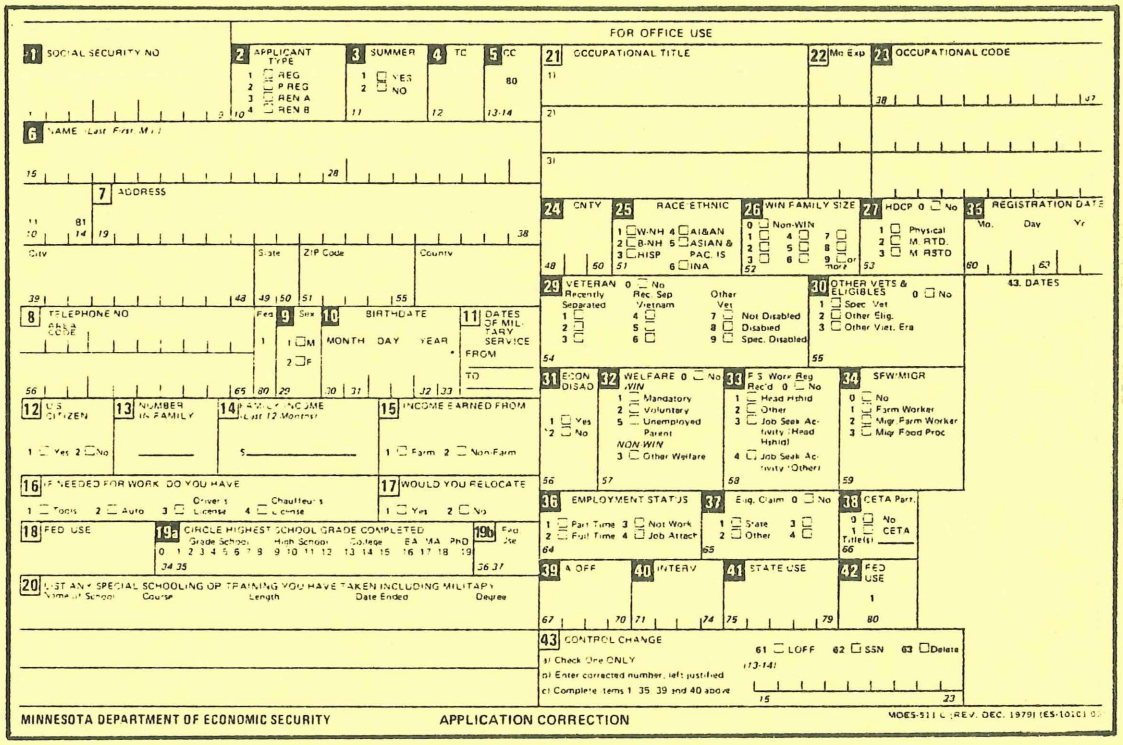
PRESS HARD

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

APPLICANT: PLEASE COMPLETE ONLY THE UNSHADED AREA

G. Application Correction (ES-511C).

1. Facsimile Form ES-511C.



2. Instructions for Completing the Application Card (ES-511) and the Application Correction (ES-511C) are included in the MODS Handbook.

[continued on next page]

3. Registration by a Designated Agent.

a. General. If registration is done under contract to the WIN E&T agency by a designated agent, sufficient characteristics and identification data must be otained so that the Application Card (ES-511) can be prepared immediately. Arrangements should be made for the agent to fill out the Application Card (ES-511) at the time of registration and forward it to the WIN E&T agency.

b. Use of the Application Card (ES-511). When the agent fills out the Application Card (ES-511) the following parts must be completed.

Item 1. Social Security Number.

Item 6. Name.

Item 8 Telephone Number

Item 9. Sex.

Item 10. Birth Date.

Item 19. Highest School Grade Completed.

Item 25. Group (Race).

Item 31. Economically Disadvantaged ("yes" always checked)

Item 32. Welfare Code 1 or 2.

Item 33. Food Stamp Registrant.

Item 35. Registration Date.

Item 36. Employment Status.

In addition, Items 2--Applicant Type, 24--County Code, and 39--Local Office Number must be added by the WIN E&T agency before processing. If the Social Security number is not available, a pseudo Social Security number should be constructed according to regular ESARS instructions. The WIN E&T agency should complete all remaining items on the Application Card (ES-511) when the registrant is first interviewed.

VI APPRAISAL, EP & CERT.

CHAPTER SIX

APPRAISAL, EMPLOYABILITY PLANNING AND CERTIFICATION

Content: This chapter emphasizes the ongoing nature of appraisal/assessment throughout the WIN process. It stresses the cooperative relationship of the two agencies in helping registrants to identify goals, develop employability plans and identify those services necessary for employment.

I. Appraisal and Assessment.

A. General. While the appraisal interview is an initial assessment by both agencies of a registrant's suitability for the WIN Program and its availability of services (reported on appropriate ESARS and 117 forms), the actual assessment for employability continues throughout the registrant's participation in the program and frequently may change due to experiences in the program or to other personal circumstances.

B. The Purpose and Process of the Appraisal Interview.

1. The purpose of the appraisal interview is to begin to assess the registrant's employability potential and suitability for employment or participation in a WIN component. This assessment process involves analyzing the registrant's family situation, work history, skills, interests, attitude toward work, motivation, behavioral patterns impacting on employment potential, and possible social service needs, as well as the consideration of personal employability information in relation to the current labor market.

2. It is important to provide the registrant with a brief explanation of the purpose and function of the WIN program if this was not done at registration or a considerable time has elapsed since the registrant's initial contact with WIN.

3. The WIN E&T agency and SAU staff shall both be involved in the appraisal interview. Each agency staff member carries the expertise of the agency he/she represents and is knowledgeable about the services his/her agency can provide. Each staff member is a full participant in evaluating all areas

of the interview contributing to a full picture of the registrant's employability potential. Coordination of schedules and procedures as well as good communication are crucial to a well functioning appraisal/assessment process. The registrant should be an integral part of this assessment if he or she is to participate in developing a plan for self-support.

4. A joint appraisal interview shall be conducted to the extent possible. When this is not feasible, sequential interviews should be conducted within 5 days.

5. An appraisal is not complete for reporting purposes until both agencies have had face-to-face contact with the registrant and development of an employability plan (EP), if appropriate, has been undertaken.

C. Appraisal at Registration.

1. If at all possible, the WIN E&T agency and SAU staff should appraise the individual during or immediately after registration. Certification may also be initiated and social services arranged for during the appraisal process. However, until the registrant becomes a recipient, only direct staff services may be provided by WIN funds.

2. The SAU shall, to the extent possible, conduct an initial assessment of all unemployed registrants, even those registrants not selected by the WIN E&T agency for further immediate employment services. From these assessments, referrals to Title XX services may be made, possible medical services needs and WIN exemptions identified, and plans for those requiring more long range employability and social services may be made.

D. Selection. The criteria for selection for appraisal are:

1. All unemployed parents shall be appraised within 2 weeks of determination of eligibility for AFDC benefits. However, this does not necessarily mean that every unemployed parent will be assigned to a WIN component.

2. Other registrants will be appraised according to the following legislatively mandated priorities, taking into account the individual's employment potential:

a. Mothers, whether or not required to register, who volunteer;

b. Other mothers, and pregnant women under 19 years of age, who are required to register;

c. Dependent children and relatives who have attained age 16 and who are not in school full-time, or engaged in work or employment training.

d. Others.

E. Documentation. Some registrants may not be selected for appraisal, or may be appraised but not assigned to a WIN component. The reasons for this action should be documented in a case record or individual file with appropriate notations regarding the interview and suggested date for reassessment.

F. Use of Welfare Agency Case Files. All personal and family problems indicating the need for social services may not become apparent in the appraisal interview. Therefore, it is important that, whenever possible the SAU appraisal member determine if any information is already available to his/her agency regarding this family. The agency's case record may already contain information on the need for services, and some services may already have been provided. This information will generally be helpful for purpose of the assessment process.

G. Staff Activities Prior to Appraisal.

1. Description. Such activities involve a personal contact by the SAU worker prior to the appraisal interview to explain to the registrant the WIN Program and the purpose of the appraisal interview and to determine if any major barriers to participation in the program exist which are unlikely to be resolved.

2. This is an optional SAU activity which is dependent on local operating procedures and staffing levels.

3. The necessity for staff contact prior to appraisal is precluded when appraisal occurs at the time of registration.

4. Such activities are especially appropriate when:

a. There has been a long delay between registration and appraisal;

b. In rural areas, where the E&T agency staff are available on an itinerant basis and prior staff contact may maximize the information available to the assessment process.

5. There will be instances in which the SAU contact will reveal that the registrant is so beset with problems as to be an unlikely candidate for employment or training. When this occurs the SAU worker should discuss the situation with the WIN

E&T agency staff and recommend that this registrant not be called for appraisal at this time. In the meantime, the individual should be referred to Title XX services when appropriate.

H. Appraisals Scheduled Subsequent to Registration.

1. Individuals scheduled for appraisal at a different time than the registration interview must be provided a written call-in notice by the E&T agency and SAU staff. The written notice must include: the date, time, and location of the interview, instructions for arranging an interview schedule change, and the possible consequences for failure to appear. Since an appraisal must be conducted by both agencies, it is recommended that the SAU designation also appear on the call-in notice. The SAU and the E&T agency must maintain a copy of each notice.

2. SAU staff should try to contact registrants who fail to appear for their first scheduled appraisal interview. An effort should be made to identify the problems that prevented the registrant from attending and to resolve them. At the time of their contact with these registrants, SAU staff should schedule a mutually agreeable appointment for appraisal with both agencies.

3. Registrants who fail to appear for an initial interview and are not contacted by the SAU will be rescheduled by the E&T agency.

4. In all cases when an interview is rescheduled, written notice shall be provided to the registrant. The rescheduling notice should be sent by certified mail, delivered by SAU staff during a personal visit, or by other appropriate methods, and it must advise the registrant that failure to appear will result in the initiation of deregistration action. If a home visit is made, the SAU worker should interpret to the individual the purpose of the appraisal interview, point out the potential benefits of the WIN program, answer questions or allay fears, and emphasize the possible consequences of the registrant's failure to participate.

5. If a registrant fails to appear after the second call-in-notice, the WIN E&T agency shall issue a Notice of Intended Deregistration and the WIN adjudication process will begin.

I. Involvement of the Registrant in the Appraisal and Assessment Process. It is important that registrants are involved not only in giving information to be used in appraising their employability potential but also in understanding the staff's assessment of their employability. By openly sharing the appraisals of the registrant's relative employability potential with them, the

appraisal staff enable the registrants to talk about their own ambivalences, worries, and problems, and to clarify both the staff's and the registrants' shared and at times differing goals.

Areas of major concern as potential employability barriers can be identified, evaluated and prioritized, thereby permitting the registrant and the WIN staff to focus their efforts on those areas having the greatest impact.

J. Content of the Appraisal Interview and On-going Assessment. At a minimum, the following areas of occupational and personal data bearing on employability should be considered as appropriate for exploration and discussion in the interview and reflected in the case records. Obviously not all areas are appropriate for all clients. This list is not designed as a questionnaire but as a discussion guide and as a mechanism for highlighting clues for more appropriate employability planning.

1. Age.

a. Labor market attitudes toward a particular age group.

b. Any conflict with school attendance requirements.

c. Maturity level relative to chronological age.

d. As indicative of potential health problems.

2. Marital Status.

a. Pending court case for divorce or legal separation.

b. Reconciliation being considered.

c. Husband's incarceration near completion or parole pending.

3. Educational and Training Background.

a. Literacy.

b. Educational level.

c. Possible learning disabilities.

d. Educational experiences--positive and negative.

e. Attitude toward adequacy of education.

f. Major courses or training undertaken.

4. Military Experience.

a. Status of discharge.

b. Failed qualifying test.

c. Eligibility for VA benefits.

d. Training experiences.

e. Success in structured experience.

f. Attitude toward authority.

g. Any leadership experience.

h. Adjustment experience after military discharge.

5. Health Status.

a. Obvious physical problems.

b. Attitude toward use of treatment and services.

c. Health of other family members.

d. Medical history and client's attitude toward own health.

e. Identification of possible exemption.

f. Possible alcohol or drug involvement.

g. History of work attendance problems or terminations due to illness.

h. Whether pregnant.

6. Communication Skills (verbal and written).

a. Ability to complete appropriate forms.

b. Speech problems and patterns.

c. Primary language other than English.

d. Bilingual abilities.

e. Familiarity with terminology in one's trade.

7. Legal Considerations.

a. Pending legal actions.

b. Family support obligations.

c. Potential problems with debtors.

d. Required court appearance.

e. Ability to be bonded, obtain a driver's license, or other trade license.

8. Transportation Needs.

a. Availability of public transportation.

b. Car ownership and condition of car.

c. Possible access to car pool or jitney.

d. Ability to use transportation system.

9. Child Care Needs.

a. Ages of children.

b. Possible adjustment problems of child.

c. Special needs of children.

d. Arrangement preference.

e. Time and hours needed, if known.

f. Parent's attitude toward need for supervision of child.

g. Availability of alternative care in case of emergency or illness of caregiver or child.

10. Money Mangement.

a. Present debts.

b. Needed car repair.

c. Clothing needs.

11. Work History.

a. Listing by job title and responsibility of past employment.

b. Vocational or employment preference.

1) Specific jobs.

2) Tasks within a job.

3) Location.

4) Hours.

c. Patterns of success or failure, job retention.

d. Work Environment.

1) With, or without, other people.

2) Type of supervision.

3) Degree of responsibility or independence.

4) Type of job--mechanical, functional, conceptual, routine.

e. Ability to relate to:

1) Peers.

2) Employers.

3) Supervisors.

4) Subordinates.

12. Work motivation factors.

a. Acceptance of the work ethic.

b. Desire for self-improvement and family betterment.

c. Personal interests.

d. Coping Skills.

e. Possible conflict with parental role.

f. Desire to leave public assistance.

13. Family Circumstances and Dynamics.

a. Ethnic, cultural and family attitudes toward registrant working.

b. Possible involvement with protective services.

c. Family stability.

d. Problems of other family members.

K. At the Conclusion of the Appraisal Interview. Any of the actions listed below may take place:

1. WIN staff will develop an initial EP including both the E&T services and the social services necessary to complete the plan successfully.

a. Some persons may be regarded as ready for direct placement in employment, OJT, PSE, or Other WIN Non-Component Activities.

b. Others will be considered suitable for WIN training or some other training program available in the community.

c. For some individuals, no short term EP may be deemed feasible; these registrants shall be placed in Unassigned Recipient Status for reassessment at some future time.

d. Registrants may be participating in a training program they have selected prior to WIN appraisal. Upon the determination of the WIN staff, assignment may be made to any of several components.

e. The appraisal interview may indicate the need for further information or action before an occupational goal is established or additional actions can be taken. In such cases, a second meeting of the E&T and the SAU staff members will be necessary.

1) Employment, aptitude, and vocational interest tests may be scheduled; or

2) A medical evaluation may be required; or

3) The resolution of an immediate social services problem.

2. It is important that registrants understand the outcome of the appraisal interview. If they can expect to be called upon to participate in the near future, they should be told this information. If, on the other hand, suitable employability development activities are not available, and WIN does not anticipate further contact in the near future, this should be explained to the registrant.

3. Frequently the initial EP will be signed at the conclusion of the appraisal.

II. Employability Plan.

A. Definition. The EP is an emerging document written with the WIN registrant that sets forth a planned series of actions leading toward employment and includes the E&T services, social services and registrant efforts that are necessary to accomplish the plan. The EP should also contain a timetable for implementation of each part of the plan.

B. Development of the EP.

1. The EP consists of an employment and training plan (E&T agency responsibility) and a social services plan (SAU responsibility). Neither agency can develop its part of the plan in isolation. Communication and exchange of ideas and solutions is essential to an EP that can be implemented on a timely basis and in a smooth manner. While the E&T agency has no authority with regard to the Social Services plan, it does have final approval of the E&T portion of the plan.

2. Development of the EP is a three-way effort, with input from the registrant and the SAU and the E&T agency staffs. Any substantive changes should involve all original parties to the plan.

3. An initial assessment of the registrant's employability potential and employment and social service needs is the first step in developing a complete EP. The assessment process should be undertaken by both WIN E&T agency and SAU staff since it encompasses identifying barriers to employment and ways to overcome them. The EP should be discussed with the registrant, and it will reflect much of the information gathered in the appraisal interview.

4. Thus, an initial EP may have a series of actions to be taken in assisting the registrant to arrive at a vocational goal rather than specify an occupational goal prematurely. All parties may sign the initial EP at this time--i.e., there is a plan of action. The plan does not necessarily always contain an occupational goal.

5. In evaluating the registrant's employability potential, the following factors should be considered:

a. The work history, including types of jobs previously held, pattern of finding and losing jobs, and work habits;

b. The present skill level, educational background, and E&T service needs;

c. The need for and availability of social services to enable the registrant to obtain and hold a job or to begin and complete a WIN component;

d. Any impact of the registrant's personal or family situation on the ability to participate in work or training.

6. The time factors indicating when the employability plan will be activated depend upon availability of various resources such as training funds, when classes begin, and length of time before social services can be provided.

C. Content. The EP must meet the following requirements:

1. The goal of an EP is successful employment that meets the appropriate work criteria. It will contain a specific employment goal attainable in the shortest time period consistent with employment and social services needs, project resources, and job market opportunities;

2. The EP shall contain a summary of the registrant's work and education history, a statement of present skill level, and any need for testing;

3. The EP shall contain a statement of the social and employment services necessary for the registrant to obtain employment as well as an assessment of the barriers keeping the registrant unemployed;

4. The EP shall contain a timetable indicating what services shall be provided by each agency and what actions shall be the responsibility of the registrant in the order each effort

should occur to lead the registrant to appropriate employment to contribute to the achievement of the goal of economic self-sufficiency.

5. Any training included in the EP must conform to the criteria in Chapter VIII.

D. Format. The EP is recorded on the WIN Certification and Employability Plan (DPW-2005/WIN-31). The EP information must be in both the E&T agency and SAU files.

E. Signatures Required on the EP.

1. The EP shall be signed by representatives of the WIN E&T agency and the SAU. Their signatures shall indicate a concensus that the EP's goal (where appropriate), the actions enumerated, and accompanying time frames, are realistic and that each agency has the resources to fulfill its responsibilities under the plan.

2. The EP should also be signed by the registrant. The registrant thereby assumes responsibility for the activities he/she will be required to pursue. It also assures the client that the two agencies have jointly assumed certain responsibilties in his/her behalf. A copy of the EP should be given to the registrant.

3. Each State or local WIN project should determine the most feasible method of obtaining the necessary signatures to the plan and distributing copies of the plan after all signatures have been recorded. All parties are not required to sign the EP at the same time; however, the EP is not complete until all appropriate signatures have been obtained.

4. Refusal on the part of the registrant to sign the EP does not in and of itself constitute refusal to participate. However, subsequent refusal to participate in the steps set forth in the EP does constitute refusal to participate.

F. Reassessment.

a. Reassessment of the EP is a continuing responsibility of the E&T agency and SAU staff. Changes in goals, training, worksites, social services, or scheduled activities may become necessary as a result of changed labor market conditions, or changes in the individual's circumstances, or additional problems come to light after the appraisal interview. In addition, an evaluation of an individual's progress in WIN, by means of

conferences with the individual, review of instructor's reports, and conferences with OJT, PSE, and job supervisors, should occur periodically. The EP should be more fully developed and a more definitive job goal should be established as the registrant progresses in WIN.

2. Amendments to the EP should reflect this reassessment. Discussion of the reassessment should include the registrant whenever possible. All parties should initial any major changes to the EP.

G. EP Changes Initiated by the Registrant.

1. Enrollment in Self-Initiated Training Program. See Chapter VIII.

2. Occupational Goal. If an individual obtains any employment which is not related to the original EP, a notation should be made on the plan to show the registrant independently chose alternative employment.

III. Certification.

A. Definition. Certification is written notice from the SAU to the WIN E&T agency (1) that necessary social services have been arranged, provided, or are available to enable a WIN registrant/recipient to accept the employment or training services documented in the registrant's EP, or (2) that no social services are needed at that time and the registrant is ready for the employment or training specified in the EP.

B. Procedure for Certification.

1. Based on the jointly developed EP and partially completed WIN Certification and Employability Plan (DPW-2005/WIN-31), the WIN E&T agency shall indicate, either by forwarding a WIN Certification and Employability Plan (DPW-2005/WIN-31) or communicating in some other manner, to the SAU that it is ready to provide E&T services to certain registrants. The SAU then initiates the certification process of indentifying the necessary service resources and of providing or arranging for those social services necessary for active participation by the registrant in fulfilling the EP.

2. A registrant is considered certified, and the certification complete, when the SAU returns the WIN Certification and Employability Plan (DPW-2005/WIN-31) to the E&T agency indicating either that social services have been arranged, provided, or are available, or that no social services are needed.

3. When certification may be initiated:

a. at the time of appraisal;

b. when the WIN E&T agency is ready to place the registrant in a component or other activity;

c. when the registrant is to enter employment; or

d. anytime after registration and appraisal when the EP indicates more long range social services are required to enable the registrant to participate in employment and training activites at a later date.

4. All registrants must be certified before they are eligible to enter a WIN component or receive WIN-funded purchased employment, training or social services. Registrant/recipients who have not been certified but find employment or are placed by the WIN E&T agency may be certified, and necessary employment or social services may be provided for them to enter employment. In some circumstances certification will have to be accomplished in a very short time period to permit the registrant to enter employment by filling an immediate job opening.

5. The SAU may certify that the registrant is ready to enter work or training and that no SAU services are needed. An individual interview with an SAU worker must take place before such a certification is made.

6. When child care is identified as a social service need on the certification form. Additional information should be provided to the extent possible. The type of information to be provided is governed by the time frame for provision:

a. If the registrant is scheduled to enter a component or employment, the certification material should indicate the hours child care is needed, the starting date, the approximate length of time it will be needed, and any special circumstances which should be known;

b. If the registrant is not scheduled for a WIN activity requiring child care when certification is initiated, the possible need for child care provision at a later date should be shown; and

c. If the dates and times child care is needed are not included with the certification record, it is incorrect for the SAU to certify child care as arranged, since the SAU cannot certify based on speculation of availability. Certification that

child care is arranged should be made only when a contract with a provider has been completed or a relative or friend has given a firm commitment to the SAU worker to act as caregiver.

7. Certification is not necessary for a registrant to enter employment. However, WIN sanctions may not be applied to an uncertified registrant who refuses employment.

8. After certification, the need for new, follow-up or additional social services may be identified by the SAU or the E&T agency. When such services needs are determined, the SAU may proceed with immediate WIN social service provision.

9. The SAU shall not certify any registrant for work or WIN participation when there is an indication of severe emotional problems, alcoholism, drug addiction, or involvement with protective services until any other agency working with the registrant verifies the registrant's readiness for work or training.

C. Certification Requirements.

1. The Act provides that each State must certify a total of registrants equal to at least 15 percent of the average number of individuals who were required to be registered for WIN in any fiscal year, or a reduction in the federal share of assistance payments to the State under Title IV of the Act may result. The RCC shall monitor State performance closely to determine whether the 15 percent certification requirement is met in each State.

2. Certification of all unemployed parents (UP) shall be completed within 30 days of receipt of AFDC benefits. In order to ensure this is done in a timely manner, the following steps shall occur:

a. Certification for all UPs should be completed after appraisal and preferably no later than 2 weeks after the UP has been determined eligible for benefits by the income maintenance unit.

b. The SAU must notify the WIN E&T agency promptly of UP certifications by completing the certification record and forwarding a copy of the record to the WIN E&T agency.

c. This requirement is not intended to imply all UPs must be certified for immediate employment; it is recognized that just like all other registrants some UPs will require long range EPs or intensive social services to permit employability. Since the statutory mandate provides that no UPs will not be unable to participate for reasons of unavailability of social services,

such services shall be arranged for, and provided, when a suitable EP has been implemented. A UP who is not certified within 30 days of receipt of AFDC benefits will not remain eligible for those benefits, thereby penalizing him/her for a failure of the agency to certify and provide, when appropriate, such social services.

IV. Form and Instructions. A facsimile of the WIN Certification and Employability Plan (DPW 2005/WIN-31) and applicable instructions follow.

IV. Form and Instructions - Continued.

A. WIN Certification and Employability Plan (DPW-2005/WIN-31).

1. Facsimile Form DPW-2005/WIN-31).

SEND WHITE COPY TO:
ASSISTANCE PAYMENTS
Department of Public Welfare
Centennial Office Building
St. Paul, Minn. 55155

WIN CERTIFICATION AND EMPLOYABILITY PLAN

NAME: _____ (1-14) LAST FIRST MID. INIT. COUNTY: _____ (30-31) CASE NUMBER: _____ (75-79) (80=8)

SOC. SEC. NUMBER: ___-___-___ (15-23) DATE: ___-___-___ (24-29) MO DAY YR

REGISTRANT'S STATUS: (34) *(Circle appropriate code no.)*
1. Voluntary
2. Mandatory
3. Unemployed

TYPE OF ACTION: (35) *(Circle appropriate code no.)*
1. Initiation of certification
2. Revision of Plan (explain) ___

CERTIFICATION: *(Check appropriate boxes.)* (36)
All services checked ☐ have been provided and/or arranged for.
Services specified below have not been provided because:
☐ Day care not available (specify service) _____
☐ Other service not available (specify) _____
☐ Other reason (specify service and reasons) _____

Therefore, this registrant:
☐ is certified as ready for employment or training.
☐ is not certified because _____

SIGNATURE OF SAU WORKER: _____ DATE: _____

SOCIAL SERVICES NEEDED/PROVIDED:
(37-45) (46-74) *(Check each service category needed and detail for each service provided and/or arranged. If no services are required, check box 82 only.)*

Needed	Provided		Needed	Provided	
&	01	MONEY MGT.	4		VOCATIONAL REHABILITATION
–	02	HOUSING		41	Title XX Funded*
0		TRANSPORTATION		42	SAU Referral
	03	WIN 90/10 Funded	5		HOMEMAKER SERVICES
	04	SAU Referral		51	WIN 90/10 Funded
1		CHILD CARE		52	Title XX Funded
	11	WIN 90/10 Funded	6		FAMILY PLANNING
	12	Title XX Funded		61	WIN 90/10 Funded
	13	Work Related Expense		62	Title XX Funded
	14	No Cost	7		COUNSELING
	15	Unknown		71	Short Term
2		WIN MEDICAL EXAMINATION		72	After Employment
	21	SAU Referral		73	Group
	22	Title XIX Funded		74	Crisis Intervention
3		HEALTH, OTHER THAN EXAM	8	81	LEGAL SERVICE
	31	WIN 90/10 Funded		82	NO SERVICES REQUIRED
	32	Title XIX Funded		83	Future Use

(continued in next column) **Employability Services*

APPRAISAL/ASSESSMENT

EMPLOYABILITY:
1. Education/Training _____
2. Work Experience _____
3. Skills/Knowledge/Abilities _____
4. Hobbies/Interests _____
5. Additional Comments _____

PERSONAL SITUATION:
1. Family _____
2. Health _____
3. Other (Specify) _____

EMPLOYMENT AND TRAINING SERVICES NEEDS: *(Check each service needed)*

COUNSELING
☐ Individual
☐ Group
TESTING
☐ Aptitude
☐ Proficiency
☐ Interest
OTHER NEEDS
☐ English (2nd Language)
☐ Basic Education
☐ GED
☐ Work Related (Clothing, Tools)
(continued in next column)

☐ Employment Assistance
☐ Institutional Training
☐ Work Experience
☐ OJT
☐ PSE
☐ Suspense to Training
☐ Suspense to Employment
☐ IES - Individual
☐ IES - Group Job Seeking
☐ Job Development Contacts
☐ License (kind) _____

EMPLOYABILITY PLAN

OCCUPATIONAL GOALS *(List and "X" appropriate box(es)*	LABOR MARKET CONDITIONS GOOD	FAIR	POOR
1.			
2.			
3.			
4.			

ACTION TIME TABLE
1. Component Assignment — Anticipated date to enter (Mo. Day, Yr.)
2. Type of Employment or Name and Address of Employer. — Anticipated date to enter (Mo. Day, Yr.)

PARTICIPATION DEFERRED *(Check one if participation is deferred.)*
☐ Deferred until (date) _____ ☐ Deferred indefinitely.

ASSURANCE: We agree with the plan as outlined above and will strive cooperatively to fulfill it.

SIGNATURES: WIN Registrant: _____ Date: _____
SAU Staff Member: _____ Date: _____
E & T Staff Member: _____ Date: _____

In last 5 years enter approximate time on AFDC (Mos./yrs.)
Enter number of months since this case opening:

DPW-2005 (4-80) (WIN-31)
PZ-02005-02

WIN OFFICE COPY

2. Purpose of the Form. The WIN Certification and Employability Plan (DPW-2005/WIN-31) is designed to:

a. Provide information to the Department of Public Welfare on certifications, as required for federal reporting;

b. Capture pertinent information about the registrant on one form which can be used by both the SAU and the WIN E&T agency staff; and

c. Permit social services data entry for ESARS.

3. Use of the Form.

a. It may be initiated by either agency as part of the exchange of registrant information.

b. While the form may be used in a number of situations, it is designed to record several actions which may occur in or result from one meeting with the registrant.

1) Appraisal/Assessment. The form provides for a brief summary of information gained in the appraisal interview. It is anticipated that in most cases a more detailed narrative record will be maintained by the WIN E&T agency and SAU interviewers and the WIN Certification and Employability Plan (DPW-2005/WIN-31) will serve primarily as a means of assuring commonality of basic information.

2) Development of the EP.

a) Following discussion of appropriate employment or training opportunities with the registrant based on information gathered at the appraisal interview or in subsequent assessments, the right-hand sections of the form should be completed.

b) After services needs have been determined and tentative time frames set for accomplishment of the steps in the plan, the registrant, caseworker and WIN E&T agency staff member sign the EP. Occupational goals and component assignment may be determined as the on-going EP emerges.

NOTE: The refusal of a registrant to sign the EP does not constitute a refusal to participate for adjudication purposes.

3) Certification.

a) Once appraisal/assessment has been completed, certification may be initiated by the SAU by identifying those social services necessary for the registrant's participation which SAU will attempt to arrange or provide.

b) The form is also used by SAU to notify the WIN E&T agency that certification is or is not effected.

NOTE: Only SAU Staff may initiate and complete the Certification portion of the form.

4) Change of Plan. If substantial changes in occupational goals or assignment to components occur, these should be noted on the form as revision to the EP. All parties should sign when significant changes are involved.

5) When Additional Social Services are Provided.

When the SAU provides social services other than those provided or arranged at certification, these should be reported on the form for ESARS entry.

4. Instructions for Completing the WIN Certification and Employability Plan (DPW-2005/WIN-31).

Item	Definitions/Instructions
Name, County, Case Number Social Security Number, and Date	Enter appropriate information in space provided.
Registrant's Status 1. Voluntary 2. Mandatory 3. Unemployed	Circle only one appropriate code to indicate whether a registrant is: 1 - a volunteer; 2 - a mandatory, but not unemployed parent; or 3 - a mandatory and unemployed parent.
Type of Action	Circle the appropriate code to show what actions have taken place.
1. Initiation of Certification	Circle code 1 when both agencies have conducted an appraisal interview and will complete the Appraisal/Assessment portion of the form, or ... when a plan for employment or training related services and activities has been developed, or

... when the registrant's social services needs have been determined and a decision has been made to attempt to provide/ arrange services.

2. Revision of Plan

Circle code 2 when the EP requires revision based on changes in the registrant's circumstances, employability potential or job market opportunities. The revised plan should be signed by all parties when a significant change occurs; for example, change in a vocational goal or assignment to component. Reasons for such changes should be noted.

Certification

Enter an "X" in the appropriate box to indicate whether services have been provided or not and whether the registrant is or is not certified. Reasons why certification cannot be made must be entered.

Signature and Date

The DPW-2005/WIN-31 becomes the CERTIFICATION RECORD when the SAU staff has signed and dated this section.

Social Services Needed/ Provided

This section indicates social services needs and reports the arrangement and/or provision of such services (see Chapter VII).

Needed

Enter an "X" in this column next to each social service needed by the registrant in order to participate in work or training. Complete this column only at time of appraisal.

Provided

Enter an "X" next to each social service noting funding source or mode of provision where indicated when the social service has been arranged or provided. Enter all applicable services, whether "needed" was checked or not.

NOTE: Only services actually arranged or provided will be key entered for EASRS. There is no provision for individual counts of numbers of times a service is provided.

Appraisal/Assessment

Employability

1. Education/Training	Enter a brief summary of educational background, diploma, degrees, and vocational training experience.
2. Work Experience	Enter a brief summary of work experiences including working conditions, job satisfaction or reasons for leaving previous employment.
3. Skills/Knowledge/ Abilities	Enter notation of vocationally-related skills, knowledge or abilities.
4. Hobbies/Interests	Enter those areas appropriate to occupational opportunities.
5. Additional Comments	Enter other information which is significant to the person's ability to obtain a job.

Personal Situation

1. Family	Briefly note family composition, ages, special concerns, attitudes related to registrant's going to work.
2. Health	Comment on any health problems or conditions which may affect or limit the registrant's ability to find and retain employment. Family members' health may also be pertinent here.
3. Other	List other possible situations affecting employment such as indebtedness, impending eviction, and legal action.

Employment and Training Services Needs

To be completed by E&T staff worker at appraisal and amended or added to during the development and implementation of the EP throughout the registrant's involvement with the program.

Enter an "X" beside those employment and training services needed by the registrant to enhance his or her employment capabilities.

Counseling — To be reported by type: Individual or Group.

Testing — Specify the type of vocational testing required.

English (2nd Language) — Classroom training for those who are non-English speaking, but literate in their own tongue.

Basic Education — Training in basic reading, writing and arithmetic skills to bring the registrant to the level of competence required in his/her EP.

GED — Training and test for high school equivalency.

Work Related — Those items necessary for a job-ready WIN registrant to become a fully active participant in training or accept employment. This area would include items such as uniforms, tools, other equipment and car repairs.

Employment Assistance — Job referrals and other employment related information for job-ready registrants not participating in a component.

Institutional Training — Specify the components needed to bring the client to job-readiness (see Chapter VIII).

Work Experience

OJT

PSE

Suspense to Training

Suspense to Employment

IES - Individual

IES - Group Job Seeking

Job Development Contacts — The process of soliciting a job order for a specific WIN registrant based on his/her EP for whom no suitable openings are presently on file.

License — Note the type of license required before the registrant can be placed according to his/her EP such as driver's license, engineer's license and mechanic's license.

Employability Plan

Occupational Goals — List those occupational goals developed by the registrant with assistance from the E&T and SAU staff.

Labor Market Conditions — Enter an "X" in the appropriate column and box to rate the labor market conditions as they would affect the availability of employment in each occupational area identified.

Good — Many employment opportunities available; job orders in this area placed frequently.

Fair — Some employment opportunities exist; however, job development efforts will be required.

Poor — Few employment opportunities exist in this occupation even with extensive job development efforts.

Action Timetable

1. Component Assignment — Enter the name of the components, if any, to which the registrant will be assigned.

   Anticipated Date to Enter — Enter the date the registrant is to enter the component. This date should reflect the starting date for a particular training course or the date for assignment to a component as agreed upon in discussions with the SAU regarding timely delivery of the necessary social services noted on the form.

2. Type of Employment or Name and Address of Employer — Enter the occupational area for which employment assistance will be given by WIN. When the name and address of the employer are known at the time certification is initiated, enter such information to aid the SAU in scheduling and placing services for the registrant.

   Anticipated Date to Enter — Enter the date the registrant will start work, if known, or the date employment referrals will begin.

Participation Deferred — Enter an "X" when the registrant's active participation in WIN is deferred.

Deferred Until — Enter a date when the registrant will be suitable for consideration for participation in the program. This would be used for registrant's completing a training program, resolving a personal situation, or recovering from a medical condition.

Deferred Indefinitely — Enter an "X" when it is not anticipated the program will have the resources and/or services to serve the registrant in the foreseeable future.

Signatures	The plan shall be signed by the individuals noted. It is not necessary that they sign the statement at the same time.
In last 5 years enter approximate time on AFDC (mos./yrs.)	Enter the number of months and/or years and months the registrant has received AFDC over the last 5 years. These do not have to be consecutive months.
Enter number of months since this case opening	Enter the number of months since the registrant has most recently begun to receive an AFDC grant.

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5. Distribution.

a. Original white half sheet: Must be mailed to Assistance Payments Division, DPW, Space Center Bldg., St. Paul, MN 55101 after the SAU has signed and dated the certification section.

b. Green copy: WIN E&T agency final copy to be kept in WIN office files after SAU has signed and dated certification section.

c. Blue copy: SAU case file final copy.

d. Buff copy: Client copy to be given to WIN registrant after the Employability Plan section has been signed.

e. Pink copy: WIN E&T agency initial copy to be kept until green copy is returned.

CHAPTER SEVEN

EMPLOYMENT-RELATED SOCIAL SERVICES FOR WIN REGISTRANTS

Content: This chapter defines employment-related social services, describes SAU responsibilities in arranging and providing these services, and discusses various funding sources for these services.

I. Employment-Related Social Services.

A. Definition.

1. Employment-related social services are those services provided by the SAU for the WIN registrant, or dependents of WIN registrants, without which the WIN registrant would not be able to seek or retain employment or participate in training and other employment preparation activities.

2. Social services under the WIN program shall include the following: counseling; employment-related medical services; child care; family planning; selected vocational rehabilitation; homemaker services; home and financial management; housing improvement; transportation; emergency intervention services; information and other services provided for in the SWP.

B. Social Services to Applicants. Service needs may be identified at appraisal; certification may be requested; and the SAU may provide staff services and begin to arrange for purchased social services for AFDC applicants. No purchased services supported by WIN funds can be provided, however, until the applicant is determined eligible for AFDC benefits. Once the applicant becomes a recipient, certification should be completed for the staff services provided while the individual was an applicant, and WIN-funded purchased services may then be provided to complete certification. In addition to receiving SAU staff services, applicants should be referred to the Title XX agency, if the necessary services are available under that program.

C. Refusal to Accept Social Services. A certified mandatory registrant may not refuse social services included in the EP if such refusal prevents the individual from accepting an appropriate work or training assignment. To refuse such services as a means to refuse employment or other employment and training services

should be treated as refusal to participate without good cause by the WIN E&T agency. The SAU must be able to offer documentation (by recording in the case record the date that the registrant was informed) that the registrant has been informed about the effect of his/her refusal. The SAU worker must also be able to document that appropriate and adequate services (according to the EP) were offered to the registrant.

1. Refusal to Accept Medical Services. Refusal to accept remedial medical services necessary for employment may be considered to be "good cause" for failure or refusal to participate in the WIN program. However, refusal to accept major medical services needed for employment which are prescribed by a licensed physician or other licensed medical practioners will not result in WIN sanctions.

2. Refusal to Accept Child Care Services. When more than 1 kind of child care is available for an individual who is required to register for WIN, the individual may choose the type. However, if only 1 type is available and it meets required standards and is suitable to the needs of the child, the individual may not refuse to accept this child care if it is needed for participation in a WIN activity. If s/he does refuse, the SAU worker should encourage the acceptance of the child care offered and inform the registrant about the consequences of refusal. Upon implementation of the EP, the child care plan will be activated by the SAU. If the registrant fails to make use of the plan and, as a consequence, cannot participate in the WIN activity, this is tantamount to refusing to participate in WIN and the individual becomes subject to the sanctions enforced by such a refusal.

D. Social Services to Remote Volunteers. If an individual who resides in a remote area wishes to volunteer and appears to be eligible for WIN, the individual shall be registered; the WIN E&T and SAU staffs will identify needs and the SAU shall negotiate for the provision of necessary social services with the appropriate welfare agency.

E. Duration of Social Services. Social services determined necessary by the SAU worker will be provided to all WIN registrants engaged in approved WIN activities, including activities funded by other programs, provided such participation is approved and reflected in the registrant's EP. If resources are available, staff services will be provided to individuals in the Unassigned Recipient (UR) pool, as well as those actively participating in the program.

1. SAU-Staff-Provided Social Services. Staff services, such as counseling, can be on-going and offered at any time

necessary. The limitations on the duration of social services in E2 through E6 below do not apply to staff services provided by the SAU.

2. Purchased Social Services. Purchased social services will normally be provided for the duration of a registrant's assignment to a training component where the registrant is not receiving a regular wage.

3. Purchased Social Services for Subsidized and Unsubsidized Employment.

a. Services for persons who are employed are generally restricted to the first 30 days the individual is employed, although in unusual circumstances such support may be continued up to 90 days. This restriction applies to employment situations that are funded by any source as well as those that are unsubsidized. Registrants are employed whether they are in unsubsidized employment or they are in a salaried employment training status such as OJT or PSE.

b. Eligibility for WIN-purchased social services after the start of subsidized or unsubsidized employment begins as of the first day of employment. Such services may continue even after the AFDC grant is discontinued due to income earned from such employment. The extended services are not to be provided unless they are necessary to enable the registrant to accept and retain employment, and need not be provided for the full 30-day period if other means of delivering the services are available.

c. No additional WIN social services may be provided to the individual when the subsidized OJT or PSE enrollment ends and the employment becomes unsubsidized. The SAU however, has a major responsibility to assure the continuation of these services by planning with the registrant for such services from other sources or assistance in budgeting income to fund services when publicly assisted services are not available.

d. Generally, WIN-purchased social services will cease when their cost is treated as work-related expense in the recalculation of the assistance payment by IMU, or when transition to Title XX or other services is complete.

4. Purchased Social Services for Working Registrants. In special circumstances, working registrants who are not currently receiving WIN social services may be certified and given child care services for one period not to exceed 30 days when the lack of these services would cause the loss of existing employment and where the services are not available on a timely

basis from Title XX or any other source. This provision is only to be used in exceptional circumstances where there is an unanticipated breakdown in child care services which would cause the loss of employment and WIN child care would enable the registrant to continue in employment. Changes in child care arrangements which can be anticipated, such as at the end of the school year, are not considered to be a breakdown in services and would not be eligible for this assistance. It is not to be used as a means of automatically extending the usual duration of WIN services. Only one period of such services per registration may be provided to a registrant. Working registrants should be informed either at the time of registration or by mail of the availability of such services.

5. Avoiding the Interruption of the Employability Process. To avoid the interruption of the employability process, social services may be provided for up to 2 weeks to a registrant waiting to enter a component, between participation in components, or waiting to start employment.

6. Referral to Other Agencies for Continued Social Services. A WIN registrant who continues to be in need of services should be referred to the Title XX agency or to private nonprofit agencies for necessary services. Referred registrants are required to follow any other required eligibility determination process.

II. Funding of Social Services. Social services may be paid for in several ways:

A. Social Services Provided or Paid for by WIN.

1. Social services provided by WIN. These services are provided directly by the WIN SAU staff (e.g., home management and instruction, counseling). Services provided by the SAU to applicant/registrants and to uncertified registrant/recipients are chargeable to WIN as direct staff costs. No WIN funds, however, may be used to purchase social services for applicants.

2. Social services paid for by WIN and provided by other than WIN staff. The expertise required to provide certain services (e.g., child care and medical examinations) is found outside of WIN but is purchased with WIN funds.

3. Social services provided or paid for by WIN for registrants are matched at 90 percent federal financial participation and 10 percent from the state or local agency.

B. Social Services Paid for by an Agency Other than WIN.

1. Whenever possible in planning for services, WIN staff should use resources available through other community agencies, such as DVR, Title XX or services funded by state and local governments.

2. Title XX Social Services. Social services are provided by Title XX and are matched at 75 percent federal financial participation and 25 percent from the state or local social services agency. In most cases, AFDC recipients are eligible for services through Title XX; however, they must apply separately for access to these services. Registration in WIN does not imply automatic eligibility for Title XX services.

3. Social services and goals under the SWP should be coordinated with those available through the state's Title XX services plan (the CASP) to ensure continuity of services to employed individuals.

C. Summary of Funding Sources for WIN-Required Social Services. The following table is a guide to the possible funding sources available for various WIN-required social services. This table is neither exhaustive nor meant to prescribe local funding policies.

	Medical Examination	Counseling	Center	Family/Group	In Home	Medical Care	Voc. Rehab.	Family Planning	Homemaker Service	Home/Financial Management	Transportation	Housing Improvement	Legal Aid	Educational Information	Protection	Other
WIN Purchased	X	X	X	X	X	X	X	X	X	X	X					
WIN Provided		X								X	X	X		X		
Title XIX Purchased/Provided	X					X	X	X								
Title XX Purchased/Provided		X	X	X	X			X	X	X	X	X			X	
DVR Purchased/Provided							X									
Other Agency Purchased/Provided	X	X	X	X	X	X		X		X		X	X	X	X	X

III. Social Services Frequently Required by WIN Registrants.

A. Social Service Counseling.

1. Definition. Social service counseling is guided conversations between the registrant (or a member of his/her family) and trained staff, designed to uncover and resolve personal problems relating to work.

2. Programmatic Implications. WIN registrants, especially those preparing for the labor market for the first time or returning to it after a long lapse of time, often need strong personal supportive counseling to build their self-confidence. Help may be needed to cope with problems that arise because the parent/registrant will be out of the home during training or work.

3. Provision of Social Service Counseling.

a. Social service counseling is a normal activity which takes place as part of the registrant's contact with the SAU. Problems requiring therapeutic skills not available through the local SAU staff should be referred to resources in the community, such as specialized social workers, marriage counselors and psychologists.

b. As with all services to registrants, counseling activities, if provided by various WIN staff, should be closely coordinated to avoid duplication, gaps in provision of services and disruption of scheduled employment or training activities.

4. Employment Counseling. Employment counseling is provided by WIN E&T staff to help registrants have a better understanding of the world of work, to make vocational choices, to assist in realistic decision making in choosing necessary training and/or education, to prepare for job interviews, and to deal with employment problems. Further discussion of Employment Counseling is found in Chapter VIII, Section II.

5. Areas of Counseling.

a. Problems may be wide-ranging and could include family and social dysfunctioning. The SAU worker should be prepared to provide counseling to registrants in many areas such as overcoming uncertainty about the EP and the WIN process during orientation, frustration with progress in a component, low self-esteem, or interpersonal difficulties in training, at the work site, in the family, neighborhood or community. Anxieties and fears in job search efforts may affect motivation. The

fear of rejection may limit a registrant's willingness to seek job interviews or to submit applications.

b. Counseling should be designed to assist the registrant toward becoming economically self-sufficient.

c. Although particular areas of concern may not have been identified during the appraisal process, the SAU worker, to the extent feasible, should periodically follow-up with the E&T staff and/or registrants to assist them with any employment related problems they may be encountering.

6. Fostering Registrant Independence.

a. The ultimate goals of counseling are: to improve the registrant's problem solving abilities; and to enable the registrant to take an increasing amount of responsibility for the decisions affecting his/her life with regard to employment.

b. In fostering registrant independence, the WIN workers must recognize the fact that registrants are capable of solving many of their own problems and their opinions must be respected. To help registrants look at their problems and think them through, questions may be posed such as: "Can you clarify that a little for me?" - to help examine and define the problem; "How do you think it should be handled?" - to help seek a solution to the problem; "Can you think of other ways to solve this problem?" - to show there are multiple ways to solve a problem; "We've got alot of ideas here, can you come up with a plan that will work?" - to permit review of the problem and analysis of a choice of solutions.

c. Registrants may be overwhelmed by a multiplicity of problems or by an apparently insurmountable problem. A generally successful technique in dealing with these problems is to "partialize" them. The worker and the registrant sort out the problems, or break a large problem into parts; put them in order of priority to be solved; and agree on one immediate problem to be resolved, rather than working on all the registrant's problems at once. Using this method, the registrant can be helped to develop his/her own problem solving capabilities.

7. Modes and Settings for Intervention.

a. A broad range of intervention modes are available and staff is encouraged to be creative and to use whichever mode is most appropriate with registrants. Among the modes available are: crisis intervention and short-term counseling. Severe emotional problems or psychiatric disorders requiring long term counseling should be referred to the appropriate community agency

and, according to the severity of the problem, may or may not delay the individual's availability for employment.

b. In addition to personal counseling, group and family counseling should be made available as needed. Some registrants may respond better to a one-to-one relationship with the worker. Often, however, problems involving other family members should be solved with them (for example, marital conflicts, problems with children). Group settings may provide valuable clues to underlying employment adjustment problems that may be verbalized to peers more readily in a group setting than in an interview between the registrant and a WIN worker. For example, registrants going into the job market for the first time may want to discuss their common fears; parents may benefit from discussing common child rearing difficulties; certain age groups--teenagers or older workers--may have common problems. Persons needing to develop social skills should benefit from group feedback. The dynamics of the group, engendered by verbal and nonverbal expression of thought and feeling and the interaction of the individuals in the group can aid in communication and reinforce learning and understanding. Further discussion of group counseling is found in Chapter Eight, Section II.

c. Individuals who have participated in the WIN program and, as a result of the program, are successfully employed, could be used as role models for registrants and may be asked to participate in group counseling sessions.

8. Thirty Day Conciliation Efforts.

a. General. Intensive but informal efforts must be made initially by local project offices to resolve a registrant's complaints and grievances during a conciliation period of up to 30 days. Similarly, where a dispute arises which may result in an individual's deregistration for failure to participate without good cause, every reasonable effort must be exhausted to resolve the dispute informally during a period lasting up to 30 days before a letter of intent to deregister is mailed.

b. Role of SAU.

1) Although this concilation effort is primarily a function of the WIN E&T agency staff, the SAU staff often can be extremely helpful in removing the barriers to a satisfactory resolution of the issues. Accordingly, the WIN E&T agency staff should be able to recognize when and how the conciliation effort can be facilitated by SAU staff assistance and should encourage such involvement. The SAU staff shall be prepared to participate whenever called upon and to make every effort to help bring the conciliation effort to a successful conclusion.

2) SAU workers, when requested by the E&T agency to assist, may help to determine with the registrant the reasons for non-participation. If reasons are identified which are within the SAU purview, the SAU, with the registrant, should develop a social service plan and should initiate activities related to any identified family and personal problems that interfere with participation in WIN. Required services may include counseling, medical services, psychological evaluations, and referral to other community services and agencies.

3) For further discussion of the conciliation process see Chapter XI relating to the WIN adjudication system.

9. Sixty-Day Counseling for Certified Registrants.

a. Unlike the conciliation effort, the 60-day counseling is an SAU function. Before a certified registrant may be deregistered for failure to participate in WIN without good cause, and before an individual's grant may be terminated, a counseling period of up to 60 days must be offered by the SAU staff in an effort to persuade the individual to return to the program by resuming participation.

b. The period of counseling begins on the 5th business day following:

1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

2) The date of the hearing officer's decision that the disputant has refused or failed to accept employment or otherwise participate in the WIN program without good cause; or

3) A decision rendered by the state appellate body or the NRP which reverses a decision favorable to a WIN registrant.

c. SAU and WIN E&T agency staff should have been working in close harmony in an effort to resolve disputes at their inception and later during the conciliation effort. However, since the issue remained unresolved, during the 60-day counseling period intensive efforts should be made by the SAU staff to identify and resolve the remaining critical problems that may be hindering the registrant's participation. During the interim period between the conciliation and the counseling, circumstances may have changed and/or new obstacles may have

arisen. The counseling should include personal, informal conferences including, where practical, a home visit which may reveal conditions and service needs not previously observed. The SAU staff should appraise the rationality of the registrant's behavior, and, where it appears advisable, obtain medical or psychiatric examinations to determine whether the registrant's mandatory status is appropriate. If not, the matter should be referred to the IMU per Chapter Five for a possible exempt status determination.

Special attention must be given to convey to the mandatory registrant a full understanding of the consequences to family finances if assistance payments are reduced or if the payment is terminated due to his/her failure to resume in WIN within the 60 day period. This information should be given in writing in simple language and should be discussed by the SAU worker and the individual. Documentation in case records becomes especially important for the adjudication process. Because the other members of the family unit will be greatly influenced by their attitudes and behavior, the caseworker may need to discuss the situation carefully with other appropriate members of the family.

d. The counseling may be continued for a period of up to 60 days but may be terminated sooner at the discretion of the SAU staff when it becomes apparent that the counseling efforts are proving unsuccessful. The reasons for unsuccessful termination of 60 day counseling should be carefully recorded in the case record.

e. Once a counseling period and other related services have been provided to an individual and he/she is not deregistered but is readmitted to the program, if he/she again has been found to have refused participation without good cause, and under the same set of circumstances, the SAU need not provide another period of counseling or other related services. During that registration period, however, a decision of a WIN hearing officer, State appellate body or the NRP that is favorable to the registrant abrogates any period of counseling that may have been provided.

f. Upon the concurrence of the SAU, a registrant may be reaccepted into the WIN program by agreeing to participate. At such time, every effort should be made by the WIN E&T agency to take advantage of the high motivation that encouraged such agreement to participate by providing immediate job referrals and/or training opportunities.

10. Crisis Intervention Services.

a. Definition. Those services required when there is a breakdown in the normal structure of a registrant's life and which are required to reestablish the registrant's normal functioning.

b. Programmatic Implications. It is important that the SAU staff be prepared to deal in a prompt and expeditious fashion with the full range of emergencies that can occur in family situations. This entails a strategy to cover emergencies when they occur outside of office hours and a contingency plan to cover the most common emergency situations. These emergencies, if not handled well, negate client progress toward employability and self-sufficiency. Preparations and procedures for providing emergency housing (i.e., evictions, fires, utilities cut off), legal services (i.e., arrests of registrants or family members), food and clothing, and other crisis necessities shall be developed by the SAU (if not already provided by the social services agency) and periodically reviewed for adequacy. The Title XX staff will be notified if long-term intervention is required.

c. Selected SAU Case Management Responsibilities. The SAU worker should:

1) Assure that procedures for handling emergency situations are developed;

2) Provide crisis-intervention counseling in connection with the emergency situation to registrants;

3) Arrange for emergency services; and

4) Arrange for necessary long-term services resulting from the emergency situation.

d. Financial Arrangements for Providing Emergency Services.

B. Employment Related Medical Services.

1. Definitions.

a. Employment Related Medical Services. These are services the absence of which are likely to prevent the employability of the individual who otherwise has the potential for work. Employment related medical services include:

1) Remedial Care. Remedial care is correcting or ameliorating a diagnosed physical or mental condition which is not so severe as to preclude employment. Priority should be given to using Title XIX to fund remedial care. WIN funds will be used only when Title XIX funds are not available. Remedial care as purchased by WIN, includes one-time purchase items such as eye glasses and false teeth or longer term physical therapy and corrective surgery.

2) Health related services. Health related services are those services which enable WIN registrants to attain and retain as favorable a condition of physical and mental health as possible to improve employability or retention in a particular type of job. WIN registrants are helped to effectively use health care resources through health education and arranging appointments, transportation and child care when necessary so the individual may obtain medical care, follow-up on carrying out medical instructions, nutrition counseling, chemical dependency assessment and counseling, and other counseling related to health care.

b. WIN Medical Examination. A WIN medical examination is a physical or mental diagnostic service necessary to determine any limitation to employment of a WIN registrant.

2. Programmatic Implications. Good health is critical to an individual's ability and desire to work. Many WIN registrants may never have received regular medical care and may suffer from undiagnosed, untreated, chronic conditions and ailments. Others may require care to correct an employment-inhibiting condition (e.g., lack of teeth or hernia). Without proper attention to the registrant's physical and/or mental health, employability may be severely limited.

3. Selected SAU Case Management Responsibilities. SAU workers should:

a. Screen registrants for possible medical problems;

b. Assist registrants to identify their health needs, overcome anxieties preventing utilization of available health care, and understand and follow treatment prescribed by professionals;

c. Help to arrange all necessary services by qualified professionals; and

d. Ensure continuity of treatment programs.

4. Identification of Employment Related Medical Needs at the Time of Appraisal.

a. These needs are usually identified at the appraisal interview or through a specific health-screening interview conducted to determine from the recipient, by questions and observation, whether any health problems that should limit employment exist. In no event should general or specific conditions reported by the registrant be used to diagnose a condition.

b. Under WIN registration procedures most evidence of illness or incapacity which would preclude successful participation in WIN will have been discovered. However, since regular medical care may not have been practiced, there may be undetected physical or mental conditions which hamper an individual from entering and continuing a training program or taking and holding a job; or, there may be problems which have developed after registration.

c. 1) Information about a possible medical condition may frequently be obtained from medical reports from a physician, health agency, clinic, vocational rehabilitation agency, or other sources. The SAU may use medical information available in the IMU case record if it is timely and relevant to employment. If a medical examination is available from a family doctor, the SAU may use the findings if they are timely, complete, and provide the necessary information to determine work capacities. The appropriate form to be used is the Request for Adult Medical Examination (DPW-161).

2) The data upon which the medical report is based must be carefully examined to determine its validity in using it to make judgments about employability.

5. WIN Medical Examination. Medical examinations may be necessary when possible health conditions have been obscured. The SAU may authorize such an examination and should explain the reasons for needing the examination to the examining physician(s).

a. Purpose. The medical examination is given to:

1) Determine if the registrant has any physical or mental limitations which would restrict his/her vocational options, or determine the extent to which known physical or mental conditions would limit these options;

2) Determine if the health status of the registrant has changed since registration, if this is suspected;

3) Identify suspected problems which may have been missed in the registration process; and

4) In addition to current medical findings, it is most important that the medical examination be related to the individual's capacity for various job-related activities and conditions of employment, and that it convey the examining physician's opinion regarding any limitations on the nature of work or training activities arising from physical or mental conditions. It should also identify any existing conditions for which corrective treatment, if any, is recommended.

b. Financial Arrangements.

1) Unless the medical examination is being funded by Title XIX (Medicaid), freedom of choice of physician, as provided under Section 1902(a)(23) of the Social Security Act, is not applicable to qualifying examinations, such as the examination under WIN which is conducted to ascertain that the individual is medically fit to undertake work or training. The medical examination for purposes of WIN is a self-support service under the State AFDC plan (45 CFR 220.61) and FFP is available in such examinations as a service cost. A medical examination for this purpose is not defined as medical assistance.

2) The SAU shall arrange and provide payment, on a prompt basis, for an employment-related medical examination. A general examination--i.e., one not related to employability--is not sufficient.

3) The SAU may arrange for WIN medical examinations on a contractual basis from a physician, or several physicians, or a medical facility to provide these medical examinations for selected WIN registrants.

c. Provision of Services.

1) A medical determination by a physician or licensed or certified psychologist becomes the basis for determining whether an individual is employable and able to

participate in WIN. It also becomes the basis for the SAU's decision to recommend that the individual be deregistered, referred for vocational rehabilitation services, or certified for active participation in WIN.

2) Individuals who are discovered to be alcoholics or drug abusers may receive treatment concurrently while they are engaging in WIN activities, depending upon their condition. Otherwise, they may have to be reclassified as ill or incapacitated and receive treatment while in an exempt or unassigned recipient status. When they are again stable, they would be re-registered to WIN as nonexempt.

d. Establishing Need For a Medical Examination. The most common concerns which would require the need for a medical examination before assignment of the registrant to employment activities are suspicion of:

1) Asthma;

2) Epilepsy;

3) Diabetes;

4) Arthritis;

5) Severe varicose veins;

6) Hypertension--high blood pressure;

7) Heart disease;

8) Extreme obesity;

9) Alcoholism;

10) Drug Addiction;

11) Severe depression;

12) Dental and gum problems; and

13) Eye and hearing problems.

6. Evaluation of Medical Information.

a. In order to determine an individual's work capacity, several factors must be carefully considered:

1) The information derived from the medical examination must be used to determine the nature of the physical or mental activities that can be undertaken, limitations with respect to working conditions, and any conditions requiring corrective treatment;

2) The completeness of the medical report is extremely important. If an area of concern is omitted, a follow-up inquiry may be indicated.

3) The principle of individual differences should be kept in mind, for persons with identical handicaps may respond differently to work situations by reason of their differing backgrounds of skills, potentialities, training and education, interests, motivations, and adaptation or adjustment to their disabilities;

4) The applicant's own statement of his/her disability, limitations, or capacities; and

5) Some health problems may be manifestations of anxieties related to going to work. Such fears and anxieties must be dealt with by the SAU staff or by further referral where indicated.

b. The Employment and Training Administration publishes a series of Interviewing Guides for Specific Disabilities. These guides are helpful in determining the need for a medical report and in interpreting it in terms of work capacity. This may be necessary if the physician reports his/her findings in diagnostic terms rather than in physical activities and permissable or limited working conditions.

The guides may be used to determine the completeness of medical reports by serving as a checklist of the employment capacities data necessary for suitable placement of the applicant. Their use for this purpose will suggest appropriate questions to be asked of the physician or the applicant to obtain the desired information. The specific guide may be used to identify the employment activities which usually are affected by the disease or disability, as capable of demonstration in the office, and the working conditions which may adversely affect one having the disease or disability.

The description of the disease or disability is given in non-medical language. Certain medical terms may appear in parentheses. If a more extensive explanation is required, the medical term generally is used in describing the disease and a cross reference [continued on the next page]

made to the section on Definitions where an explanation in non-medical language is provided.

One section presents the major medical and work history factors on which information should be obtained to estimate the applicant's employment capacities and to assist him/her in developing a vocational plan or to be placed in a suitable job. For convenience, the factors are listed and explained in one column, and in a parallel column, their pertinence to counseling and job placement are described briefly.

c. Interviewing Techniques for Registrants with Medical Problems:

1) Discuss the medical problem in a matter-of-fact manner. The worker should show an interest in the problem but remain objective.

2) Be frank, objective, and considerate in discussing a medical problem. Obtain complete information about the nature and extent of the medical problem and compensating factors or adjustments.

3) Seek only such information that has a bearing on occupational choice, placement on a specific job, and job adjustment.

4) Avoid discussion of subjects about which the applicant appears to be sensitive except as they relate directly to the work situation.

5) Instill confidence in applicants with speech disorders by being patient and asking questions which can be answered with brief statements; do not press the applicant.

6) Try to phrase questions for the emotionally handicapped which will obtain the facts without arousing emotional reactions.

7) Instill confidence in applicants with hearing difficulties by speaking clearly, loudly, and directly to them.

7. Determining Appropriate Action for Registrant. On the basis of the medical examination information, the appraisal interview and any subsequent interviews or discussions with medical or rehabilitation personnel, the SAU worker, in concert with the employment and training staff member, must decide the appropriate action to take with respect to the particular registrant:

a. Recommend to the WIN E&T staff that the registrant and accompanying medical information be referred to the IMU for possible deregistration as exempt due to incapacity;

b. Refer employable registrant to VR for further evaluation and rehabilitation services. (Persons who are unemployable should be referred to IMU for possible exemption determination.)

c. Assist in obtaining treatment for diagnosed medical condition in order to bring the condition under control or alleviate it;

d. Prepare the registrant for placement in a component or employment;

e. Refer to sheltered workshops as part of the EP, either for work sampling or as suspense for training or employment; or

f. If a physical or psychological problem (i.e., drug addiction, alcoholism, severe depression, retardation) is undetected during the medical examination but later develops or is suspected, additional testing should take place to determine the effect of the presenting condition upon employability of the registrant.

8. Remedial Medical Treatment.

a. Remedial medical treatment relating to employability should be provided in a timely manner so that the recipient's training or work program is not unduly held up by a delay in the provision of necessary treatment.

b. Some remedial care is best provided before entrance into WIN activities to improve functioning in that activity and as specifically in conjunction with the EP (e.g., provision of eyeglasses, hearing aids, dental restoration, aids to walking, surgical correction of feet--corns, bunions, spurs--fitting for orthopedic shoes, and hernia repair). Title XIX resources should be explored.

c. Some individuals may receive remedial care concurrently with their participation in WIN activities, i.e., alcoholism, drug addiction. Other examples of this would be individuals in a weight-reduction program, and those requiring medication to overcome a health condition such as anemia, high blood pressure, diabetes, and epilepsy.

d. Financial Arrangements for Remedial Medical Care.

1) Only employment related medical, remedial, and health care services may be purchased with WIN funds provided that such services are not available under the State's Title XIX plan or are not otherwise available through the Veterans Administration, VR, Public Health Service, Maternal and Child Health Service, or State and local health programs.

2) The registrant's ability to obtain employment is frequently directly dependent on receiving remedial medical care. Therefore, curtailment of services which are provided should occur only after serious consideration of the operational implications involved in such curtailment. If funding for such a service is to be discontinued, the RCC must be notified at least 45 days prior to such action so there is sufficient time to supplement exhausted funds.

3) Medicaid (Title XIX).

a) Availability of remedial medical care through Title XIX varies considerably from State to State (see Attachment B). In the development of the SWP, State WIN agencies requiring WIN funds for such services should be aware of Medicaid limitations and plan the use of WIN funds to meet employability needs.

b) All recipients of Federally aided public assistance programs are eligible for medical services under Title XIX. Therefore, Medicaid is the first resource for remedial treatment for AFDC recipients needing it for employability or training under WIN. If the required service is included under the State's Medicaid plan, it cannot be paid for by WIN, unless excessive delay would result in the registrant's inability to participate in the WIN program.

c) States with a Medicaid program are required to provide the following services:

--in-patient hospital services
--out-patient hospital services
--laboratory and X-ray services
--skilled nursing facility and home health
--services for individuals over 21

d) Widows and dependents of veterans who have died as a result of service connected injuries or disabilities are eligible for medical treatment under Public Law 93-82, which provides for civilian health and medical programs (CHAMPUS) for such persons.

4) Maternal and Child Health Service--Children and Youth Projects. This resource should be considered for employment related health services and medical care for youth who are registered for the WIN program. These are health care projects which are designed to meet the medical, dental, physical and emotional needs of children and youth up to age 21, particularly in areas with concentrations of low-income families. They are also a source for medical examinations. Information regarding the location of such projects is available through the State Public Health Department.

5) Other Resources.

a) Organizations such as the Society for the Prevention of Blindness, the Hearing Society and the Medical Auxiliary of a hospital may also provide needed medical evaluation and/or treatment.

b) Service organizations such as the Lion's Club with its emphasis on sight, may also be resources for medical assistance when necessary.

C. Child Care.

1. Definitions.

a. Child Care. Child care services are those services which provide for the physical well being and safety of children and which promote their physical, mental and social capabilities. These comprehensive and coordinated sets of activities are provided to infants, pre-school, and school-age children during a portion of a 24-hour day inside or outside of the child's own home. Services are provided by day care centers, family and group day care providers, or in-home providers.

b. Day Care Center. A licensed center serving 12 or more children.

c. Family Day Care. Care provided in a private home for up to 6 related and non-related children. The family day care may be licensed or certified or an informal arrangement made with a friend, relative or neighbor, depending on State regulations.

d. Group Day Care. Care provided for 7 to 12 children in an extended or modified family residence using one or more caregivers.

2. Program Implications. Reliable care and supervision is essential to the employability of WIN registrants who are heads of households.

3. Selected Case Management Responsibilities. SAU workers should:

a. Provide registrants with information about suitable facilities;

b. Refer registrants to suitable child care facilities;

c. Work with registrants to develop individualized child care plans;

d. Counsel registrants regarding all problematic aspects of child care placement;

e. Arrange for and assist with payment procedures for purchased child care. See Section III-C-7 of this chapter for further explanation of SAU responsibilities.

SAU workers may also:

a. Recruit child care providers;

b. Provide training and technical assistance to ensure quality care, program and fiscal responsibility;

c. Monitor established child care plans in facilities to ensure quality care.

4. Child Care Standards. Child care provided with federal funds must meet the standards prescribed in the Federal Interagency Day Care Requirements, the State Title XX agency and Title VI of the Civil Rights Act.

5. Child Care Plans.

a. The SAU has a major role in counseling registrants during the development of the child care plan. The primary focus of any effective child care plan must be the individual child and the family. Only by respecting the role of the registrants to decide what will be suitable for their child and by providing them with the information to make an informed judgment, can a child care plan achieve its objective.

b. The SAU should examine with registrants the types of child care available and should discuss with them the suitability of each type of child care in relation to their needs.

c. The concept of choice will aid in assuring a sense of self-determination and decision making on the part of the registrant, thereby enhancing the likelihood of a stable suitable care arrangement and retention in job placement. Often choices are limited where resources are in short supply. At a minimum, the parent (and the child where indicated) should understand the limits in choices and quality as such circumstances exist.

d. In discussing care alternatives, the SAU worker must also explain the importance of stability and continuity of care, the length of time WIN-funded child care payments are permitted, and the availability or child care (the same arrangement of another) after WIN-funded care is terminated.

e. Plans should include not only a suitable day-to-day plan but also contingency plans for times when the regular caregiver is not available, or the child is ill and cannot be exposed to other children. School holidays and vacations must also be taken into account. Interim or temporary plans may be necessary if an arrangement is awaiting licensing approval or an employment opportunity requires immediate response.

f. In-home and self care plans should receive the same degree of staff attention as other plans.

g. Children of school age should be included in developing the child care plan to the extent feasible.

h. Case records should show the rationale for the care plan selected, including alternate or emergency plans.

6. Criteria for Child Care Plans. In developing plans for suitable child care services, the following factors should be considered by the SAU worker and the registrant:

a. The child's (children's) needs:

1) Assessment of the child's relative development (physically, mentally and emotionally).

2) Dependency on the parent.

3) Readiness and/or need to be in a structured program.

4) Readiness for socialization.

5) Readiness to take responsibility for own activities, i.e., dressing.

6) Special health concerns.

b. Accessibility to:

1) The child's home or school.

2) Parent's place of work.

3) Available public transportation where indicated.

c. Convenience for the registrant and suitability of the hours of the child care with respect to the registrant's schedule.

d. Appropriateness of the matching of the caregiver with the child, i.e., personality, compatability, and acceptability by the parent of the provider's child rearing practices. This is usually based on an evaluation of a trial placement.

e. Parent's relative security that the caregiver will handle the child with sensitivity, affection, and a general understanding of child development and behavior.

f. Possibility of care of all the children in a family in one place if the care is suitable for each child.

7. Implementation of the Child Care Plan.

a. Pre-placement visit. Whenever possible the registrant and child should be encouraged to visit the actual child care setting before the arrangement formally begins. The SAU worker may want to accompany the registrant. At this time, questions such as discipline policies, and other rules and parental concerns should be raised. When time or other constraints preclude a pre-placement visit, the registrant may choose another arrangement, such as arriving early at the child care site or remaining late.

b. Following pre-placement visit, the SAU worker may need to assist the registrant in evaluating the child care situations visited.

c. A trial placement of a specified time is very useful. The parent should accompany the child and remain for

some time the first day. It is incumbent upon the SAU worker to encourage and help parents to provide a full picture of the child: the needs, behavior, likes, dislikes, attention span, food preferences, and physical and emotional stages of development (e.g., toilet training information, verbalization and sociability).

d. An evaluation of the trial placement should be made after a specified duration of time (3 days to 2 weeks) with the understanding that the parent, child (in the case of the school-age child) or operator may determine if placement is suitable.

e. Additional follow-up will be necessary to assure continued appropriateness of the care arrangement. Adjustment and attendance are frequently critical factors in evaluating the effectiveness and quality of the child care service provided. Any registrant complaints should be pursued immediately by the SAU worker.

f. After the child has entered into a child care program, there should be periodic discussions with the parent concerning the child's development and the parent's evaluation of the plan. Opportunities should be given to voice any worries or apprehension about the child. After the trial placement evaluation, the SAU worker should check back with the parent no later than one month after placement. The SAU worker may find it advisable to visit the child care setting if any problem areas are indicated.

g. In addition to individual meetings with parents, group meetings may be held at convenient times for open discussion of child care plans and the child care program. Group meetings offer (given adequate budgetary and staff resources) an appropriate setting for discussing child development and child rearing.

8. State and Local SAU Responsibilities with Respect to Child Care.

a. Since the registrant may choose the type of child care, but may not refuse to accept child care services if they are the only ones available and suitable, the agency must establish sound criteria and use good judgment in determining the suitability of a child care plan. Protection of children is a top priority in assessing availability and suitability of child care and SAU workers must be alert to any indications of potential child abuse or neglect.

b. The SAU should assume leadership in continuous planning and coordination among agencies and community groups concerned with child care. Collaboration with various public and voluntary agencies, private organizations, planning groups such as Community Coordinated Child Care (4-C's), Health and Welfare Councils, Community Action Groups, and other indigenous groups or parent councils is necessary for orderly planning and the development of resources by the agency to meet its responsibilities.

c. Adequate plans should be developed for orientation of registrants about the types of care available, the pros and cons of each type of care in relation to the healthy growth and development of the child, and the importance of stability and continuity of care. Involvement of registrants is essential to the program and they must understand the need for their active participation in child care planning.

d. All types of child care paid for and used by the agency must meet the Federal Interagency Day Care Requirements, and/or applicable state and local requirements. Knowledge of these standards is necessary for the development of child care arrangements in child care facilities or in homes and must be kept in mind when resources for child care are being investigated.

e. A plan for monitoring and evaluating all child care services provided through WIN should be prepared. The SAU is responsible for assuring that children receive child care services which meet state and federal standards and which are otherwise suitable to their needs. This responsibility may be delegated within the welfare agency.

f. The State SAU may operate child care facilities and in-home programs directly, obtain services from others without costs, or purchase services from qualified suppliers of child care. These include public, private non-profit or profitmaking agencies and organizations, or individuals. Agreements with facilities, agencies or organizations should cover in detail, among other items, the services to be purchased, the responsibilities of the facility, agency or organization, the rates and method of payment, the total costs involved, and the billing procedures. All agreements must meet the requirements of 45 CFR 226, and the administering agency cannot abrogate its responsibility for accountability and compliance with child care requirements by purchasing services.

g. <u>In-Home Care and "Free" Care Arrangements</u>.

1) The SAU should assume responsibility for offering assistance to registrants in arranging for in-home care

(if this is the most suitable plan), particularly in areas where day care facilities are not developed or fail to meet the required standards.

2) In-home care must meet applicable State standards, that at a minimum, include requirements with respect to:

a) Caregiver's age;

b) Physical and emotional health;

c) Caregiver's physical and emotional capacity and available time to care properly for children;

d) Minimum and maximum hours to be allowed per 24-hour day for such care;

e) Maximum number of children that may be cared for in the home at any one time; and

f) Proper feeding and health care of the children.

3) In addition, the care should provide opportunities for healthy growth and development of the child physically, socially, mentally and emotionally. the surrogate parent should also understand his/her role in relation to the natural parent and should be able to support and strengthen the parental role.

4) When relatives, friends, or neighbors provide care, the strict application of State standards may not be possible as when agency-supervised child care services are utilized. State standards, however, will be adhered to as closely as possible.

5) Care at no cost to WIN, i.e., "free" care by relatives in the registrant's home, does not relieve the SAU of its responsibility to the WIN registrant to assure the care is stable, suitable and in the best interest of the child.

6) When care is given in the child's own home the agency should offer to help the registrant understand and carry out the role as an employer. The registrant and the care giver should understand:

a) Minimum wage coverage requirements, and method of payment;

b) Requirements for payment of Social Security taxes for the caregiver;

c) Hours of work;

d) Children to be cared for;

e) Discipline to be exercised;

f) Rules for children to obey; and

g) How emergencies will be handled, including medical treatment authorizations.

The SAU should take the initiative in upgrading in-home care through such approaches as home visits to meet with parents or caregivers, caregiver meetings and establishing toy libraries.

h. Paid Care in the Home of a Relative, Friend or Neighbor. When care is given in the home of a relative, friend or neighbor there should be agreement and understanding about the care to be given:

1) Amount to be paid and method of payment;

2) Hours of care, when children will arrive and when they will be picked up;

3) Meals to be provided;

4) Discipline to be exercised;

5) Degree of independence children may exercise;

6) Additional SAU approval requirements; and

7) How emergencies will be handled, including medical treatment authorization.

As in the provision of free care arrangements, the application of State standards will be adhered to as clearly as possible.

i. Firm and realistic plans should be developed for the training and supervision of agency staff who will carry responsibility for child care arrangements under WIN. Training of caregiver personnel should also be planned. Caregivers for in-home care are especially in need of additional training and support.

9. Development of Child Care Resources. Development of adequate child care resources is one of the key factors toward the success of the WIN program. The SAU is responsible for interpreting not only the child care needs of the WIN population, but for assuming an active role in promoting the development of resources within the agency and in the community to meet such needs. The role of SAU in the area of child care resource development is:

a. To conduct periodic studies of the child care needs of existing and potential WIN registrants.

b. To identify the child care resources available, including contracted slots at existing day care centers, family and group day care homes;

c. To participate in planning and coordinating the child care services in the community including those relating to the child care activities under the Title XX social services agency.

d. To investigate the availability and cost of local resources for children's medical examinations and transportation to care facilities.

e. To keep informed and provide information to caregivers about funding resources available to defray day care costs (e.g., Department of Agriculture Child Care Food Program).

10. Emergency Child Care Service.

a. As part of the planning process, the SAU should stress the importance of the registrant's informing the SAU immediately if the child care plan breaks down. Good planning, trial placement, and overseeing minimize breakdown of care.

b. The SAU is responsible for providing or arranging for temporary, emergency child care services when (1) no immediate and permanent arrangement is possible; (2) care is needed for a short-term period; or (3) an emergency situation arises, disrupting the established child care plan, such as the illness of the provider or child or the unavoidable absence of the provider.

c. Emergency care is not a substitute for long-term care. It should be provided only until a permanent child care plan can be established or the regular plan can be resumed. If possible, no child should be placed in an emergency care arrangement for more than 10 work days at any one time. During this period, permanent child care arrangements should be developed.

d. Emergency child care arrangements should meet the same standards as regular arrangements.

e. Homemaker services can be used to provide emergency or temporary care in the event of breakdown in child care arrangements.

11. Financial Arrangements for Child Care.

a. The social services agency's methods of charging child care and other related expenditures as services costs should be thoroughly understood by SAU staff. The time lags for reimbursement of caregivers should be known and that information explained to them and to the registrant. SAU staff must be able to explain the variation in costs for different types and quality of care.

b. Medical examinations for children of WIN registrants, which are required for acceptance in a child care program, should be charged to WIN as child care costs if they are not available under Title XIX (Medicaid).

c. Costs of the transportation to and from child care locations of a child of a certified registrant may be charged to WIN.

d. Child care may be provided through WIN for children not in the AFDC grant if these services are not available elsewhere and if it is determined that these services are necessary for employment.

e. If a registrant declines to accept child care services arranged by the SAU and prefers to make other arrangements, WIN funds may be used to pay for such alternative arrangements, if the arrangement will not be more costly to WIN than the WIN arrangement; if the alternative arrangement will not conflict with the registrant's participation in WIN; and if the arrangements are within the Federal Interagency Day Care requirements as amended by Title XX, or is deemed more suitable to the child's needs.

12. Relationship to Social Services/Child Care Services Unit. If the local social services office has a separate Child Care Unit, the SAU should establish and maintain open communication with this unit to assure adequate representation of WIN child care needs. The social services office may assume responsibility for arranging WIN child care for registrants.

D. Family Planning Services.

1. Definition. Those services necessary to enable appropriate individuals (including minors) to voluntarily limit their family size or to space birth of their children. Among these services are: counseling, education, and medical services (including diagnosis, treatment, drugs, supplies, services, and related counseling furnished, prescribed by, or under the supervision of a physician).

2. Programmatic Implications. For a woman, an unwanted pregnancy can disrupt or even terminate a WIN training program or affect her ability to obtain and keep a job. For a man, an unplanned addition to the family may result in a need to change his vocational goal in order to earn a larger income which may be beyond his ability to achieve. For a family unit, the presence of another child might create tensions and other problems which might disrupt the wage earner's capacity to be a productive worker and might ultimately result in loss of employment. These implications should be discussed with registrants to determine whether they desire a referral to family planning services.

3. Selected SAU Case Management Responsibilities. The SAU worker should:

a. Inform registrants about family planning services;

b. Counsel registrants who have problems related to family planning;

c. Refer registrants to family planning services; and

d. Assure that services are provided.

4. Provision of Services.

a. Acceptance of family planning services is completely voluntary. Acceptance may not be a prerequisite or an impediment to eligibility for any other WIN service.

b. The SAU worker should inform registrants about family planning services available to all members of the family. SAU staff should know the location and hours of neighborhood medical resources and any requirements, such as the need to make appointments. Those registrants who wish to follow through on their own should receive every encouragement to act independently. Others may wish referral for special counseling or to a medical facility.

5. Financial Arrangements for Family Planning Services.

a. Since family planning is a required service under Title XIX, the Medicaid program is the primary resource for family planning services for registrants. However, if the individual is not eligible for Medicaid, Title XX or WIN funds can be used for the purchase of such services.

b. The SAU worker should advise the registrant that family planning services are available not only through neighborhood health clinics but through private physicians. The registrant has the right to choose the medical provider. Registrants may need reassurance that medical and other essential expenses will be met by the agency.

c. Transporation and child care expenses may be paid when these are necessary to enable the registrant to use medical resources.

E. Selected Vocational Rehabilitation Services.

1. Definition.

a. Those services and goods necessary for an individual with physical or mental barriers to be rendered employable. Among those services and goods are: evaluations of rehabilitation potential, including diagnostic and related services; counseling, guidance, referral and placement services; vocational and other training services; mental restorative services; income maintenance during rehabilitation; interpreter services for deaf individuals; reader services for the blind; occupational licenses; tools and equipment; and transportation.

b. A host of restorative services is also available to correct or substantially modify physical or mental conditions. They include but are not limited to surgery, psychiatric treatment, prosthetic devices, speech or hearing therapy, eyeglasses and visual services and dental care.

2. Programmatic Implications. For registrants who have never worked or who have been out of work for a long time, the work evaluation--"work sampling"-- and restorative services provided by vocational rehabilitation services help to prepare registrants to apply for and function in unsubsidized employment appropriate to the registrant's skills and capabilities.

3. Selected SAU Case Management Responsibilities Services. SAU workers should:

a. Inform registrants about vocational rehabilitation services;

b. Counsel registrants who have problems related to vocational rehabilitation;

c. Refer registrants to vocational rehabilitation services;

d. Assure that services are provided; and

e. Assist registrants in following prescribed rehabilitation plans.

4. Provision of Services. Exposure of the WIN registrant to the vocational rehabilitation agency for a selected medical service may reveal the need for a more comprehensive vocational rehabilitation program. If this is the case, SAU staff must consult with WIN E&T staff. If the facts indicate that the individual should have been exempt, the SAU may recommend to the WIN E&T staff that the individual be deregistered and referred to the vocational rehabilitation agency.

5. Financial Arrangements for Vocational Rehabilitation Services.

a. Such therapeutic or restorative services may be purchased with WIN funds only when they are not available through the vocational rehabilitation agency and when they are necessary to fulfill goals stated in the EP.

b. The vocational rehabilitation agency may offer, on a purchase-of-service basis, access to such services as work evaluation or sampling, additional testing, and sheltered workshops.

F. Homemaker Services.

1. Definition. Those purchased WIN services provided by a trained and supervised homemaker to a particular WIN registrant in the registrant's home for the purpose of strengthening the functioning of that registrant's family and assuring that emergency barriers to employment will not be incurred. Also, formal and informal instruction and training in maintenance and care of the home, preparation of food, nutrition and family life.

2. Programmatic Implications.

a. The coverage of emergency home situations and the provision of home management instruction in the home gives the registrant confidence in handling regular participation in WIN activities and preparation for entering the work world, where household responsibilities must not interfere with work.

b. Home Management. These services may be required by single parents as well as dual parent families registered with WIN. The single parent is responsible for maintaining a household while engaging in work or training. This may require assistance in organizing daily activities in a manner to permit the registrant to change life patterns acquired during a sustained period of unemployment. The dual parent family may have shifted household responsibilities to 1 parent during a period of unemployment which will have to be relinquished when there is a resumption of work. In dual parent households, both parents may require assistance in reorganizing their life patterns, allowing for a shift of responsibilities to the non-working parent.

3. Various Examples of the Use of Homemakers. Homemakers are used to provide:

a. Temporary child care to enable a registrant to participate in WIN in particular situations where the age of the children, their number or physical condition make the use of the Homemaker Services the most practical, economic and adequate means of providing suitable care;

b. Necessary help and instruction on a one-to-one basis to assist a registrant in organizing household responsibilities; and

c. Care of the home and family of a registrant during a period of illness or absence by the regular caretaker, or illness of a child making the regular outside child care arrangement infeasible.

4. Selected SAU Case Management Responsibilities. The SAU worker should:

a. Inform registrants about homemaker services;

b. Counsel registrants who have problems related to homemaker services;

c. Arrange for homemaker services and provide for payments; and

d. Assure that services are in place.

5. Provision of Services. Such services must be provided in accordance with recommended standards of related standard setting organizations such as the National Council for Homemaker-Home Health Aide Services, and the Child Welfare League of America.

G. Money Management.

1. Definitions. Formal and informal instruction and training in budgeting, consumer education and managing indebtedness.

2. Programmatic Implications.

a. Money Management. Individuals entering the world of work may need assistance in planning for the use of wages, credit buying and consumer education. Some registrants may give indications of an inability to handle money (e.g., considerable amount of indebtedness or a number of installment loan payments). Significant indebtedness may signal possible garnishment of wages or the registrant may feel so overwhelmed that any wage would seem unable to alleviate the indebtedness problems.

3. Selected SAU Case Management Responsibilities. The SAU worker should:

a. Determine the need for these services;

b. Arrange for provision of services;

c. Counsel registrant who may have problems related to money management; and

d. Educate registrants, either individually or in a group setting, in money management.

4. Provision of Services.

a. Local legal aid societies will be able to provide information on the various programs and agencies which can assist an individual with financial problems. Title XIII (the Wage Earner's Plan) of the Bankruptcy Act of 1930 offers court supervised debt liquidation services,* which includes prevention of

*Contact trustee for Chapter XIII Wage Earner's Plan, U.S. District Court, for information.

garnishment from creditors during the operation of the plan; community sponsored consumer credit counseling services, found throughout communities in the United States, offer free counseling services in consolidation and liquidation of debts.

b. Consumer education information can be secured from government publications, State extension services, Better Business Bureaus, and often from manufactureres and large grocery chains.

H. Housing Improvement Services.

1. Definition. Those services required in order to assure that registrants may live in, or continue to live in, adquate (safe, financially feasible, and sanitary) housing.

2. Programmatic Implications. WIN registrants may be subject to problems of inadequate housing that plague low-income individuals. Some of the problems may have greater impact on them however, for their participation in a work or training program makes certain demands--such as accessibility to transportation, reasonably good health, and peace of mind.

3. Selected SAU Case Management Responsibilities. The SAU worker should:

a. Help to secure basic household furnishings;

b. Work to improve landlord/tenant relations;

c. Identify and work to obtain corrections to sub-standard housing code violations;

d. Assist registrant to obtain or retain home ownership;

e. Assist registrant to relocate to more suitable housing.

4. Financial Arrangements for Housing Improvement Services.

a. Housing and relocation costs, including construction, renovation or repair, moving of families or individuals, rent, deposits, and home purchase may not be claimed as service costs. Some State Title XX plans provide special funding to alleviate sub-standard conditions through State programs.

b. The SAU staff should be prepared to refer registrants to housing locater services (size, location, freedom from hazards, cost, helping with landlord/tenant relations, working

with landlords or code enforcement officials to secure correction of hazardous conditions, and the like). In agencies where there are staff specialists in these areas, they could serve WIN participants on a cost-allocated basis.

I. Transportation Services.

1. Definition.

a. Escort Services. The accompanyment of a WIN registrant to and from needed social and health services by another individual when for health or mental barriers, the registrant is unable to reach those services by himself/herself. The accompanying individual is any responsible individual approved by the SAU worker, to include the SAU worker, a friend or relative.

b. Transportation Services. Those services which enable a registrant to travel (with escort service if necessary) to and from needed social services included in a registrant's Employability Plan and to sixty-day counseling.

2. Programmatic Implications. WIN registrant access to or use of transportation may be very limited. As participation in WIN components or employment often requires social services being in place at a certain time, available transportation is crucial to WIN registrants.

3. Selected SAU Case Management Responsibilities. The SAU worker should:

a. Determine the need for services;

b. Arrange for services;

c. Provide payments for services;

d. Counsel registrants who have fears and problems related to using transportation;

e. Educate the registrant in the use of transportation; and may

f. Provide escort service to a registrant.

4. Financial Arrangements for Providing Transportation Services.

a. The cost of transportation is an inherent part of the service to which it is related. Therefore, transportation costs to gain access to and social service approved by WIN

employment and training staff is matchable at 90 percent provided such a cost is not otherwise provided for by another program.

b. The SAU should develop a procedure to arrange for transportation costs in advance so that individuals do not have to pay out-of-pocket for them. Where available, transportation may be provided directly by the SAU as escort service. The SAU may also contract with taxis or jitney buses to provide transportation services where public transportation is not available. Gasoline mileage for use of the SAU's personal auto for escort service may also be paid.

J. Other Social Services.

1. Definition. Those services not already described above which may be arranged through WIN when they are determined necessary in order for a registrant to seek or retain employment.

2. Programmatic Implications. In addition to the more commonly required social services listed above, registrants may require a range of additional social services in order to become employed.

3. Various Examples of Other Social Services.

a. Educational Services. The SAU should be familiar with educational resources available in the community and should assist WIN registrants to secure services which would assist them in overcoming educational barriers to employment.

b. Legal Assistance. Legal assistance is often needed to remove a barrier to employment. These services can often be obtained from the various agencies which serve the low income community (i.e., Legal Aid services, welfare rights organizations). Circumstances which may necessitate legal intervention and which are employability related are: housing problems, marital status, support payments, legal situations of dependents or job discrimination.

4. Selected SAU Case Management Responsibilities. The SAU should:

a. Identify necessary services;

b. Arrange for necessary services;

c. Counsel registrants who have problems related to receiving services; and

d. Coordinate with the WIN E&T agency to prevent potential conflicts in service provision.

IV. Form and Instructions. A facsimile of the Request for Adult Medical Examination (DPW-161) follows.

IV. Form and Instructions - Continued.

A. Request for Adult Medical Examination (DPW-161).

1. Facsimile Form DPW-161.

IMM VII-2370

DPW 161
(8-75)

MINNESOTA DEPARTMENT OF PUBLIC WELFARE

REQUEST FOR ADULT MEDICAL EXAMINATION

SECTION I (to be filled out by case worker)

County case # _____

Name	Date of birth	Sex	Marital status S M D W Sep
Address	City	State	ZIP Code
Usual occupation			
Last job held (include dates and nature of work)			
Physician currently giving care		Hospital	

_____ County Welfare Department, _____ Minnesota.

_____ Case worker _____ Director

AUTHORIZATION TO RELEASE INFORMATION

I hereby give my permission to any licensed physician and/or care facility to provide the information requested on this form to the above-named agency.

_____ Date

_____ Signature of applicant or guardian

SECTION II—MEDICAL REPORT

NOTE TO PHYSICIAN—A report on the back of this form (or, in lieu of this form, on the physician's own stationery) should describe the patient's current medical condition in sufficient detail and contain objective clinical signs, laboratory findings, X-ray findings, and/or psychometrics to support the diagnosis submitted. This is an investigation of the severity of the patient's physical and/or mental impairment or combination of impairments, so that an evaluation of the patient's remaining capacity to engage in substantial gainful activity or to successfully engage as a homemaker can be made. This report is to be dated and signed by the examining physician and returned to the county welfare agency listed above, along with this official form.

NOTICE TO THIRD PARTIES: Minnesota Statutes 15.162, allows recipients access to recorded data. Be informed that upon request of the recipient or his or her legal representative, this Department is required by law to provide them the information contained on this form. Any statements included in the client's file may be open to his or her inspection.

List on reverse side:

- Present complaint
- Review of impairments by organ systems
- Descriptions of major impairments with pertinent quantitative measurements as indicated (blood pressure, pulmonary function tests, cardiac work evaluation, range of motion, neurological deficits, visual and hearing acuity, etc.)
- Laboratory and X-Ray finds (pertinent)
- Evaluation of emotional stability and mental capacity
- Appraisal of the degree of physical or mental impairment
- Care and treatment indicated (in general terms)
- Diagnoses, major and minor

1. Facsimile Form DPW-161 - Continued.

MEDICAL REPORT

Patient's name _____ Height _____ Weight _____

Pregnancy:

Estimated date of conception _____ Date of first day of last 3 months _____

Estimated date of delivery _____

(please type)

Physician's name			Address	
City	State	ZIP Code	Date of examination	Physician's signature

CHAPTER EIGHT

WIN STATUSES AND APPROPRIATE WORK CRITERIA

Content: This chapter describes the WIN components and other statuses to which a registrant may be assigned and provides the appropriate work and training criteria to be used in making such assignments.

I. Status. Each WIN registrant who is an AFDC recipient must be assigned to a WIN component or other status. The following are considered components: Intensive Employability Services, Institutional Training, Work Experience, On-the-Job Training, Public Service Employment, and Suspense. Registrants must be certified to enter components. With the exception of UPs, working registrants, those in adjudication, and unassigned receipients need not be certified. A WIN registrant may be assigned to a status or component as follows:

A. Working Registrant Status. A registrant is a working registrant if he/she is working in full-time, unsubsidized employment regardless of duration. Full-time is defined as a normal 40 hour work week except where fewer hours are normal to the occupation, but never less than 30 hours per week. Employment may be with more than one employer.

B. Intensive Employability Services Component (IES).

1. Purpose. The IES component involves certified individuals intensively in the job-seeking process. This component provides concentrated placement efforts by the WIN staff to assist registrants in obtaining unsubsidized employment.

2. Registrants Appropriate for Assignment to IES. Local staff have considerable flexibility in deciding who to assign to this activity.

a. Potential participants for this component can be drawn from new registrants, transfers from other components, or from the unassigned recipient pool. These would be individuals whose background did not seem to be the factor that kept them from getting a job, but who appeared to be at a disadvantage in regard to the quality and quantity of their job seeking efforts.

b. As a general rule, any individual who would not appear to require additional skill training, remedial education, intensive counseling, or other significant program services in order to secure unsubsidized employment would be appropriate for the IES component.

c. Research studies have indicated that for many unemployed, the causes of their situation were personal and largely superficial and that many would benefit from an IES-type program that would develop their job seeking skills and build their confidence.

3. Certification Prior to Participation. All registrants enrolled in this component should have the necessary social services arranged prior to their participation, as if they were to be employed full-time.

4. Full-time Component. IES is a full-time component. Participants must be paid TRE and incentive allowance and social service needs must be met.

5. Technical Assistance and Training. Technical assistance and training related to the design, implementation and operation of an IES component is available through the State WIN Office.

6. State Standards for Participation.

a. Before entering IES, registrants must:

1) Be job ready, i.e., possess the necessary skills, knowledge, and abilities to perform the jobs specified as their occupational goals in their employability plan;

2) Have any needed SAU services certified;

3) Have a completed and signed WIN Certification and Employability Plan (WIN-31).

b. During IES participation, registrants must:

1) Make at least 1 face-to-face contact with an employer, be engaged in job-seeking skills training, or attend an interview at the WIN office (scheduled by WIN staff) in order to be paid incentive and TRE for the day;

2) Participate in developing a list of employers to be contacted;

3) Complete a Record of IES Activities (WIN-8) for each pay period.

c. The assignment of a WIN registrant to this component involves the following WIN staff responsibilities:

1) Provide the registrant with labor market information;

2) Provide training in job-seeking skills;

3) Provide orientation to the world of work (increasing the registrant's awareness and understanding of the attributes, such as effective work habits, necessary to get and hold a job);

4) Refer the individual to appropriate job openings from the active job order file;

5) Check closed order files, and other job information resources (newspaper ads, telephone directories, the staff member's experience, etc.) for job development possibilities;

6) Call or visit employers to develop specific employment openings;

7) Schedule and conduct regular interviews with the registrant throughout the job-seeking process;

8) Follow-up on each referral;

9) Insure that each registrant understands the IES Agreement (WIN-9), and how to complete the Record of IES Activities (WIN-8);

10) Conduct a daily placement group meeting, if feasible, requiring the attendance of IES registrants. These meetings can be used to: develop a schedule of employers to whom the individuals can apply; make job referral calls; check on personal appearance; lead group discussions on problems experienced by individuals in looking for work; and discuss the results of employer contacts.

d. WIN Payments. Necessary supportive services will be provided to enable registrants to engage in this component to the degree specified in the IES Agreement (WIN-9). The registrant will be paid incentives and training-related expenses only for those days on which s/he performs satisfactorily in accordance with the IES Agreement (WIN-9).

e. Duration of IES Activities.

1) A WIN registrant should be involved in IES prescribed activities for sufficient time to allow a thorough and continuing exposure to available jobs in the community. The maximum length of time in IES for any registrant, however, may not exceed 6 weeks per registration. After 6 weeks, an individual who has not been placed in employment must be reassigned to another status. Exception: Employed registrants who as a result of income disregard are not deregistered and who subsequently become unemployed will be eligible for up to 6 more weeks of IES participation, incentives and TRE payments included.

2) If no employer contact is schduled or performed during a full pay period, the registrant must be reassigned to another status.

3) All signed Records of IES Activities (WIN-8) must be maintained in the registrant's folder to serve as evidence that incentive and TRE payments were made only for activities performed.

f. Job-Seeking Skills Instruction.

1) This phase of IES should be flexible and should focus on the needs of each registrant in the component.

2) Subjects that may be covered include job-interviewing techniques, discussion of the local job market, application writing, attendance and punctuality, following instructions and taking supervision, grooming on the job, relating to fellow employees, what to expect from employers, the meaning of the employer's personnel practices, labor unions, and supportive services related to employment.

3) This training will usually be given to selected job-ready individuals during the first 2 or 3 days of assignment to the IES component.

g. IES Agreements. When a registrant enters the IES component, the Intensive Employability Services Agreement (WIN-9) will be prepared and signed by both the registrant and the WIN case manager. This agreement will indicate what will be considered to be satisfactory participation by the registrant while s/he is in IES. At a minimum, a registrant will be scheduled for 12 hours of activity each week.

h. Job Placement.

1) All WIN prescribed activity in this component must be directed to placement in appropriate work, as defined in Section III of this chapter.

2) No sanction for refusal to participate may be applied if a registrant refuses employment which does not meet WIN standards for appropriate work.

3) All job referrals, job development contacts and results must be recorded on the Application Card (MDES-511).

7. IES Design. Local IES program design variations should be developed cooperatively by the E&T agency and the SAU to assure timely provision of social services and input by SAU caseworkers regarding registrant motivation and problems. The SAU should participate [Continued on the next page]

to the fullest extent possible, including participation in IES sessions as group leaders or as resource persons.

a. Traditional IES.

1) Job-Seeking Skills Development. Initial involvement in IES should include instructional activities which will prepare the individual for the actual job-seeking which follows. The goal of job-seeking skills development is to train the registrant to successfully seek and obtain appropriate employment. This training should enable the registrant to become self-sufficient by teaching him/her how to conduct himself/herself both in a job interview and on the job. Equally important, participants should be counseled regarding job retention.

Subjects appropriate for inclusion are: self assessment, job lead development, job interviewing techniques, discussion of local job market information, application writing, attendance and punctuality, following instructions and taking supervision, grooming for the job, relating to fellow employees, what to expect from employers, the meaning of various employer personnel practices, labor unions, and social services related to employment.

2) Job Seeking Plans.

a) The WIN E&T agency staff will assist each assigned registrant in developing a specific plan for looking for work. This plan will outline the kinds and frequency of activities expected of the registrant. Individual needs of the registrant will determine the amount of job seeking training, job referral, and counseling that takes place.

b) WIN E&T staff should look to additional sources of potential employment which are appropriate for the individual. Based on information available from the job bank, staff experience, newspaper ads, the Yellow Pages of the telephone directory and other local sources, WIN E&T staff shall provide job-ready individuals with the maximum appropriate amount of job-seeking activity each week. In addition, the job-ready individual should be encouraged to develop his/her own list of employers to contact.

c) The WIN E&T agency staff will develop job leads and schedule employer contacts. If appropriate job orders exist, referrals should be made.

3) Services to be provided shall include:

a) Development of job-seeking and retention skills;

b) Exposure to labor market information;

c) Job development;

d) Job placement;

e) Orientation to the world of work;

f) Scheduling and conducting interviews with individuals throughout the job-seeking process.

b. Group IES Job Seeking Activities.

1) Definition. A full-time structured group activity, which is supervised by WIN staff, in which participants learn job seeking and maintenance skills and conduct job search activities.

2) Basic elements of the activities.

a) Skill Transfer. There are certain skills associated with this approach to finding work. Clients are taught how to assess their abilities and decide on job areas; how to locate job openings from sources other than want ads and job banks; how to make contact with the person directly responsible for hiring; how to use the telephone effectively; and how to present themselves in the best possible light, both on paper and in person.

b) Breaking the Inertia of Unemployment. By requiring full-time, daily attendance (as if employed) at group sessions or in supervised job seeking activities, participants cannot slip into habits of sleeping late, watching television, or depression which are common to chronically unemployed people. By requiring daily activities and providing a framework for them, a more positive attitude towards job seeking is usually achieved.

c) The Use of the Group to Build Confidence. The experience to date suggests that the peer support generated by the group process in job finding skills programs is crucial to increasing the receptiveness to the job seeking techniques and to intensifying positive attitudes and minimizing the tendency to fall into the bad habits and depression associated with unemployment. It is common to see criticism, advice and suggestions taken more seriously and less defensively by a participant from a fellow group member than from a counselor or group leader.

3) Criteria for Group Job Seeking Activities. As part of the IES component, group job seeking activities will emphasize innovative methods of seeking employment with the client responsible for most aspects of job development. These activities shall be structured on a group basis. The following are a list of criteria for the component:

a) Certification by SAU. Individuals must be certified by SAU with no significant mental or physical barriers to employment.

b) Individual Responsibility for Conducting Job Seeking Activities. WIN registrants who have been designated to participate shall be taught how to conduct their own job seeking activities. They will take responsibility for deciding what type of job to look for; assessing their abilities; finding the job; and deciding whether to accept it.

c) Required Instructional Material. As part of the program, instruction shall be presented to the participants on locating job openings, world of work preparation, getting ready for job interviews, resume writing, and development of job leads from a wide variety of sources.

d) Use of Group Setting. The use of a group setting to reinforce individual motivation; build confidence; provide peer group support; intensify the effects of the instructional materials; and avoid feeling of isolation and depression on the part of the job seeker shall be a significant part of the program. Confidence building is as important as skill training.

e) Staffing. Group job seeking activities require frequent staff-client contact and shall be structured around full-time daily supervised job seeking. The activity should be considered as a full-time activity in search of a job. The equivalent of at least one full-time staff member should be assigned to group job seeking activities. Staff members assigned to IES may come from the E&T agency and/or the SAU. The various parts or tasks involved in conducting IES should be performed based on staff capability regardless of agency affiliation.

f) Telephone as Primary Contact. Emphasis should be placed on the use of the telephone to locate job openings and set up appointments for interviews rather than visits or letter writing. The emphasis on the use of the telephone provides for more efficient use of time and often provides more personal contact with potential employers than alternative methods do.

g) Individual Counseling. Opportunities, where appropriate, for individual counseling and job development assistance should be available.

h) Group size. Group size should be limited. Groups seem to function best with less than 20 registrants per counselor. However, less than ten is considered too small to generate sufficient interaction or for efficient use of staff. Fifteen participants is considered optimal group size.

i) Duration. The group job seeking activity shall be of extended duration: no less than two weeks or until a job is acquired.

j) Reassessment of An Unsuccessful Participant. After a maximum of six weeks, a participant who has not located a job shall be reassessed and assigned to an appropriate component or Unassigned Recipient status. This reassessment can take place earlier when judged appropriate by the group leader.

4) Other major program considerations:

a) Participants are encouraged to "cold call" employers, using family, friends and the Yellow Pages as sources, instead of relying on specific job openings indicated by want ads and employment agencies.

b) The program attempts to provide all the material and facility support necessary for a job seeker such as a telephone, telephone directories, writing materials, photocopying equipment, and newspaper ads, so that the search will not be hindered by the lack of materials or facilities.

c) The program shows a job-seeker how to obtain interviews for positions that have not been publicized or which in fact may not even yet exist, thereby avoiding the intense competition which otherwise arises with multiple applicants for a single position. They are taught how to get "past the personnel person" to the individual who makes the hiring decisions.

d) All job seeking activities occur within the structured supervision and encouragement of the sessions, requiring none of the activities to be carried on outside of the sessions, with the necessary exception of the actual job interview.

e) The programs stress the personal and social skills of the individual in addition to the job-related skills which are ordinarily emphasized. These personal and

social attributes are used in the resume, in the interview and in efforts to obtain leads.

f) Participants are encouraged to perform some self-assessment. They are encouraged not to necessarily limit themselves to the type of jobs they had before.

5) Group IES Job Seeking Models. Although the basic frameworks of these programs are similar, each model has its own special approach.

a) Self Directed Placement. In Self Directed Placement, there is a one week course in job-locating skills, interviewing techniques, and confidence building about the job seeker's own ability, skills, and potential.

i) Following the intensive week of teaching and positive reinforcement, the clients are moved into a room equipped with telephone banks where they use their newly learned techniques to begin developing a list of potential employers. Calls are placed to the potential employers with the goal of finding an opening and, if one exists, setting up an interview for themselves. Counselors are available at all times for assistance and encouragement. From these calls interviews are set up and, for most of the clients, employment follows within two weeks.

ii) Members of the previous class are engaged in full-time job seeking at the site. They are brought in to tell the class about their successes and about how they felt only a week before when they were still in class. When interviews are obtained and jobs are accepted, it is quickly communicated to the class that is in session. There is interaction at break time and the "veterans" can tell the "rookies" about their experiences.

iii) The contractor tries very hard to create a "professional non-institutional feel" at the facility. There are carpets on the floor, panelling on the walls, fresh cut flowers in the reception area. (The other program examples are conducted in a regular WIN or CETA office setting).

b) Job Clubs. The Job Clubs interweave skill training and job seeking. A Job Club participant comes into the club every afternoon for the first week (or until he/she finds a job). The time in the club is spent learning skills and establishing interviews with prospective employers. The mornings are spent going out on interviews. Participants are expected to make at least 10 employer contacts a day or establish at least two interview appointments.

i) Participants are paired up for activities. As one "buddy" makes a phone call, the other listens in and critiques it. Neither of the other two models uses this technique; participants may be put into subgroups for certain activities, but not for all. Participants' progress is monitored and, as they find jobs, they are held up as success stories for the others. This technique is common to all the models.

ii) If a job has not been found by the end of a one week period, he/she will reverse the schedule and return every morning to the club and interview in the afternoon until a job is found. One counselor usually runs each club, which averages 12 participants.

iii) The Job Club does not rely on WIN listed positions and few of the obtained jobs are subsidized. The Job Club leaders average 252 clients per year; services such as personal counseling and testing are provided as necessary by the Job Club leaders as part of his/her duties.

c) The Job Factory. The Cambridge, Massachusetts CETA Job Factory is held four times a year and has a maximum duration of four weeks. Participants must spend all day involved in job seeking activities but no particular time of day is allotted to a specific activity. No specific goal for number of contacts is set. The Job Factory enrolls about twenty participants and two staff members operate it with a team approach. Team membership is rotated so that almost everyone in the office is involved at some time. This provides more diversity for counselors; helps to avoid their getting "burned out"; and promotes integration of the Factory into normal office routine.

C. Institutional Training.

1. Definition. WIN Institutional Training is vocational or other classroom training by an instructor in a nonworksite setting. The WIN program's provision of financial support inherent to the training, constitutes the distinguishing feature between WIN Institutional Training and Suspense to Training. Normally, such financial support consists of support for: tuition, admission and related fees, books, and special equipment/tools/kits necessary for the training.

2. Types of Institutional Training. Several types of training that may be offered to registrants who require further employability development assistance to become "job-ready" are grouped under the general heading of "Institutional Training." It includes both skill training and other classroom training.

a. Skill Training is vocational training for a specific occupational area conducted by an instructor in a nonwork-site (or classroom) setting.

b. Other Classroom Training provides general education and employment-related education conducted in a classroom setting. However, the training is not related to a specific occupational skill. It includes at least three types of education:

1) General Education Development (GED) is training provided to individuals who require a high school education or its equivalent in order to obtain appropriate employment. The training prepares the individual for the GED test for a high school equivalency certificate.

2) English as a Second Language (ESL) is classroom training for those who are non-English speaking, but literate in their native tongue. It should provide them with sufficient command of the English language to compete in the labor market or to participate in training.

3) Basic Education is training in basic reading, writing, and arithmetic skills necessary to bring the individual to the level of competence required in the employability plan.

3. Training Guidelines.

a. Institutional Training programs will be utilized only by individuals for whom such training is likely to lead to regular employment. Moreover, the training must be related to jobs which are, or are likely to become, available in the WIN project area.

b. WIN funds must not be spent to train individuals for occupations with a history of low retention. Before developing a training opportunity, area job market information must be screened to ensure that job vacancies are not caused by high turnover due to substandard wages or working conditions.

c. Long-term career opportunities as well as short-term prospects must be taken into account in developing training opportunities. An expanding field or one with upgrading potential is preferred over a field in which employment opportunities are declining if immediate employment is available in both.

d. Training should not be approved by the WIN E&T agency for occupations that require only minimal skill training or where the employer has traditionally conducted all necessary training for new employees.

4. Partial WIN-funding of Institutional Training.

a. Basic Educational Opportunity Grant (BEOG).

1) General. The BEOG program, which operates under the auspices of the Office of Education, is a Federal student financial aid program designed to assist low-income individuals in the continuation of their training and education after high school or completion of a GED.

2) Vocational trade school and Junior Colleges as well as 4-year colleges and universities participate in this program.

3) Basic grant legislation permits the grant to cover no more than one-half the cost of tuition, although additional money may be included in the grant to cover fees, room, board, supplies and miscellaneous expenses.

4) WIN Use of Basic Grants. Where a registrant is eligible to receive a basic grant, WIN may fund the remaining portion of such Institutional Training. By using the basic grant to represent a portion of the cost of Institutional Training, WIN can maximize the number of registrants to whom Institutional Training can be provided.

b. Where Institutional Training is open to the general public on a nontuition basis, (e.g., local community colleges and public school adult education) WIN may pay for registration fees, books and equipment necessary for participation.

5. Periodic Review of Registrant's Participation. There must be a periodic review of the registrant's participation assure the registrant is making acceptable progress in the training program, attending regularly, and requires no additional social services. This follow-up activity may be performed by either E&T or SAU staff.

6. The registrant is eligible for additional social services related to his/her ability to participate in the component for the duration of the training.

7. Duration of Training.

a. One year limitation. In general, Institutional Training must be of one year duration or less to ensure that the legislative mandate that the average period of enrollment in Institutional Training shall not exceed one year (Sec. 436(a)) is adhered to.

b. Waiver of One-Year Limitation. In selected circumstances, the WIN E&T staff may request a waiver of the one-year training limitation from the Regional Coordinating Committee (RCC) through the State WIN Office. The RCC may be petitioned using the Duration of Training Waiver Request(WIN-18). The request must show:

1) Why the registrant is being assigned to training rather than to employment (including OJT);

2) Evidence that the training is related to jobs which are, or are likely to become, available in the WIN office area (or in an area where the registrant is willing to relocate) and;

3) The anticipated salary potential, welfare grant savings and likelihood of the registrant becoming self-supporting (i.e., off AFDC) upon completion of the training assignment.

The required information, including any additional data which supports the waiver request, must be submitted to the State WIN Office at the time the decision is made to assign a registrant to a program which would cause him/her to exceed a total of more than 1 year in the assignment. The State WIN Office will review the waiver for adequacy and, if appropriate, will forward it to the RCC. In instances where a training assignment has been made in anticipation of RCC approval, the registrant must be informed that s/he may be required to accept an alternative WIN assignment in the event the waiver request is denied. NOTE: Although the duration of an institutional training program may be approved for more than 1 year, training funds where obligated cannot be authorized for more than 12 months at a time.

D. WIN On-the-Job Training (OJT).

1. Description. WIN OJT is an employment opportunity under which a certified WIN registrant is hired and given training under contract with the employer. Employers provide greater-than-average supervision and training and are compensated for employee's nonproductive time and other extraordinary costs.

2. Objectives of OJT. The objectives of OJT are to provide to the registrant in the work situation an opportunity for:

a. Structured skill training;

b. Improvement of his/her present skill level through close supervision;

c. Work experience to bring skills to a level that would be competitive in the market place; or

d. Improvement of his/her marginal employability potential through more substantial supervision and direction than would be afforded normally in an unsubsidized work situation.

In addition, WIN OJT is an employment opportunity where the employer has indicated the intention of retaining the registrant on a permanent basis upon successful completion of the training. Such training should result directly in welfare savings and move the registrant toward self-support.

3. Nepotism in WIN OJT.

a. Definitions.

1) Immediate member of the family. This term includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, and stepchild.

2) Nepotism. Patronage bestowed in consideration of family relationship.

3) Person in an administrative capacity. This term includes those persons who have direct or indirect administrative responsibility for or influence on WIN employees in the contracting agency. This includes all elected and appointed officials of any WIN contract, as well as other officials who have influence or control over the administration of the agency WIN program, such as the project director, deputy director, and persons who have selection, hiring, placement or supervisory responsibilities for OJT employment participants.

b. Policy. Nepotism in the WIN program is prohibited in order to assure equity of hiring, benefits, and rewards among WIN registrants in WIN OJT contracts.

c. Restrictions.

1) The WIN E&T agency and OJT contractors (both public and private) cannot be prohibited from hiring non-WIN sponsored relatives, unless as restricted under Federal, State or local laws.

2) WIN registrants may not be hired pursuant to a WIN OJT contract if they are members of the employer's immediate family or if a member of the immediate family is engaged in an administrative capacity for the contracting agency. Where a State or local statute, regulation or administrative policy

regarding nepotism exists which is more restrictive than this policy, the more stringent restrictions on such employment shall be adhered to in lieu of this policy.

4. General program information.

a. AFDC Status. Registrants in WIN OJT are considered to be employed for purposes of Sections 402 and 407 of the Social Security Act.

b. WIN Status during OJT. Individuals in WIN OJT shall remain WIN registrants until they complete their scheduled OJT contract period regardless of their AFDC status, since they are still active participants in the WIN program.

c. Services to Registrants. Registrants in WIN OJT may receive other WIN services. WIN staff shall visit the employee at the worksite. Time spent counseling shall be considered part of the on-the-job training, with no additional reimbursement to the employer. Social services are available, as needed, on the same basis as for other employed registrants.

d. Developing Training Positions for Individual Registrants. Under the WIN OJT program, many training positions will be developed by WIN specifically for individual trainees.

e. Trainees Already on Board. Where an employer agrees to hire a WIN registrant on an unsubsidized basis in anticipation of a WIN OJT contract, such registrant shall be considered eligible under the WIN OJT contract if he/she is in regular employment with that employer for less than two months before becoming an OJT trainee. However, OJT reimbursement payments shall not be retroactive. The earlier period of regular employment need not be deducted from the training time negotiated for the particular OJT occupation. The employer may be reimbursed for the full training time, although payments commence only for services provided after the contract has been executed.

Such "placements" are not countable as "entry into employment" in the reporting system unless the anticipated contract fails to materialize or after the contract is completed and the employment again becomes unsubsidized. Entry into OJT is not reported until the contract is approved.

f. Counseling. Employers should be notified that an E&T counselor or an SAU worker will be visiting the OJT employee from time to time and that the employee will be called off the production line during these visits. At the same time, employers should realize that they can call the counselor in to assist the employee when the employer feels such assistance is

necessary or helpful. Since time spent in counseling will be considered part of on-the-job training, no special reimbursement shall be permitted.

g. Work-Related Tools and/or Equipment. Tools and/or equipment should, when possible, be included in the WIN OJT contract. The cost of tools is reimbursed at 100 percent of cost. This reimbursement is in addition to the reimbursement for extraordinary training costs. If inclusion in the contract is not possible or practical, work-related tools and/or equipment may be purchased with WIN funds as a nonrecurring expense and assigned to the registrant. For additional information see Chapter IX.

h. Employee Follow-up Services. Evaluation studies have shown that the majority of terminations from OJT contracts occur during the first 30 days. It is therefore recommended that the WIN E&T agency utilize a follow-up system to concentrate attention on the registrant during this crucial time period. An initial follow-up should occur within the first week. The WIN E&T agency may arrange staggered office hours for employment counseling or for SAU staff to counsel OJT trainees and/or their families after working hours. Assistance during this period of adjustment to the world of work frequently ensures a successful placement.

i. Matching Requirements. No matching funds are required.

j. Tax Credit for WIN Registrants. Under the Revenue Act of 1971, as amended by the Revenue Act of 1978, employers of WIN registrants placed in regular employment or OJT are entitled to an employer tax credit. Compensation to WIN OJT employers is for the nonproductive time of the WIN registrant; it is not reimbursement of wages. Thus, amounts paid to a WIN OJT contractor do not have to be deducted by an employer when computing the tax credit.

k. Retention. Evaluation studies have identified the 3 following areas as most crucial to retention in an OJT placement.

1) Familiarization of the New Employee with the Company.

a) Familiarization of the new employee by the employer is an important and necessary element of the training process. Company rules, regulations, products, benefits, EEO policies, forms, and plant layout should be included. This information should be in writing; the words should be simple and well illustrated; and material and pamphlets should be available for the employee to take home.

b) The supervisory force should be oriented to the OJT program, the employees, and their needs.

c) The immediate work force should be informed of the program and its objectives. Their acceptance or rejection of the new employees can be crucial to the success of the program.

2) Job Related Education (JRE). Provision of JRE gives the OJT employee a sense of the employer's interest in preparing him/her for the job and also helps the employee to feel more confidence in his/her ability to perform assigned tasks.

3) Transportation Assistance. This may be provided through the organization of car pools, or assistance in finding the most efficient route to work. The length of commuting time has been shown to be a retention factor.

5. Program Design Requirements (Federal). The following program standards must be adhered to by every WIN E&T agency:

a. "Hire First" Principle. Employers must agree to training for all positions and assure the WIN E&T agency of their intention to retain the registrant on a permanent basis upon successful completion of the training.

b. Occupational Eligibility.

1) The employee is to be hired with the commitment of continuing employment in the occupation in which s/he is to be trained.

2) The occupation shall be sufficiently skilled to require a training period of at least 2 weeks duration.

3) Occupations shall meet appropriate work and training criteria enumerated in Section III of this Chapter.

4) Occupations which have not traditionally required specific occupational training as a prerequisite should be considered carefully before contractual arrangements are made to assure that such training is necessary for WIN registrants. State WIN Office review of such programmatic decisions is recommended. Appropriate occupations are those suitable for upgrading efforts.

5) Training that is to be given for sewing machine operators in the garment industry may be funded under WIN OJT. However, conditions and procedures outlined in Appendix B of this Handbook must first be met.

c. Prohibited Work Under OJT.

The same policy applies as with WIN PSE with respect to certain partisan and nonpartisan political activity and sectarian activity.

d. Contractor Eligibility.

1) Eligible contractors include, but are not limited to, the state, private and public agencies, employers, trade associations, labor organizations, and other industrial and community groups which are qualified to conduct effective WIN OJT Projects.

2) Any firm or industry in violation of local, state or federal labor laws is not eligible for training assistance.

3) Before entering into a WIN OJT contract, it shall be determined that abnormal labor conditions do not exist at the establishment or its affiliates.

4) Funds shall not be provided for training without RCC approval in situations involving:

a) Highly mobile, highly competitive industries where minimal training is needed;

b) Lower wage industries; where labor turnover is high; or

c) Those industries in which the employer has traditionally provided the necessary instruction, without the need for federal assistance. An Area/WIN Office, in considering such training in these questionable situations, should first review the other alternative local job opportunities available for WIN registrants.

5) Funds shall not be provided for training situations involving industries where:

a) A substantial number of experienced and able workers are presently unemployed;

b) In effect, it will add to industrial dislocation and merely transfer unemployment from one area to another.

6) Establishments relocating from one area to another are eligible for this program only if the Regional Office:

a) Finds that assistance will not result in a substantial increase in unemployment in the area of original location, or in any other area where the firm conducts business operations; or

b) Has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

Regional Offices will frequently find it necessary to work with each other to assure compliance with this eligibility requirement.

e. Contractor Responsibility and Capability.

1) Responsibility. The first step the evaluator/negotiator should take in analyzing contractor responsibility is to check the contractor's name against the DOL list of debarred, ineligible, and suspended contractors. Programs shall not be approved or continued with a contractor who is listed on the U.S. Government Accounting Office "Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions." This is a list of ineligible contractors. Each regional ETA Financial and Grants Management Unit is supplied quarterly with up-to-date copies of the list. The Regional WIN Office should make sure that the State WIN E&T agency has a copy of this list. Further checks, such as local checks into the contractor's reputation and a check of the contractor's financial position, either with the Dun and Bradstreet report, or, for small firms with sales under $100,000, with the local credit bureau, should be made whenever the evaluator/negotiator feels such steps are advisable and/or necessary.

2) Contractual Authority. Prospective contractors must designate an official of the company or agency with whom the WIN E&T agency can enter into a legally binding contract.

3) Compliance with Federal, State and Local Laws. Contractors must be capable of complying with all terms or conditions of employment in applicable federal, state and local laws.

4) Competence for providing OJT Instruction. Contractors must be capable of providing the proper quality and quantity of instruction for OJT, as determined by the WIN OJT representative.

5) Equal Employment Opportunity (EEO) Posture. The contractor's EEO policies should be assessed to determine if the training will be conducted in a responsible setting and if the employer will be in compliance with EEO regulations. The following methods may be used in making such a determination:

a) A listing of the contractor's staff by position, race, and sex, may be obtained and examined to determine if minorities and females are represented at all levels and in various job categories.

b) The employer's affirmative action program, if any, may be assessed for its adequacy and whether it is being implemented;

c) A check with the local office of the State Employment Security Agency may be made to determine if the employer is requesting referrals on a non-discriminatory basis. (Actual numbers of referrals and placements made by race and sex should be determined, to the extent possible, in assessing the EEO posture);

d) The employer's EEO policies should be reviewed for their adequacy and whether they are being implemented.

f. Employee Eligibility. All persons who are AFDC recipients in the WIN program are eligible to participate in WIN OJT after certification.

g. Employee Wages.

1) Wages are monies paid by an employer to a WIN OJT trainee for work performed. Wages do not include tips or commissions.

2) Prior to entering into a WIN OJT contract with an employing facility, there should be reasonable assurance that the wage rate set for the employee will not tend to create unfair competitive labor-cost advantages, or have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the establishment and industry.

3) Wages must meet WIN appropriate work and training criteria as outlined in Section III of this Chapter.

4) The minimum starting rate for WIN OJT employees shall not be less than the applicable federal or state minimum wage laws or the prevailing area rate established for starting workers in like occupation or industry, whichever is greater.

5) If a collective bargaining agreement or company policy is in effect, the scheduled wage increase shall be consistent with such agreement.

h. Employee Benefits. WIN OJT employees shall be treated no less favorably than other employees in the establishment in similar occupations. Employees under WIN OJT contracts are entitled to the same benefits as all other employees, including paid holidays, annual and sick leave, health benefits, and worker's compensation.

i. Working Conditions. WIN OJT employees are subject to the same working conditions as all other employees hired by the OJT contractor in similar positions.

j. Collective Bargaining Agreements. Upon entering into the development of a WIN OJT contract, it shall be determined whether there is a collective bargaining agreement between the employing facility and the employees or their representatives. Where an agreement exists and is applicable to the establishment and the occupation, the WIN OJT contract shall not conflict with the agreement. Compliance with the appropriate clause of the WIN OJT contract will be deemed sufficient to satisfy this requirement.

k. Mandated General Provisions. The General Provisions (WIN-26) shall be attached to each WIN OJT contract. The provisions include clauses which have been stipulated by the Secretary of Labor.

6. Program Design Requirements (State).

a. Maximum Number of Employees Allowable. The maximum number of employees to be trained by an individual employer under OJT shall not normally exceed 25 percent of the employer's regular full-time force at any given time, in the plant where the training is taking place. Exceptions to this rule may be granted at the discretion of the Area/WIN manager.

b. Singularity of Contracts. No more than 1 individual may be trained pursuant to the terms of any 1 OJT contract. The individual must be named on Page 1 of the WIN OJT Negotiated Fixed-Price Contract (WIN-35). If for any reason the registrant named is unable to complete training, all monies remaining unclaimed by the contractor must be deobligated and the contract terminated.

c. Standards for Establishing Reimbursement Periods. The period of reimbursement for an individual WIN OJT contract is negotiated on the basis of the skills, knowledges and abilities of the WIN registrant and the actual occupational demands of the OJT assignment.

In most instances, the period of reimbursement negotiated on the basis of the registrant's qualifications and job complexity will fall within the parameters provided by the DOT Code--Training Time Conversion Chart, below. The chart establishes maximum weeks of reimbursement for training allowed according to occupational skill level code. A training contract may be negotiated for any number of weeks up to and including the maximum established for the occupation.

On occasion, because of the severity of needs of a particular registrant, or in certain other training situations, training contracts may be negotiated beyond the limits set by the DOT Code--Training Time Conversion Chart. In such situations, if properly documented by area staff, the State WIN Office may waive the imposed

limit for the occupation. A request for waiver is to be submitted in writing to the State WIN Office, Attn: Supervisor of WIN Employability Development. A contract may be negotiated in anticipation of waiver provided that verbal approval is first obtained from State WIN. A statement allowing a period of reimbursement exceeding the established maximums must be inserted as a special provision in the OJT contract. The following statement will satisfy this requirement: "The maximum period of reimbursement established by skill level code for the occupation is waived. Justification for this action is documented in Area/WIN Office files."

d. Training Length and Reimbursement. To determine employer reimbursement and maximum length of training allowable according to skill level code:

1) Locate the job in which the training is to be given in the fourth edition of the Dictionary of Occupational Titles (DOT). Example: Punch Press Operator (any ind.) II, 615.685-030.

2) Add the middle three digits of the nine-digit DOT code. Example: Punch Press Operator 6+8+5=19. The sum is the skill level code.

3) Locate this sum (19) in the "Skill Level Code" column of the DOT Code--Training Time Conversion Chart.

4) Location of the code number indicates a range of training time in weeks. For example: Code 19, maximum period of training is 15 weeks. The length of training agreed upon, including a two-week trial period (but excluding JRE) may not exceed the maximum allowed by skill level code. An exception to this limit may be allowed by the State WIN Office.

5) Once the length of training has been agreed upon, the on-the-job training cost is determined by multiplying half of the employee's starting hourly wage rate by the hours per week and by the number of weeks of training. Total employer reimbursement is computed by adding on-the-job training cost, job-related education cost and trial period reimbursement.

DOT CODE--TRAINING TIME CONVERSION CHART

SKILL LEVEL CODE	MAXIMUM WEEKS OF TRAINING	SKILL LEVEL CODE	MAXIMUM WEEKS OF TRAINING
10	34	17	20
11	33	18	18
12	31	19	15
13	29	20	13
14	27	21	11
15	25	22	8
16	22	23	6

The DOT Code--Training Time Conversion Chart reflects maximum lengths, only. A WIN OJT contract may be negotiated for any number of weeks up to and including the maximum without necessity of a waiver.

e. Intensive Job Follow-Up Agreement (WIN-42).

1) Explanation. The simplified Intensive Job Follow-Up Agreement (WIN-42) is intended to provide reimbursement to employers for supervision of WIN employees during the initial weeks of employment. The agreement is intended for use primarily with DOT skill levels in the 21-23 range, but may be used for other skill levels as well. The agreement provides for WIN staff members to meet with the employee for follow-up counseling during work hours. A facsimile of the Intensive Job Follow-Up Agreement (WIN-42) appears at the end of this chapter.

2) Reimbursement. The rate of reimbursement is $15 per week for a maximum follow-up period of 8 weeks. Payment is made on a one-time basis upon completion of the follow-up period, and may not exceed $120. In the event that the WIN employee terminates employment during the agreement period, the employer is reimbursed only for actual weeks, or portions of weeks, of employment.

3) Reporting. For reporting purposes, intensive job follow-up is considered WIN OJT and is reported as such on the WIN Status Change Notice (WIN-20). The agreement is numbered in sequence with other OJT contracts. Distribution of the agreement is the same as with OJT.

4) Bargaining Agreement. If the position involved is subject to a collective bargaining agreement, the contract representative must obtain the employer's assurance that there is no conflict with that agreement.

5) Monitoring. Monitoring requirements are the same as with OJT.

6) Payments. The intensive job follow-up payment is claimed via use of the WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47). This form is prepared by the employer upon completion of the follow-up period. Facsimiles of the WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47) and the Instructions for WIN Form 47 (WIN-47A) appear at the end of this chapter.

7. The OJT Contract.

a. Contracting Agency. The OJT contract shall be a contract between the WIN E&T agency and the employer.

b. Format. The format of the OJT contrant was developed by the State WIN Office and approved by the Regional Office.

c. Contract Approval Procedures. Arrangements should be made to ensure timely approval of WIN OJT contracts. Approval for OJT contracts is delegated to the local project manager to assure rapid response to employers and expedite placement of WIN registrants.

d. WIN OJT Negotiated Fixed-Price Contract (WIN-35). A facsimile of the WIN OJT Negotiated Fixed-Price Contract (WIN-35) appears at the end of this chapter.

8. Modifications to the OJT Contract.

a. General. A contract modification may be initiated by either party to the contract. Whenever a contractor indicates a desire to modify the contract, a written request should be submitted in which the proposed changes are delineated. Adequate documentation in justification of the proposed modification should also be submitted. Upon receipt of the written request, the contracting officer will determine its validity. If the contracting officer determines that the request is justifiable, a modification will be prepared.

b. Situations Requiring Contract Modifications.

1) Extension of Termination Date. Whenever a contract is extended, a contract modification is required.

2) Change in Occupations. New occupations are subject to the same contractual requirements as the original contract.

3) Deobligation of Excess Funds. During the operation of a contract, it may become apparent that certain funds will not be expended. If they are current year funds, they should be deobligated so they may be used in other contracts.

c. Executing a Modification. All modifications will normally be bilateral supplemental agreements and are to be issued only when they are in the best interests of the WIN E&T agency. A modification which calls for additional funding may be issued only when the original scope of the contract is to expand and sufficient funds are available and included by the modification to defray the increased costs.

Generally, modifications are to be executed by both parties concerned before any anticipated actions are initiated. They must reflect any mutually agreeable changes within the general scope of the contract affecting the contractor's performance and any adjustments in time and/or costs resulting therefrom.

d. Documenting a Modification. Adequate documentation justifying each modification is mandatory.

e. WIN OJT Supplemental Agreement (WIN-12). A facsimile of this form appears at the end of this chapter.

9. Payments and Records.

a. Reimbursement Payments to Employers. Reimbursement of the OJT employer (i.e., contractor) is reimbursement of the extraordinary costs incurred by the employer in hiring and training a WIN registrant who is basically unqualified. It is not reimbursement for wages paid to an OJT employee. State WIN has developed an approved reimbursement policy which indicates the rationale on which reimbursement is based and procedures for establishing appropriate training times for OJT contracts. Ultimately, training costs for each individual OJT contract is determined through negotiation of the program content of the training to be given by the WIN OJT contractor. The negotiation process also determines the length of funded training in each occupation and the selection factors to be applied in placing WIN registrants for training.

1) A Reimbursement Rate of 50 Percent. Experience in earlier categorical OJT programs has shown that there is a correlation between the cost of funded training plus other cost items chargeable to OJT for disadvantaged clients and 1/2 the employee's starting wage rate multiplied by the number of hours of funded training. The 50 percent reimbursement formula, based on this correlation, covers the costs of extra supervisory efforts, nonproductive time, material waste, and other incidental expenses that an employer may incur in training disadvantaged persons. Reimbursement for release time for JRE would be in addition to the reimbursement computed for actual OJT. Because experiential background information exists establishing a rationale for the 50 percent formula, a reimbursement rate of up to 50 percent of the trainee's wages may be negotiated without developing detailed cost information.

2) Reimbursement During 2-Week Trial Period. Another additional reimbursement schedule may be used when the local WIN OJT specialist and the local project manager concur that it is necessary. It permits up to 75 percent reimbursement for a maximum of 2 weeks to provide an incentive to an employer to hire an individual who would not otherwise be competitve within the work force, and who represents an extremely high turnover risk requiring continued intensive WIN services such as social services and personal employment counseling.

This reimbursement approach focuses entirely on the severity of the needs of the particular trainee and requires that WIN staff show adequate documentation in the client's file of such a need. Employers should be informed that the reimbursement rate is related to the particular registrant's characteristics and that the 2-week maximum is to allow the employer time to assess whether the trainee can fit into his/her work force. This 2-week period, may be included under the employer's "hire first" commitment, or may be used exclusively with low wage employers with no further OJT reimbursement of any kind. The proper format to be entered as a special provision to the WIN OJT contracts follows:

TRIAL PERIOD REIMBURSEMENT

> The employer shall be reimbursed on the basis of 75 percent of the employee's wages for a period not to exceed two weeks. It is recognized by the employer that this reimbursement represents substantially all of his costs associated with this employee whose work product during this time is considered to be minimal or at a loss to the contractor due to the costs of material waste and intensive supervisory time and who also represents an exceptionally high turnover risk during this time period. *The employer understands this trial period shall not be extended and shall not be made a part of the WIN On-the-Job Training Contract. (*This last sentence would be deleted in those instances where the employee is then placed on a regular 50% reimbursement OJT contract.)

3) Release Time and Job Related Education (JRE). Employers may be reimbursed for 100 percent of the wage for the time a WIN OJT employee is released from work to attend an approved JRE class because such time is considered to be nonproductive to the employer at this time. The employee receives his/her regular wage while participating in employment-related education during work hours. The JRE may extend through the end of the OJT. In such cases the contract will extend through the end of the JRE.

JRE is provided to help raise the employee's performance to a level comparable to that of persons already employed by the contractor in the same occupation. Tutorial programs arranged by WIN, such as the GED, should be considered to be JRE. All JRE must be approved by WIN and be part of the registrant's employability plan. Costs of the actual education may be made a part of the WIN OJT contract.

JRE may also take place in addition to the traditional work hours. In such cases, the employer will receive reimbursement of all training costs associated directly with the training (e.g., classroom, teacher, and materials). There would, however, be no reimbursement for nonproductive employee time. Vestibule and other forms of "front-end" training are permitted provided:

a) The employer has put the trainee on his/her payroll in fulfillment of the "hire first" commitment; and

b) The employee begins on-site OJT before 1/4 of the training time period specified in the OJT contract has been completed.

b. Definition of Training Time for Payment Purposes.

1) Regular Work-Training Days. Employers will be reimbursed for those days for which an employee is in pay status, provided that training occurs during that day and that the day falls within the contract period. Since this is an OJT program, any day which a trainee is on the job for at least 5 hours should be considered a day in which training occurred.

2) Standard Work Week. WIN OJT trainees shall be paid on the basis of a standard work week. A standard work week is the standard number of hours worked each week by most employees of the contractor in the occupation area in which the training is being conducted, provided that the total number of standard hours worked per week does not exceed 44 hours, and provided such hours are worked during no more than a 5-day period each week.

3) Overtime. Hours for which overtime is paid shall not be considered part of the standard work week or reimbursed under the OJT contract.

4) Holidays. All legal holidays which fall within the contract period and for which all employees, including WIN OJT employees, are paid shall be considered days in which training occurred.

5) Sick and Annual Leave. All days on which an employee is on either annual or sick leave during the contract period may be counted as days in pay status provided the employee is paid for the absent days. If an OJT employee is absent for an extended period of time, WIN E&T agency staff should negotiate with the employer to provide an additional period of training time (equivalent to the number of days absent if necessary). This extension of training can be covered either by a modification of the contract or may be provided by the employer at no additional cost to the WIN E&T agency. Such possible arrangements should be discussed during contract negotiation.

c. WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47). WIN OJT employers must submit an invoice each month. Invoices are to be completed according to the Instructions for WIN Form 47 (WIN-47A).

10. Contract Monitoring and Services.

a. Contract Monitoring and Servicing Responsibilities.

1) The local WIN E&T agency has the primary responsibility for servicing and assisting the individual WIN OJT employer.

2) The State WIN Office's primary responsibilities are to:

a) Service and assist the local WIN E&T agency; and

b) Assure the WIN E&T agency has an adequate OJT contract monitoring plan and has implemented it.

b. Employer Visits. Contract monitoring and servicing by the WIN E&T agency should assure adequate administrative control of the WIN OJT program. For the purpose of assuring that the contractors comply with the established obligations in each training contract, in-depth visits and regular visits shall be made.

1) Regular visits will generally include:

a) On-site review of all WIN OJT contracts for program performance analysis;

b) A sampling of contracts to determine their appropriateness;

c) Consideration of specific areas of the contractor's documentation and program operation, such as:

i) Employee certification;

ii) Employee entrance date and termination date;

iii) Wage scale and its relationship to contractual wage;

iv) Employee turnover and reasons;

v) Actual training provided to employee based on the occupation his/her folder indicated s/he was hired for;

vi) Whether the contractor's records on each employee and the payroll, time and attendance records indicate clear and accurate support for all personnel actions; and

vii) Whether the contractor is submitting accurate and timely valid invoices.

2) In-depth visits are not regular monitoring visits and generally include:

a) Visits made at the request of the OJT employer;

b) Other visits initiated by the WIN E&T agency where additional service or counseling is indicated.

3) The first on-site WIN OJT visit shall be made within 30 days after contract award. At least 3 visits shall be made during the life of any contract with a performance period of at least 4 months. The OJT/PSE Contract Service Report (WIN-16) must be completed after each monitoring visit. A facsimile of this form appears at the end of this chapter.

4) Where the visit by the OJT staff person identified any serious problems or deficiencies in the operation of the WIN OJT program, both the individual WIN OJT employer and Area/WIN manager should be notified. Where appropriate, State WIN staff should also be notified and they may recommend that certain actions be taken.

c. Monitoring of OJT Reimbursement. It has been noted that given the standards for release time and reimbursement, it will be possible for total federal funds expended under an OJT contract to exceed 100 percent of the wages paid, especially if the tax credit is appled. State WIN and Area/WIN Offices must monitor OJT operations and individual contracts carefully to determine if such concentration of expenditures on 1 employer is indeed the most cost effective use of OJT funds and maximizes the movement of WIN registrants toward self-support and self-sufficiency.

11. Coordination with Other Agencies and Programs.

a. WIN OJT Relationship with CETA OJT. It is recommended that WIN and CETA coordinate their OJT efforts whenever feasible. The 2 programs may establish mutally beneficial OJT opportunity development, JRE referral, and employer services

operations. For example, it may be useful for 1 program to carry OJT development responsibility while the other program assists in an orientation program for OJT clients of both programs.

It is not intended that WIN and CETA should operate OJT programs of a competitive nature. The 2 programs should be complementary while still reflecting the needs of their particular client populations. Since WIN has no paid work experience component similar to that available under CETA, it may find it necessary to contract for longer periods of training for those individuals with little, or no recent work experience.

b. Coordination with Other Agencies. In the operation of the program, close cooperation should be maintained with other interested organizations such as the Department of Health and Human Services, the Department of Commerce, the Small Business Administration, the National Alliance of Businessmen, and other relevant parties.

E. WIN Public Service Employment (PSE).

1. General. PSE is a component that provides WIN registrants with full-time subsidized employment with public and private nonprofit employers who are committed to retain the registrants in unsubsidized jobs at the end of the contract period. Registrants should be placed in PSE only when appropriate, unsubsidized, full-time jobs are not available.

2. Nepotism in WIN PSE. The same policy applies as with WIN OJT.

3. AFDC Status. Registrants in WIN PSE are employed, but are not eligible for the $30 and 1/3 AFDC disregard.

4. Public Service Defined. Funds utilized under PSE should be used to support subsidized positions in agencies for public service needs which have not been met and, where possible, to implement new public services. Area/WIN Offices are expected to determine which public service needs are most pressing within their jurisdictions. Work which is not customarily done by government, and which primarily benefits a private profit-making organization may not be funded under PSE. This latter prohibition does not refer to maintenance or minor construction work normally performed by the government. "Public Service" is defined as a type of service normally provided by government, and includes, but is not limited to the categories listed below:

a. Law Enforcement. Includes functions relating to police work, correctional institutions, the court systems, guard forces, and other law enforcement functions.

b. Education. Includes all education-related functions for elementary and secondary schools, institutions of higher learning, vocational and technical schools, adult education programs, and libraries.

c. Public Works and Transportation. Includes functions associated with streets and highways, public buildings, and transportation activities.

d. Health and Hospitals. Includes all health-related functions.

e. Environmental Quality. Includes functions relating to pollution control, solid waste disposal, sewage, recycling units, and other activities relating to environmental quality.

f. Fire Protection. Includes functions for fire departments and related public safety units.

g. Parks and Recreation. Includes park construction and maintenance, conservation and recreation.

h. Social Services. Includes public welfare and social service functions.

i. Other. Includes all governmental functions not listed above.

5. Employing Agencies. Employing agencies may include the following:

a. Any unit of state or local government which has general governmental authority;

b. Any public agency or institution which is a subdivision of state or local government. (Exception: Neither the Minnesota Department or Economic Security nor any of its divisions are eligible employers under WIN PSE.);

c. Private nonprofit organizations which are established for a public purpose;

d. Indian tribes on reservations.

6. Prohibited Work under PSE.

NOTE: The policies stated here with respect to prohibited work under PSE also apply to Work Experience assignments. WIN OJT is subject to prohibitions b. and c. below.

a. Work which is not customarily done by government and which primarily benefits a private profit-making organization may not be funded under PSE. This latter prohibition does not include maintenance work or minor construction work normally performed by government.

b. No WIN registrant may be placed under a WIN PSE contract on work which involves:

1) Any partisan or nonpartisan political activity, associated with a candidate or contending faction, in an election for public or party office, or lobbying for any matter at public issue;

2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

3) Any voter registration activity.

c. With respect to the expenditure of WIN funds for PSE, OJT and Work Experience assignments, the following prohibitions regarding sectarian activity apply:

1) WIN registrants shall not engage in activity involving the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place of religious worship.

2) WIN registrants shall not be involved in religious or anti-religious activities.

3) WIN registrants shall not engage in activity involving religiously affiliated elementary of secondary schools.

These prohibitions shall also be adhered to for WIN registrants supported by WIN funds who are suspended to other programs.

Exempt from these prohibitions are WIN registrants in OJT employed by private-for-profit employers who contract with sectarian institutions.

7. Displacement of Workers. A PSE contract shall not be signed with an employer if full or partial displacement of currently employed full-time workers will result.

a. Full displacement occurs when an employed worker loses his/her job for reasons other than normal turnover or his/her job is altered so as to effect a reduction of pay;

b. Partial displacement occurs when the use of WIN registrants leads to a reduction of nonovertime hours in the normal work week of workers presently employed in the same activity.

8. Union Contracts. If a collective bargaining agreement covers the contemplated PSE occupation and/or worksite:

a. The union or unions involved shall be informed of the entrance of WIN registrants into the job site or occupation, and registrants shall be informed of the existence of the collective bargaining agreement; and

b. The PSE assignment must not conflict with the collective bargaining agreement.

9. Job Development Principles. In developing PSE opportunities, the WIN E&T agency should be guided by the following principles:

a. The jobs should be convertible into unsubsidized positions in occupational fields which are most likely to expand within the public or private sector. However, in order not to discourage employers needlessly, the commitment-to-hire clause of the PSE contract should specifically exclude situations beyond the control of the employer which, during the contract period, would limit the ability of the employer to find unsubsidized positions for PSE registrants. Such circumstances include cases where:

1) The individual does not perform satisfactorily on the job;

2) Funds to provide for continued employment of the individual are requested by the PSE employer from his/her appropriating authority but are not approved;

3) The state or agency places a freeze on further hiring after the contract was signed; or

4) The PSE individual is unable to comply with civil service regulations which are required by law and are reasonable and appropriate to the job.

b. Jobs must not be encumbered with other placement commitments (e.g., CETA PSE).

c. The jobs should be those which cannot initially be funded by local revenues.

d. The jobs should not be dead-end, but should contribute to the career advancement and the development of the employment potential of the individual. Limited career ladder jobs are acceptable if the salary to be earned is sufficient to enable the individual to become self-supporting.

e. Programs should contribute to the elimination of restrictive practices and institutional barriers which prevent the effective use of available labor and which systematically preclude large segments of the population from realizing their employment potential.

10. Salary Limitation. Federal funds will not be used to reimburse employers for any part of a registrant's salary and fringe benefits that exceeds $12,000 per contract. Allowable federal costs for the average salary for all PSE enrollees statewide shall not exceed $7,500 per annum, including the employee's cost of fringe benefits and excluding the employer's share.

Fringe benefits will be comparable to those of regular employees. Under no circumstances shall a registrant in a job receive less than the prevailing entry level salary paid to a non-WIN hiree in the same occupation. The wage, less mandatory payroll deductions and work expenses, shall provide a monthly income equal to or exceeding the registrant's monthly AFDC assistance payment.

11. Working Conditions.

a. PSE participants are considered to be employees of the agency to which they are assigned.

b. They shall enjoy working conditions neither more nor less favorable than those enjoyed by other employees of the employing agency.

c. Prior to entering PSE employment, every registrant must be advised of the name of his/her employer and his/her rights and benefits in connection with employment.

d. No registrant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary or hazardous to his/her health or safety. Individuals employed in inherently dangerous jobs (e.g., fire or police work) will be assigned to work in accordance with reasonable safety practices. Specific health and safety standards promulgated for occupations under Section 18 of the Occupational Safety and Health Act of 1970 (PL 91-696) apply to PSE occupations.

12. Fringe Benefits.

a. Retirement Benefits. Expenditures for retirement fund payments will be allowable if:

1) Payments are contributions under the Social Security Act;

2) Payments are for retirement benefits that are a part of a consolidated package, including such benefits as health insurance and worker's compensation, if separation of the benefits is not allowed. The package must already be in effect for regular employees and not one established specifically for PSE employees.

3) Payments are for individuals who will be subsequently hired as regular employees (that is, attain regular employee status during or at the end of the PSE period);

4) Payments are for retirement benefits required by federal, state, or local law, which will not permit the exclusion of PSE participants from coverage. Payments into retirement accounts should be made from the day the individual enters subsidized employment.

b. Workers' Compensation. PSE employers shall provide workers' compensation to assigned WIN registrants during the period of WIN-subsidized employment if such compensation is provided to regular employees.

c. Overtime. Overtime shall be paid by the employer and shall not be a cost under the PSE contract. Employees hired under the WIN program shall be entitled to the same overtime benefits as other employees of the organization.

d. Unemployment Insurance Coverage (UI). WIN PSE participants shall receive the same UI coverage as any other employee of the employing agency.

e. Personal Insurance. Reimbursements to employers for contributions toward various types of personal insurances for their PSE employees and their dependents are allowable provided that such contributions are available for all regular employees. Health, medical, sickness, accident and life insurances are included here.

f. Other. Direct employer costs for fringe benefits to PSE employees not specifically mentioned above are reimbursable provided that these costs are incurred for all regular employees (e.g., allowances for uniforms or other required clothing.)

13. Contract Conditions.

a. Commitment to Hire. In any WIN PSE contract, the employer must agree to provide permanent, unsubsidized employment in his regular work force to all PSE workers who perform

satisfactorily in their respective work assignments during, or at completion of the period specified in the contract. This unsubsidized employment must be at a level of responsibility and pay comparable to that which was provided during the contract period.

1) There are contingencies which would limit an employer's compliance with the above commitment. Such contingencies include critical changes in agency appropriations and legislated regulations. However, the commitment does require good faith efforts to provide such unsubsidized employment for each WIN PSE worker who performs satisfactorily.

b. Length of Contract.

1) The length of any WIN PSE contract may vary up to a maximum of 52 weeks depending on such factors as:

a) The date the employer anticipates being able to fulfill his commitment to hire (i.e., when permanent funding becomes available).

b) The period of time the employee needs to meet entry level hiring standards or to obtain the certificate or license required for the occupation.

(Where personnel or merit system requirements are considered unnecessarily restrictive the affected positions should not be supported with PSE funds.)

c) The total cost of the contract. (WIN funding for wages and benefits is limited to $12,000 maximum, $7,500 statewide average.)

d) Availability of PSE funds to the Area/WIN Office.

2) The recommended length of WIN PSE contracts is 26 weeks, but depending on such factors as listed above, the period of subsidy may be extended to a maximum of 52 weeks.

3) In addition to the guides listed above, Area/WIN staff may find it useful to refer to the following chart when determining the period of subsidy of a PSE contract. Explanation of skill level codes may be found under OJT in this chapter.

NOTE: The number of hours in a WIN PSE work week is normally the same as in the employer's standard work week, but may not be less than 30 nor more than 44 hours.

SKILL LEVEL CODE	WEEKS OF SUBSIDY SUGGESTED
0-12	52
13	47
14	43
15	43
16	43
17	39
18	34
19	34
20	38
21	26
22	26
23	26

c. Maximum Number of Employees Allowable. Same policy applies as with WIN OJT.

d. Employers shall be reimbursed only for those days in the contract period in which a PSE employee is in pay status. Pay status includes all legal holidays for which other employees are paid. State WIN E&T agencies will reimburse employers through regularly established state payments procedures and systems.

e. The employer is to be reimbursed only for the individual's salary and fringe benefits for a specified period. No additional federal reimbursement for allowing the PSE employee to attend JRE classes is authorized.

f. Pre-contract costs are not allowable costs under WIN PSE. No job may be subsidized until a contract has been signed and dated by all parties, including union representatives where applicable. Any costs related to a WIN registrant performing in a job where WIN PSE funding is only anticipated, must be assumed by the employer.

g. Administrative costs are not allowable.

h. Collective Bargaining Agreements. Same policy applies as with WIN OJT.

i. Mandated General Provisions. Same policy applies as with WIN OJT.

j. Contract Approval Procedures. Same policy applies as with WIN OJT.

k. Singularity of Contract. Same policy applies as with WIN OJT.

l. WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47). Same policy applies as with WIN OJT.

m. Contract Modification.

1) Provided that the limits of $12,000 and 52 weeks are not exceeded, WIN PSE contracts may be modified to reflect changes in reimbursement rate or reimbursement period where justified. Appropriate justification must be documented in the comments section of the Public Service Employment Contract Modification (WIN-25).

2) An employer's authorized contract representative may be changed only by contract modification.

3) Changes of WIN employee or DOT job title or code require new contracts and may not be made by modifying existing contracts.

n. Employer Visits. Same policy applies as with WIN OJT. NOTE: The purpose of monitoring is to assure that WIN PSE employees are working in occupations designated in the contracts, receiving the same benefits as others in similar occupations and that unsatisfactory employers do not receive subsequent contracts. Effective monitoring must include appropriate follow-up to situations under which PSE employees are found not to perform satisfactorily.

F. Work Experience (WE).

1. Definition. The WE component is an integral part of an employability plan, usually linked to other training or component participation. It is unsalaried job training at a clearly defined well-supervised worksite. A certified registrant has the opportunity to develop basic work habits, practice skills learned in classroom training, acquire on-the-job experience.

2. Worksite Eligibility. WE assignments can be made only to worksites of public and private nonprofit agencies.

3. Prohibited Work. Same policy applies as with WIN PSE.

4. Duration of Component. A registrant's participation in this component is limited to a maximum of 13 weeks with a given agency in order to avoid employer liability for payment of wages, compensation, etc. However, registrants may participate in additional periods of up to 13 weeks with different employers when this is necessary to equip the individual for entry into the occupation s/he seeks or to qualify him/her for a different occupation.

5. All registrants assigned to WE shall receive TRE and incentive payments.

6. It is imperative that WIN staff be in contact with the WE participant to determine if there are any workplace problems or additional social service needs.

7. Worksite Agreement. A written agreement must be entered into whenever a WIN registrant is placed on a work experience site. The Work Experience Agreement (WIN-36) is used for this purpose. (NOTE: Use Work Experience Assignment (WIN-36A) in lieu of the Work Experience Agreement (WIN-36) if assignment is to a division of the Minnesota Department of Economic Security.) The intent of the agreement is to make clear and explicit to the employer, WIN registrant, and WIN staff the nature of the work experience, including the beginning and ending dates, the specific duties the registrant will be allowed/required to perform, and the nature and source of allowances paid to the registrant during the period of participation. The agreement also stipulates that the employer will provide workers' compensation protection but is not responsible for the payment of any wages and is not obligated to employ the trainee upon completion of the activity.

8. Monitoring. Monitoring of the worksite agreement is the responsibility of ES staff. An appropriate level of monitoring is one at which the effectiveness of the work experience can be determined. Monitoring must include appropriate follow-up to situations under which the work experience is found to be ineffective.

9. Progress Report. A Work Experience Progress Report (WIN-37) is to be completed by the worksite employer at the midpoint and at the completion of the work experience period. The report is submitted to the Area/WIN Office for appropriate follow-up.

G. Suspense to Training.

1. Definition. Assignment of a certified registrant to a non-WIN funded training or educational program may be reported as Suspense to Training.

2. Access to Benefits.

a. The non-WIN funded training shall provide the assigned registrants its regular payment and allowance benefits unless:

1) The registrant does not qualify for such benefits; or

2) The benefits are not to the registrant's advantage and WIN benefits are elected by the registrant; or

3) Benefits are not available under the non-WIN funded program.

b. The WIN E&T agency shall provide regular WIN benefits (TRE, incentive, social service) in any of the foregoing cases.

3. When registrants are in Suspense to Training, the WIN staff shall provide the other program's staff with pertinent information concerning the individual, except that which is confidential.

4. The registrant becomes the responsibility, on a day-to-day supervision basis, of the assigned program. Necessary services not provided under the assigned program will be provided by WIN.

5. Individuals may remain in Suspense to Training for the duration of the training, but WIN-funded incentives, TRE and social services may be provided only according to the time limits, or granted exceptions, that apply to WIN-funded components.

6. Inclusion in EP.

[Continued on the next page]

a. Assignment to Suspense to Training shall be treated in the same manner as an assignment to any WIN-funded component. Documentation noting the rationale for this assignment should be noted in the EP.

b. Assignment to Suspense to Training occurs at the discretion of the WIN E&T agency in consultation with the SAU.

7. Criteria for Assignment. An EP which will result in placing a registrant in Suspense to Training must:

a. Show that the training assignment is designed to lead to employment and self-support in the shortest reasonable time;

b. Be vocationally oriented and related to the occupational goal stated in the EP;

c. Be full time training that involves a full academic load, or 30 hours per week for vocational training, unless fewer training hours per week are customary; and

d. Meet appropriate WIN work and training criteria.

8. Training Assignments Exceeding One Year. When an EP outlines an occupational goal that requires more than one year to complete and provides for a period of training that exceeds the one year limitation:

a. It must be appropriately documented and must contain an RCC waiver; and

b. There must be a likelihood that such training will greatly enhance the registrant's ultimate employability and opportunity for economic self-sufficiency.

9. Registrants Participating in Self-Initiated Training Programs. In the case of the registrant who comes to the WIN appraisal already participating in a self-initiated training program, the WIN staff, at their discretion and using appropriate tools, such as testing, and the above stated criteria for assignment, may choose to assist the registrant in continuing the self-selected training by assigning him/her to Suspense to Training.

a. Less Than One Year to Completion of Training. Where less than one year remains until the registrant's self-initiated training program is completed, WIN may elect to place the registrant in Suspense to Training and provide incentive and TRE as appropriate. If program resources are scarce the regis-

trant may be placed in Other WIN Non-Component Activity Status. Such short-term self-initiated training should not be interrupted without good reason.

b. More than One Year Until Completion of Self-Initiated Training. WIN should review self-initiated training requiring more than one year to complete by applying the same criteria for assignment to the component as would apply in any other instance.

When more than one year remains for completion of the self-initiated training the same RCC waiver requirements apply.

10. Appropriate use of this component. Because WIN training funds do not support extended training, registrants requiring more time to acquire basic employment skills who may be particularly aided by enrollment are:

1) Those requiring adult basic education or other literacy programs;

2) Those needing ESL;

3) Registrants who would benefit from sheltered employment settings; and

4) Those registrants who have been out of the labor market for an extended period of time (in excess of 5 years).

In addition:

5) Those registrants partially supported by BEOGs or State scholarships who are able to use community colleges to be trained in a variety of semi-professional occupations; and

6) Those participating in various CETA-sponsored training programs, the Job Corps, or other community based training programs.

11. Periodic Review of Registrants in Suspence to Training.

a. WIN staff must maintain periodic contact with the registrant and the program to which he/she is assigned to determine whether the individual is participating in the program regularly and satisfactory progress is being made.

b. A periodic review should be appropriate to the particular program but in no case longer than 6 months or one semester between personal contacts.

c. If problems of attendance, satisfactory progress or unsuitability of the registrant become apparent during the periodic review contact:

1) The EP should be amended to reflect the WIN staff's reassessment of the Suspense assignment and/or;

2) Reassignment to another component or status may be necessary; and/or

3) WIN support of the training may be withdrawn.

Any action related to such changes should occur after consultation with, and involvement of, the registrant.

H. Suspense to Employment.

1. Definition. Assignment of a certified registrant to a non-WIN funded employment activity or program may be reported in the Suspense to Employment. Registrants may be suspended to subsidized employment programs such as CETA, OJT, PSE, Vocational Rehabilitation, and Sheltered Workshops. The registrant in Suspense to Employment receives a salary for work performed.

2. Access to Benefits.

a. The non-WIN funded activity shall provide the assigned registrants its regular payment and allowance benefits unless:

1) The registrant does not qualify for such benefits; or

2) The benefits are not to the registrant's advantage, and WIN benefits are elected by the registrant; or

3) Benefits are not available under the non-WIN funded program.

b. The WIN E&T agency shall provide regular WIN benefits (TRE, incentive, social services) in any of the foregoing cases.

3. When registrants are in Suspense to Employment the WIN staff shall provide the other program's staff with pertinent information concerning the individual, except that which is confidential.

4. The registrant becomes the responsibility, on a day-to-day supervision basis, of the assigned program. Necessary

services not provided under the assigned program will be provided by WIN.

5. Individuals may remain in Suspense to Employment for the duration of the employment activity, but WIN-funded incentives, TRE and social services may be provided only according to the time limits or granted exceptions that apply to WIN-funded components.

6. Inclusion in the EP.

a. Assignment to Suspense to Employment shall be treated in the same manner as an assignment to any WIN-funded component. Documentation noting the rationale for this assignment should be noted in the EP.

b. Assignment to Suspense to Employment Status occurs at the discretion of the WIN E&T agency in consultation with the SAU.

7. Work assignments must meet WIN appropriate work criteria.

8. WIN staff must check periodically with the other programs to ascertain whether or not the individual is still participating in the program or has either refused to participate in an activity or refused an offer of employment that meets the appropriate work criteria. If a mandatory registrant has refused to participate in any way, it is the WIN E&T agency's responsibility to determine whether or not to initiate adjudication procedures.

9. The E&T agency continues to have the major responsibility, in the case of a registrant's assignment to Suspense status, to assist the client upon completion of the assignment to locate unsubsidized employment. This responsibility may involve working with the training or employment program to which the registrant was suspended, or by assuming full responsibility for further employment services.

I. Part-time Employment. A registrant status for those registrants working less than 30 hours per week in unsubsidized employment.

J. Other WIN Non-Component Activity. This status reflects those registrants with whom the WIN staff has periodic contact (generally every month).

1. Assignment to Activity. Registrants are assigned to this component under any of the following circumstances:

a. For receipt of employment assistance such as job development, referrals and counseling (when such E&T services are not part of an on-going component);

b. For reassessment and testing;

c. When engaged in non-WIN education or training activities that are included in the EP and the registrant is not assigned to the Suspense to Training Component;

d. While awaiting assignment to a component, or non-WIN education or training activity where the registrant has been accepted for future participation;

e. While awaiting availability of social services which have been certified as arranged; and

f. While awaiting resolution of a specific short-term personal situation (such as eviction, pending court appearances or health problem) which prevents the registrant from accepting employment in the near future.

K. Unassigned Recipients. All WIN registrants/recipients who are not in another status (i.e., not in a component or non-component activity) are included in this category. Those registrants, in general, would not be expected to receive additional WIN services in the near future.

1. Included in this status would be those registrants:

a. Requiring extensive medical services before being able to accept employment;

b. Requiring extensive education and/or training to enhance their likelihood of employment;

c. Requiring long range social services to resolve personal circumstances in order to accept or hold a job successfully;

d. Experiencing a chronic medical problem of a severity which would prohibit assignment to full-time employment;

e. For whom social services are not available in the near future;

f. For whom sufficient program resources are not available or for whom the local labor market conditions indicate employment opportunitites are unavailable or are unlikely to develop;

g. All other miscellaneous circumstances impeding the registrant's ability to benefit from WIN services within a reasonable period of time; and

h. No suitable alternative assignment is available.

2. Participation in Self-Initiated Training Which Has Not Been Included in the Employability Plan.

a. A registrant may find or continue to participate in any self-initiated training while assigned to this status. However, the registrant should be informed that, at the prerogative of the WIN staff, he/she may still be required to participate in employment-related activities if an employment opportunity is identified at a later date.

b. WIN staff can not require a registrant in this status to discontinue a self-initiated training program as long as it does not interfere with active WIN participation.

L. WIN Status while in Adjudication and Supporting Activities. The registrant will continue in his/her assigned status while receiving informal adjudication efforts including 30 day conciliation.

II. Other Activities.

A. Employment Counseling. (Source: Employment Security Manual, Part II)

1. Definition. Employment counseling is the process whereby an employment counselor assists registrants to gain a better understanding of themselves in relation to the world of work, and make a realistic vocational choice or make a suitable adjustment to an existing employment problem. In contrast, the employment interviewer is concerned with matching a registrant's qualifications to specific job openings when he/she is seeking employment for which he/she is qualified by work experience or training, or an appropriate goal and plan have been arrived at through the counseling process.

2. Scope of Employment Counseling. WIN E&T counseling staff shall:

a. Assist registrants who have not made a satisfactory vocational choice to review and evaluate their present and potential qualifications and relate them to occupational requirements and employment opportunities so that they may select an appropriate occupation and develop a realistic EP.

b. Assist registrants with work experience who wish to, or must, change their occupations to explore possible alternative fields of work, choose a more suitable occupation, and develop a plan to make the change to appropriate employment.

c. Assist registrants, who have work-related problems which prevent them from getting or holding a job, to analyze and understand these problems and take appropriate actions to overcome them.

d. Chapter Seven of the Handbook details the SAU's counseling role and scope.

3. Registrants Likely to be in Need of Employment Counseling:

a. Those entering the labor market for the first time;

b. Those reentering the labor market after a substantial period of unemployment;

c. Those who must change or adjust to new occupations due to technical change, plant closing or for health reasons;

d. Those whose work experience has been below their capacities or potential;

e. Youth with little or no work experience who have dropped out of school;

f. Those with unsatisfactory work experiences and/or little attachment to the labor market.

4. What the Counselor Does. In providing employment counseling, the E&T counselor in concert with the SAU caseworker's effort on the registrant's behalf:

a. Helps the registrant identify and understand the aspects of his/her employment problem;

b. Obtains and evaluates information with the registrant which may have vocational significance, and which will help the counselee to better understand him/herself, the world of work, and the relationship which exists between them;

c. Arranges for tests, when appropriate, and considers test results in relation to other pertinent counseling information;

d. Gives information to the registrant on occupational requirements, employment opportunities, and trends, thereby helping him/her broaden his/her vocational horizon and develop self-direction and motivation;

e. Helps the registrant analyze and evaluate his/her vocational assets; relate them to possible occupational goals; and make an appropriate vocational choice. In this process, the E&T counselor helps the registrant focus his/her vocational considerations so that vocational planning can take place;

f. Helps the registrant formulate a realistic employability plan to achieve both immediate and long-range goals and assists the registrant to initiate action in line with his/her plan;

g. Assists the registrant to understand the process of problem solving and decision making involving vocational problems;

h. Assists the registrant to work toward economic independence by active participation in gainful employment;

i. Assists the registrant to discover and overcome any barriers which may have prevented him/her from finding or holding suitable work in his/her chosen field;

j. Conducts group counseling sessions with counselees, as needed, to supplement individual counseling interviews;

k. Follows up after counseling to promote action toward attaining the selected occupational goal;

l. Follows up, as necessary, after placement or entrance into training to determine suitability of the work or training and the extent of vocational adjustment.

5. Assisting the Registrant to Formulate a Vocational Goal. The E&T counselor's primary role in assisting the registrant to formulate a vocational goal is to make him/her aware of his/her occupational assets and their relationships to various fields of work. In doing so, the E&T counselor attempts to guide the registrant in following an analytical approach in identifying realistic vocational possibilities and arriving at one or more tentative choices.

All likely possibilities are discussed. Additional facts may be brought out which may necessitate revising or discarding the tentative goals or considering new ones. While the

E&T counselor may suggest possible fields for consideration, he/she guards against imposing on the registrant his/her own feelings as to what the vocational choice should be. The choice must be the registrant's own. The following techniques will be found useful in helping the registrant make a choice:

a. Point out strengths and weaknesses in registrant's qualifications for possible fields of work or occupations suggested, citing any supporting or conflicting statements registrant may have made or factors which he/she should not overlook.

b. If the registrant has expressed a vocational choice, explain the requirements for such a field or occupation and relate them to his/her qualifications. This comparison may either substantiate the tentative choice or help the registrant to realize that his/her choice was unwise.

c. Interpret aptitude test results in terms of registrant's potentiality for fields of work or kinds of jobs. Because test scores are meaningful only when considered in relation to all other factors known about the individual (and because he has not been trained to interpret them), the E&T counselor should not give test scores to the registrant.

However, in instances where the E&T counselor feels it desirable, he/she may indicate to the registrant that he/she exceeded the minimum aptitude requirements by a small, moderate, or considerable amount. Direct the registrant's attention to fields for which he/she does qualify rather than to those for which he/she does not. Failure to meet the norms for a specific occupation should be mentioned only if the counselor is convinced that the lack of aptitude is not offset by other favorable factors and the deficiency is sufficient to justify discouraging further consideration of the occupation. Qualifications should be evaluated on the basis of all applicant data, not on test results alone.

d. If the registrant is still uncertain about his/her choice of a goal, give him/her the opportunity to discuss the subject further if so desired. Make an appointment for another interview, after he/she has had time to think the matter over and discuss it with his/her family.

e. In discussing possible fields of work, the counselor considers employment possibilities in a variety of occupational fields. The counselor may also wish to confer with placement and employer relations personnel to secure current information on job opportunities and labor market conditions in the fields of work under consideration.

While the field chosen is not determined simply by the immediacy of job prospects, no vocational goal can be suitable unless it offers a reasonable chance of employment, whether through referral by the E&T agency or through the registrant's own efforts.

6. Job Adjustment Counseling. Some registrants who have made an apparently suitable vocational choice still need special assistance in obtaining a job or adjusting to their chosen field. Such registrants need help in recognizing and doing something about the difficulty that is preventing them from obtaining suitable employment, holding a job, or advancing in it. Workers experiencing prolonged unemployment often are particularly in need of this kind of counseling assistance. It may not be evident until after the registrant has had several interviews which have indicated difficulty in securing or holding a job. A registrant's stated desire to change his/her job may indicate a need for job adjustment rather than vocational change. On the other hand, what appears initially to be a problem of vocational adjustment may be found to be in reality a problem of unsuitable vocational choice.

a. Identifying and Securing Recognition of Job Adjustment Problem. Many applicants who need assistance in job adjustment are unable to recognize the need. Others are aware that a problem exists but are not aware of the basic cause of their difficulty. Still others tend to ascribe the cause of their difficulties to other persons or conditions beyond their control. The first step, therefore, is to help the applicant recognize the existence of the problem and its basic causes. Unless this is accomplished, and the applicant indicates a willingness to do something constructive about it, nothing further can be accomplished by the interview.

1) Determining whether the E&T agency or the SAU should provide the needed help. The first step is to determine whether the problem can best be resolved with the aid of the E&T employment counselor, whether it can be handled better by the SAU, or whether help by both the E&T agency and the SAU can be provided concurrently. Applicants with job adjustment problems are more likely to need help from the SAU than registrants with vocational choice problems.

2) Determining the specific counseling problem(s) involved. Some registrants will have progressed further than others in recognizing their difficulty. The E&T counselor should start at the point which the registrant has reached. The registrant is encouraged to talk freely and to describe the difficulties he/she is experiencing. From the registrant's description, supplemented by additional facts which the E&T counselor elicits

by appropriate questioning, the counselor and the registrant arrive at a mutual understanding of the problem.

3) Differentiating between cause and effect and between external and internal causes. The counselor must learn to discriminate between cause and effect. For example, inappropriate behavior indicates the presence of difficulties but does not identify the source or the nature of the conditions responsible for the behavior. The same basic cause may express itself in quite different kinds of behavior.

The first information that the counselor obtains may, in reality, be the effect of a problem, and further analysis is necessary to determine the cause. For example, information that (a) a registrant has lost a series of jobs for which he/she appears to be qualified, and (b) that he/she has lost them because of failure to get along with supervisors describes only the effect. The counselor must analyze further to attempt to find more basic causes for his/her behavior. A series of bad situations may account for his/her seeming failure. Is the problem in the environment or in the person? What kind of environment would be most suitable?

b. Examples of Causes Underlying Job Adjustment Problems. The following are examples of the kinds of factors which may contribute to the registrant's job adjustment problem:

1) Unsatisfactory choice. Even though the occupational choice appears to be satisfactory, the counselor must not overlook the possibility that something about the occupation or the specific job may be contributing to the registrant's malajustment on the job.

He/she may be overqualified, with the result that the work becomes boring or lacks challenge. He/she may be underqualified or unsuited by interest and temperament, with the result that he/she is subjected to undue stress. His/her performance may be inadequate, or he/she may compensate for felt inadequacies by behavior of an undesirable nature.

2) Physical illness or defect. Registrants whose physical capacities have been impaired are sometimes reluctant to admit, even to themselves, that their capacity for performing their usual job has been affected. Other attitudes which may create problems are overemphasis of the disability and its limitations, sometimes coupled with exaggerated fears and anxiety. The SAU may be helpful in working with the registrant to foster a better understanding of his/her physical condition and providing remedial medical services when appropriate.

3) Environmental factors related to the job. Environmental factors in the job may play a part. Unsatisfactory physical conditions may lead to more than ordinary stress, lowered morale, and behavior problems. Inability to adjust to fellow workers or supervisor may be the worker's fault, the fault of others (for example, poor supervisor), or merely a personality clash. If this difficulty is habitual, further exploration is necessary to find the cause.

4) Unrealistic wage demands. When the registrant makes an unrealistic wage demand, it may stem simply from lack of knowledge of current wage scales. Or, the registrant's demands, based on his/her financial needs, may be unrealistic in relation to his/her income-producing capabilities. The SAU may be helpful in providing financial management assistance.

5) Immature attitude, evidenced by failure to accept responsibility, to follow company rules, to give his/her job a sufficient tryout, or by expecting advancement too quickly. Immature attitude is frequently caused by lack of information of what the worker can expect and what is expected of him/her. This, in turn, may be caused by poor orientation to the job, an over-protected home life, or a home environment which limited his/her knowledge of the world of work. IES may be indicated. This attitude may also be a symptom of emotional maladjustment.

6) Attitudes in job-hunting. Prolonged unemployment can lead to bitterness, defeatism, and lethargy toward job-hunting. Unsatisfactory attitudes to job-hunting such as "The world owes me a living," timidity, being too forward, or an approach based on need rather than on qualifications, may be caused by a lack of understanding of desirable standards or "failure to see himself as others see him." Such attitudes may also be evidence of deep-seated emotional problems more suitably addressed by the SAU.

c. Useful techniques for job adjustment counseling.

1) The skillful use of questions is essential in job adjustment counseling. The counselor in this situation asks questions to help the registrant:

a) Think in new channels;

b) Clarify his/her real desires and feelings;

c) Consider positive aspects of his/her situation;

d) Weigh and resolve conflicting possibilities.

2) Temperament factors should be explored with the counselee in helping him/her find the best job adjustment; for example:

a) Preference for variety in work;

b) Willingness to do routine work;

c) Feelings about the degree of supervision desired;

d) Adaptability to playing a submissive role;

e) Desire for work where perfectionist drives can be satisfied;

f) Preference for work with people;

g) Need to work where he/she can help others; and

h) Ability to work under pressure.

d. Limitations of Job Adjustment Counseling. While the employment counselor understands the importance of dealing with the registrant as a total individual, he/she knows his/her limitations in such fields as family personal, and psychiatric counseling and uses the resources of the SAU and agencies when such problems arise. When the counselor encounters registrants with apparently serious personal or emotional maladjustments, he/she does not attempt to render any service other than referral for diagnosis and treatment. Tact must be exercised in making the referrals to avoid resentment on the part of the registrant.

7. Group Counseling.

a. Definition. Group counseling is the process whereby the WIN staff, using the principles of group dynamics in group discussion, assists selected registrants with similar counseling problems which lend themselves to this approach, to understand their problems better and to make appropriate adjustments and plans. Group counseling is an extension of the counseling process but does not replace the individual counseling interview.

In group counseling, most of the discussion, suggestions, questions, advice, and information come from the

registrants themselves. The counselor merely keeps the discussion in contructive channels and stimulates it when it begins to lag. Group counseling in the public Employment Service is always preceded by one or more individual counseling interviews. Individuals participating in the group discussions also should be provided the opportunity for any needed individual counseling interviews following the discussions.

b. When Group Counseling is used. Group counseling can be helpful to groups of registrants whose problems involve unrealistic demands, attitudes, habits, appearance, and other personal traits which may be difficult to deal with in individual face-to-face interviews, or for registrants who may be discouraged and who need to identify their problems with others having similar problems in order to bolster their confidence.

The mere fact that "others are in the same boat" helps to relieve the feeling that difficulties arise from personal inadequacies or failures. As the discussion progresses, the counselees contribute information and ideas toward the solution of the employment problems of others and, at the same time, learn from the experience of others having similar problems.

c. Advantages of Group Counseling. Group counseling:

1) Permits pooling of judgment and experience of a number of people and facilitates their learning from each other;

2) Creates a more receptive attitudes on the part of participants who are likely to be more amenable to the ideas and suggestions of their peers than to those of the counselor;

3) Permits the use of methods not practicable in the individual counseling interview, to develop skill in applying for a job;

4) Provides an opportunity to obtain additional information on the individual's characteristics and personality traits that will be significant for future individual counseling;

5) Provides the counselor an opportunity to establish better rapport with counselees which will be particularly helpful in subsequent individual counseling interviews.

8. Recognition of the Registrant's Need for Services the E&T Counselor Cannot Provide. The E&T counselor has a special responsibility to the registrant to recognize those problem areas

relating to the registrant's ability to find and retain employment that are best handled by the SAU or another social service agency and to refer the registrant to the SAU for futher follow-through on those problem areas. (See Chapter Seven, Social Services.)

B. Testing. Many types of vocational and aptitude tests are available for use in assisting WIN staff and the registrant to formulate a vocational goal.

1. Available tests and other tools.

a. Interest inventories.

1) Definition. Interest inventories are exploratory devices for investigating a registrant's range of vocational interests. However, interest inventories are not indicators of aptitude. It is possible for a person to have a strong interest in a field of work for which he/she lacks the aptitude requirements. These are two types of interest inventories commonly used:

a) The USES Interest Check List. The ICL covers a broad range of activities found in the American economy, grouped according to related DOT codes. The registrant indicates by checking in the proper columns whether he/she would like or dislike that activity or is uncertain about it. He/she then double checks the three activities which he/she thinks he/she would like the most. The counselor uses the completed ICL as an interviewing aid, first discussing the items doubled checked as "most liked" and then reviewing the other items "liked," particularly the clusters of checks in any group. In order to substantiate these likes the counselor questions the registrant to determine whether they are based on actual work experience, observation, leisure-time activities, school courses, or merely glamour. It is important to bring out what is liked about these activities and why they are liked, as well as to explore the relationships between the various liked activities to determine possible patterns of strongest interest and related job possibilities.

b) The Kuder Preference Record--Vocational. The Kuder consists of several hundred activities arranged in groups of three. In each group the registrant is asked to indicate, through forced choice, which of the three activities he/she would like the most and which he/she would like the least. From the responses it is possible to derive a percentile score for each of the following 10 broad areas: outdoor work, mechanical, computational, scientific, persuasive, artistic, literary, musical, social service, and clerical.

In interpreting the results of the Kuder, scores above the 75th percentil are considered significant interests; scores between the 25th and 75th percentiles are not well-developed interests; and very low scores as negative evidence.

Both the ICL and the Kuder require skill in their use and interpretation. Both should be considered primarily as aids which give direction to and facilitate the exploration of interests with the registrants.

2) When to use. The registrant's occupational interests are often found to be the logical starting point in the process of obtaining information to form an occupational goal. The counselor must validate expressed interests and may uncover latent interests which the registrant has not recognized or considered. While verbal expression of interest, reactions to kinds of work performed and leisure time activities are indicators of interest, the interest inventory serves as a more objective tool in highlighting interests.

These inventories are particularly helpful when a registrant has no well-defined interests or his/her knowledge of occupational fields seems limited.

b. Aptitude testing.

1) Definition. Aptitude is defined as the potentiality for acquiring vocational proficiency after appropriate training and experience. The counselor judges proficiency and skills from the registrant's successful and unsuccessful work experience, school training, and leisure-time activities. When evidence of aptitude or potentiality is needed the counselor arranges for the administration of the General Aptitude Test Battery.

2) General Aptitude Test Battery (GATB).

a) Use of the GATB. The GATB makes it possible to compare the aptitudes of an individual with those aptitude patterns found important for success in more than 800 occupations.

b) Composition of the GATB. The GATB consists of 8 pencil-and-paper tests and 4 apparatus tests. The battery measures 9 aptitudes which have been found important for success in a variety of occupations. These 9 aptitudes are: intelligence, verbal aptitude, numberical aptitude, spatial aptitude, form perception, clerical perception, motor coordination, finger dexterity, and manual dexterity.

c) It is available in Spanish and in a non-verbal form for those lacking literary skills.

3) When aptitude testing is useful. Aptitude test results will be useful whenever evidence of aptitude is needed. The following are some representative situations:

a) When the registrant's vocational choice seems to be above or below his/her capacities, as evidenced by his/her school record or other factors;

b) When the registrant has expressed a definite interest in an occupation or field of work which is covered by the GATB but he/she lacks self-confidence;

c) When a registrant has conflicting or vacillating vocational interests and is trying to choose among several occupational fields;

d) When a registrant has left or lost a number of jobs for other than personal or economic reasons and it appears that he/she lacks an understanding of his/her own vocational strengths and weaknesses; and

e) When sufficient support for any vocational field is not apparent after exploring other areas of information.

4) Preparation of the registrant for testing.

a) When the GATB is to be given, the registrant should be helped to understand why. The explanation will vary depending on the particular registrant and his/her orientation to testing. It is especially important that the registrant understand the use to be made of test results in the counseling process. Some registrants will have apprehensions about taking a test. Others will have misconceptions about what they can expect to gain from it. The counselor should explain that aptitude tests are a means of getting additional information which may be mutually helpful. While the test will be given in a group the registrant should be assured he/she is not in competition with others. The applicant should be put at ease, yet motivated to do his/her best.

b) The registrant should know when and where to report, the time required, and the importance of reporting at the scheduled time.

5) GATB information available for use in counseling.

a) When the GATB has been administered and scored, the counselor will have available the following information about the registrant:

i) His/her aptitude profile, made up of standard scores for each of the 9 aptitudes;

ii) Whether or not he/she met the qualifying scores for groups of occupations requiring similar combinations of aptitudes (Occupational Aptitude Patterns-OAP's); and

iii) Whether or not he/she met the qualifying scores for certain specific occupations, some of which are grouped into OAP's.

b) While GATB results provide highly useful objective data, the 9 aptitudes measured by the test do not include all the aptitudes possessed by the individual. For example, memory, musical, and artistic talent are not measured.

c) Many (thousands) jobs have not yet been included in OAP coverage.

III. Appropriate Work and Training Criteria. A certified mandatory registrant must accept assignment to employment, training, or WIN services as determined appropriate by the WIN E&T agency staff or be subject to WIN sanctions. The criteria set forth in this section must be met before the individual can be required to accept an assignment for work or training. Assignment is understood to include not only the offer of a referral and a first physical reporting of the individual, but also regular participation as long as the individual remains registered for WIN.

A. Criteria Common to Assignment to Both Work and Training, Including PSE and OJT:

1. WIN assignments shall be within the scope of the individual's EP. The EP may be modified to reflect changed employment conditions;

2. The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. A claim that participation would impair the individual's physical or mental health must be supported by adequate testimony from a physician or licensed or certified psychologist (a psychologist may testify only on mental health);

3. The daily commuting time to and from home to the assigned work or training site shall not normally exceed 2 hours;

This does not include the time required to transport a child to and from a child care facility. Where longer travel time is normal in the community, the round-trip commuting time shall not exceed the generally accepted community standards;

4. When day care is required, it must meet the standards specified in the Federal Interagency Day Care Requirements and must be available during the hours the individual is engaged in a WIN component, training activity, or employment, plus any additional commuting time;

5. Work or training assignments which are discriminatory in terms of age, sex, race, religion, ethnic origin, or physical or mental handicap shall not be made. Work or training assignments shall not reinforce discriminatory hiring practices;

6. The work or training site must not be in violation of established and applicable health and safety standards;

7. The individual shall not be referred to work or training unless social, employment and training services necessary to participation are available, even where the necessary service is not one of those listed in the SWP. The cessation or withdrawal of such necessary services while the individual is entitled to such services constitutes good cause for refusal to participate.

B. Criteria for Assignment to Appropriate Work. The appropriate work criteria for both subsidized and unsubsidized employment shall include the following in addition to those above:

1. The daily and weekly hours of work shall not exceed those customary to the occupation;

2. Appropriate work may be temporary, permanent, full-time, part-time, or seasonal work, which meets the other work standards of this section;

3. When an income disregard is available, the wage shall meet or exceed the federal or State minimum wage laws or the prevailing rate for similar work, whichever is applicable. If such laws are not applicable, the wage must not be substantially less than the wage normally paid for similar work in that labor market but in no event shall it be less than 3/4 of the minimum wage rate set forth in Section VI(a)(1) of the Fair Labor Standards Act;

4. When the individual is not eligible for income disregard, the wage, less mandatory payroll deductions and a

reasonable allowance for necessary work expenses, shall provide a monthly income equal to or exceeding the individual's AFDC monthly cash assistance payment. The wage shall in no case be less than that required by any applicable minimum wage law;

5. Unemployed fathers are not eligible for any AFDC benefits if they have regular employment of 100 hours or more per month. Therefore, they shall be required to accept employment only where the monthly wage level, less mandatory payroll deductions and a reasonable allowance for necessary work-related expenses, shall equal or exceed the registrant's monthly AFDC cash assistance payment. The wage shall in no case be less than that required by any applicable minimum wage laws;

6. No individual shall be required to accept employment if the position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

7. The individual shall not be required to work for an employer if this is contrary to the conditions of his/her membership in the union governing that occupation. However, employment not governed by the rules of the union to which he/she belongs may be appropriate. Many labor unions fine or suspend their members for pursuing their trade either with a nonunion employer or for nonunion wages. Forfeiture of good standing with the union would make reemployment and financial independence more difficult. If a registrant declines a job offer because it would jeopardize his/her union standing, it is not considered a job refusal. For example, while a carpenter may refuse a nonunion carpentry job because it would adversely affect union standing, he/she may not refuse a job not covered by the union such as that of a salesperson;

8. The individual shall not be required to accept a job which would interrupt a program in process under an approved EP leading to self-support or which would prevent him/her from returning to his/her regular job within a reasonable time. This policy does not apply if the job offer provides regular employment and sufficient income to lead to self-support. It also does not apply to temporary employment while the registrant is waiting for reemployment in his/her regular job.

C. Criteria for Assignment to Training. Criteria for determining appropriate assignments to training shall also include the following:

1. Training during an OJT or PSE assignment shall be part of the regular work week specified in the contract;

2. The activities of individuals in other components or activities shall be governed by the hours of work and training standards applicable to the assigned activity;

3. Unless the registrant is engaged in a project under the Federal Disaster Act, participation shall not exceed the hours required of a registrant in employment;

4. The training must be preparation for a job which meets the criteria for appropriate work;

5. The quality of the training must meet local employers' requirements so that registrants will be in a competitive position within the local labor market.

IV. Registration of Those With Training Plans in Progress

Recent reductions in program funding together with increasing caseloads necessitate a new policy concerning individuals with post-secondary education or training plans in progress at time of registration. Effective immediately, all such individuals are to be registered with WIN which includes completion of the WIN Registration Record (WIN-39), the MDES-511, given a copy of the WIN rules and Data Privacy Notice (WIN-1) and placed in unassigned recipient status. In addition these individuals are to be given a brief orientation to the program, advised that they will be followed up at six month intervals and if they have children under the age of six for whom they must care they will become exempt if they either reduce their coursework to part-time, drop out of school or complete the program unless otherwise determined mandatory by the IMU. This may be done on a group basis. When this process is completed, enter code 8 in field 42 on the Status Change Notice (WIN-20). As with all registrants, enter the appropriate characteristics into the computer file.

Completion of the above steps will satisfy the registration requirement and also the provision at 29 CFR §56.22(b) that all unemployed parents be appraised within two weeks of AFDC eligibility determination. No certification for support services will be issued nor will an employability plan be developed at that point; thus, WIN neither approves nor denies the plan in progress but merely defers further services until they either drop out or enter the final month of the training program, at which time they may be certified for support services and an employability plan developed for job placement assistance. No adjudication is to be done with this group until an employability plan is completed and the individual is determined mandatory by the IMU. All adjudication activity now in process relating to this issue is to be terminated and the affected registrants assigned in accordance with this policy.

For those registrants in the final year of a training plan which the WIN staff judge to be the most appropriate means for the person to enter the labor market, such training may be approved with an employability plan, the person certified and assisted financially if resources are available. Any such WIN expenditures will credit toward the 25% client service requirement in the Omnibus Jobs Bill. In these cases, the registrants should be placed in Institutional Training or Suspense to Training, as appropriate.

V. Types of Agencies Qualifying as Work or Training Sites.

A. Private nonprofit, private-for-profit, and public agencies (including Indian tribes with respect to Indians on a reservation) may be used as sites under any of the work or training components, except that private-for-profit employers may not be used for PSE or WE components.

B. WIN registrants shall not engage in WE assignments that involve the operation or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship. However, WIN registrants may be assigned to work or training experiences with employers which are independent of any sectarian/religious group, but which in the normal course of doing business provide services for a fee to such institutions. These limitations on religious institutions as work or training sites shall be adhered to for WIN individuals suspended to other programs.

C. Federal agencies may serve as work and training sites except for PSE. No federal in-kind contribution will be allowed for services provided by a federal work site.

VI. Forms and Instructions. Facsimiles of WIN forms referred to in this chapter and applicable instructions follow.

V. Forms and Instructions - Continued.

A. Intensive Employability Services Agreement (WIN-9).

1. Facsimile Form WIN-9.

Work Incentive Program

INTENSIVE EMPLOYABILITY SERVICES AGREEMENT

I understand that in the WIN IES component, I am expected to make job contacts and participate in job-seeking skills training if necessary. I will be paid the incentive and training-related allowances only when I have completed the activities agreed upon for each day. My presence at WIN scheduled interviews in the WIN office will constitute satisfactory participation for that day in lieu of job contacts.

WIN staff will assist in providing job referrals and job leads. However, I understand that a voluntary independent job search can greatly increase opportunities for obtaining employment. To assist me in my independent job search, I will be paid for each day in which I make the number of job contacts indicated in this agreement.

A job contact consists of visiting in a face-to-face interview with a person in charge of hiring people for an employer.

I will maintain a daily record of job contact activity to be submitted to WIN staff for verifying payment of WIN allowances.

1. I agree to make _____ job contacts each day/week.

2. I will attend job-seeking skills training on _____

3. Other activities I will perform: _____

_____

_____

_____

_____

_____

_____

Registrant Signature _____ Date _____

WIN Staff Signature _____ Date _____

Distribution:

Original - WIN Files
1 Copy - Registrant

WIN-9 (Rev. 4/2/80)(ES-26009-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the Intensive Employability Services Agreement (WIN-9).

a. WIN staff will negotiate with each registrant the minimum number of job contacts to be made each day or week, taking into consideration the job market and the individual's qualifications and personal circumstances.

b. If the registrant is to attend job-seeking skills training, the dates of his participation in it must be entered.

c. The "Other activities..." section will specify any other activities, such as attending daily placement group meetings, to be performed while in IES. Be specific.

d. A minimum of 12 hours of activity will be scheduled each week.

e. The Intensive Employability Services Agreement (WIN-9) shall be completed in duplicate and signed by the registrant and WIN case manager. One copy is given to the registrant and the other kept in his/her folder.

B. Record of IES Activities (WIN-8).

1. Facsimile Form WIN-8.

Work Incentive Program

RECORD OF IES ACTIVITIES

I understand that I will be paid incentive and training-related expenses *only* for days on which I complete the activities I agreed to in the IES Agreement.

Listed below are the job contacts I have made (included are date, name of company, person talked to and kind of job applied for) and all other activities I have completed.

I understand that verification of contact may be made with the employers listed below.

Date	Contacts

I certify that the above information is true.

Signature _____ Date _____

WIN-8 (11/26/79) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions. This form is to be completed by the registrant. At least 1 of these forms should be turned in to WIN staff each pay period. The instructions at the top of the form should be self-explanatory to the registrant. The completed form is to be kept in the WIN registrant folder.

C. Duration of Training Waiver Request (WIN-18).

1. Facsimile Form WIN-18.

Work Incentive Program

DURATION OF TRAINING WAIVER REQUEST

AREA/WIN OFFICE

Office Name _____

_____ _____

Signature of Area/WIN Manager Date

A waiver of the one-year limitation on duration of institutional training for the registrant and program specified below is hereby requested. Written justification supporting this request is on the reverse of this form.

1. WIN Case Manager's Name _____
2. Registrant's Name _____
3. Occupational Goal (DOT Title and Code) _____
4. Training Facility:

   Name and City _____
5. Name of Training Program _____
6. Length of Training Program _____ (school months)
7. Months Completed Prior to WIN _____
8. Extension Period Requested _____ (months beyond 12)
9. Anticipated Completion Date _____
10. Sources of Funding of Training Costs _____
11. Status: ☐ Institutional Training ☐ Suspense ☐ Non-Component Activity

REGIONAL COORDINATING COMMITTEE

A waiver of the one-year limitation on duration of institutional training for the registrant and program specified above is: ☐ granted

☐ not granted (see comments)

Waiver of this limitation is not a funding authorization.

_____ _____

Signature of Regional Office Representative Date

WIN-18 (Rev. (3/7/80) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

1. Facsimile Form WIN-18 - Continued.

1. Indicate nature of registrant's previous work experience and job training.

2. Explain why the registrant is being placed in training rather than in employment (OJT included). Include statements supporting the registrant's need for and motivation and ability to complete the proposed training.

3. Give evidence that the training is related to jobs which are, or are likely to become, available in the WIN office area (or in an area to which the registrant is willing to relocate).

4. Indicate the anticipated wage, potential welfare grant savings and likelihood that the registrant will become self-supporting (i.e., off AFDC) upon completion of training.

5. Provide assurance of adequate social services support.

6. Comments. Include other statements which support this training nomination. (RCC--comment if waiver is not granted.)

Distribution: Original + 2 Copies - State WIN Office

2. Instructions for Completing the Duration of Training Waiver Request (WIN-18). Three copies of the Duration of Training Waiver Request (WIN-18) are required. The original and 2 copies are to be sent to the State WIN Office to be forwarded to the Regional Office (1 copy will be returned to the orginating office after RCC action).

a. Side One:

Name of the Area/WIN Office submitting the request.

Signature of the Area/WIN manager and date of signature.

Item 1. Name of WIN staff person responsible for the management of the registrant's case record.

Item 2. Registrant's name.

Item 3. The occupational goal (and its DOT code) as specified by the training facility.

Item 4. Name of the training facility and city within which it is located.

Item 5. Name of training course as specified by the training facility.

Item 6. Total length of training course in school months.

Item 7. Number of months of training course completed prior to WIN registration.

Item 8. Number of months in excess of 12 which registrant requires to complete the training. Equals (Item 6 minus Item 7) minus 12 months.

Item 9. Anticipated date the registrant will satisfy the requirements for completion of the training.

Item 10. Major sources for funding of direct training costs such as tuition and books, e.g., WIN, CETA, BEOG. Also specify type of WIN allowances to be paid if any.

Item 11. Indicate the component or status the registrant will be primarily assigned to while participating in this training assignment (i.e., WIN Institutional Training component, Suspense to Training component or other WIN Non-Component Activity status).

b. Side Two:

Provide the asked for information on side 2 of the form. Be objective and specific.

D. Work Experience Agreement (WIN-36).

1. Facsimile Form WIN-36.

Work Incentive Program

WORK EXPERIENCE AGREEMENT

This agreement is entered into between the Minnesota Department of Economic Security, an agency of the State of Minnesota, hereinafter referred to as "Agency" and _____, hereinafter referred to as "Employer".

Employer agrees to provide a well-supervised work experience, not to exceed 13 weeks, whereby the trainee named below will have the opportunity to develop basic work habits, practice skills learned in classroom training, or demonstrate skills to the trainee's supervisor. The trainee's name and address, the employer's name and address, the individual who shall supervise the trainee in the performance of services under this agreement, the WIN Representative, the term of this agreement, and the job title and job duties of the trainee under this agreement shall be as follows:

1. Trainee's Name _____ SSN _____

   Address _____

   _____ Tel. No. _____

2. Employer's Name _____

   Address _____

   _____ Tel. No. _____

3. WIN Representative _____ Tel. No. _____

4. Term of Agreement: Beginning _____ Ending _____

5. Job Title _____ DOT Code _____

   Specific Duties _____

   _____

   _____

   _____

   _____

   _____

   _____

It is understood between the parties hereto that the above-named trainee shall be regarded as an employee of the employer with respect to work attendance, assignment and completion of work responsibilities, and compliance with operational rules and regulations which govern the performance of services by regular employees of employer.

(over)

1. Facsimile Form WIN-36 - Continued.

It is further agreed that for the purposes of workers' compensation coverage _____ shall be deemed the employer of the
(insert name of the employer)
trainee with respect to the performance of services under this agreement, and said employer shall provide appropriate workers' compensation protection for said trainee. Employer agrees that if he fails to provide said protection he shall hold agency, the State of Minnesota and the United States harmless from any actions brought under the workers' compensation law by or on behalf of the trainee which result from the performance of services under this agreement. Employer is not responsible for the payment of any wages and is in no way obligated to employ the trainee beyond the term of this agreement. Employer shall file a Work Experience Progress Report at the midpoint and termination of said term. The trainee shall receive incentive payments and training-related expense payments from agency during said term.

_____	_____
Area/WIN Manager Signature	Employer Representative Signature
_____	_____
Typed Name	Typed Name
_____	_____
Date	Date
_____	
Area/WIN Office Address	
_____	

Distribution:
1 Copy - Employer
1 Copy - Area/WIN office
1 Copy - State WIN office

WIN-36 (Rev. 1/20/78) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the Work Experience Agreement (WIN-36). Prepare in triplicate; distribute according to instructions on the form.

Item 1. Trainee's name, SSN, home address and home telephone number.

Item 2. Employer's business name and address; name of individual responsible for supervising trainee and business telephone number.

Item 3. Name and telephone number of WIN staff member responsible for monitoring work experience activity.

Item 4. Dates trainee will begin and end work experience. May not exceed 13 weeks.

Item 5. DOT job title and code and a listing of specific duties the trainee is expected to experience during the period of work experience.

Signature and typed name of case manager, date of signature and local address of Area/WIN Office.

Signature and typed name of employer representative. Signatory must be a person authorized to sign for, and in behalf of, the employer. Employer must sign and date on or before starting date.

E. Work Experience Assignment (WIN-36A).

1. Facsimile Form WIN-36A.

Work Incentive Program

WORK EXPERIENCE ASSIGNMENT

The Minnesota Department of Economic Security shall provide a well-supervised work experience, not to exceed 13 weeks, whereby the registrant of the Work Incentive Program, named as trainee below, shall have the opportunity to develop basic work habits, practice skills learned in classroom training and demonstrate skills to a supervisor. Description and terms of the assignments are as follows:

1. Trainee's Name _____ SSN _____

   Address _____ Tel. No. _____

2. Trainee's Supervisor _____ Tel. No. _____

3. Work Experience Site Location:

   Division _____

   Office/Section _____

   Address _____

4. WIN Case Manager _____ Tel. No. _____

   Signature _____

5. Term of Assignment: Beginning _____ Ending _____

6. Job Title _____

   Specific Duties _____

   _____

   _____

   _____

   _____

It is understood that the above-named trainee shall be regarded as an employee with respect to work attendance, assignment and completion of work responsibilities, and compliance with operational rules and regulations which govern the performance of services by regular employees at the work experience site location.

The Department is not responsible for the payment of any wages and is in no way obligated to employ the trainee beyond the term of the work experience. The trainee shall be eligible to receive incentive payments and training-related expense payments through the Work Incentive Program during said term. A Work Experience Progress Report shall be filed at the midpoint and termination of said term.

_____ _____

Signature of Supervisor - Employing Unit Date

_____

Typed Name of Supervisor - Employment Unit

Distribution: Registrant Folder, Registrant, Employing Unit, State WIN Office

WIN-36A (8/80) (ES-26079-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the Work Experience Assignment (WIN-36A). Use the WIN-36A if assignment is to a worksite in the Minnesota Department of Economic Security. Prepare in quadruplicate; distribute according to instructions on the form.

Item 1. Trainee's name, SSN, home address and home telephone number.

Item 2. Name of individual responsible for supervising trainee and business telephone number.

Item 3. a. Name of Economic Security Division (Job Service, UI, DVR, etc.).

b. Office or Section within Division otherwise known as Employing Unit.

c. Address of the worksite.

Item 4. Typed name and office telephone number of WIN case manager responsible for assigning registrant to worksite and for monitoring work experience activity. Signature of WIN Case Manager.

Item 5. Dates registrant will begin and end work experience. May not exceed 13 weeks.

Item 6. DOT job title and code and a listing of specific duties the registrant is expected to experience during the period of assignment.

Signature block. Self-explanatory.

F. Work Experience Progress Report (WIN-37).

1. Facsimile Form WIN-37.

Work Incentive Program

WORK EXPERIENCE PROGRESS REPORT

Employer's Name _____

Trainee's Name _____ Job Title _____

WORK HABITS	Above Average	Average	Below Average
Cooperates with fellow workers			
Follows supervisor's instructions			
Ability to "catch on" or learn			
Uses time well			
Shows interest in the work			
Shows competence for this type of work			
Attendance			
Punctuality			
Grooming appropriate for this type of work			

Additional Comments: _____

_____

_____

_____

_____

_____

_____
Supervisor's Signature

_____
Date

WIN-37 (Rev. 1/20/78) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the Work Experience Progress Report (WIN-37).

a. Employer's name, trainee's name and trainee's job title are the same as indicated on the Work Experience Agreement (WIN-36). Use the work experience site name in lieu of the employer's name for the Work Experience Assignment (WIN-36A).

b. The trainee's immediate supervisor is to rate the registrant's work habits on the basis of observed performance as enumerated on the report and add additional comments as appropriate.

c. The person doing the rating is to sign and date the report and submit to the Area/WIN Office representative at the midpoint and termination of the work experience assignment.

G. WIN OJT: Cutting the Cost of Training Workers (WIN-44).

1. Facsimile Form WIN-44.

What is WIN OJT?

WIN — the Work Incentive Program — helps people who receive Aid to Families with Dependent Children (AFDC) move from welfare to economic independence. OJT is on-the-job training that you give your employees. Under WIN-sponsored on-the-job training (WIN OJT), you can be paid for the costs of training new employees from the WIN Program. WIN OJT brings real gains to both WIN registrants and employers:

- It helps WIN registrants get and keep good jobs.
- It helps employers save on the cost of training new workers.

How WIN OJT Works

First, you discuss your hiring needs with a WIN expert and find out exactly how WIN OJT can help your firm. (See back panel for address and telephone number of your area WIN office.) If you decide to take part, WIN will screen and refer qualified people to you. The hiring decision is up to you, of course.

Once your new employee is selected, WIN will prepare the WIN OJT contract for your signature. After the contract is signed, WIN OJT will help you save money by paying these costs:

- 50 percent of the employee's entry wages while training on-the-job.
- 100 percent of the wages for time spent in approved, job-related classroom instruction.
- 100 percent of other approved costs for classroom training.

In this way, you can provide training which meets *your* particular needs — and do so at a substantial saving.

Who is Eligible for WIN OJT?

Any private or public employer is eligible for a WIN OJT contract provided that abnormal labor conditions, such as a strike or lockout, do not exist. Of course, you must comply with all applicable local, state and federal labor laws.

What Kinds of Jobs?

WIN OJT will pay for training a new employee in almost every job that requires some occupational training, provided you plan to retain the employee when training has been completed.

No Special Restrictions

All you have to do is hire a WIN registrant for a permanent job and start the training under your WIN OJT contract. Once hired, the worker is treated the same as any other employee in a comparable position, with similar wages and employee benefits and a chance to advance like other people you employ.

Of course, a WIN OJT program cannot conflict with any collective bargaining agreement you have with your employees. You and your union representative should agree on the scope and pay rates of a WIN OJT contract.

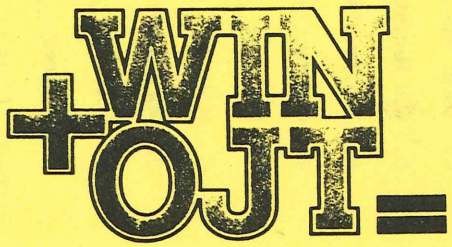
WIN OJT Plus A Tax Credit

In addition to the cost savings under WIN OJT, you may also become eligible to claim a special credit on your federal income tax return — the Targeted Jobs Tax Credit (TJTC). The TJTC allows you to claim a tax credit (not simply a deduction) of 50 percent of the first $6,000 in non-OJT wages paid to each WIN worker during his or her first year of employment. Twenty-five percent of the first $6,000 of wages paid during the second year may also be claimed as a credit. If you combine the benefits of both WIN OJT and the TJTC,

You will substantially reduce the cost of first-year wages and save much of the second-year costs also.

Interested?

If you want to find out more about how a WIN OJT contract can save you money while helping you train new employees, contact your area WIN office or state Job Service office. (See back panel of this brochure or check listings under Minnesota State Offices in your telephone directory.) The staff will give you the information you need and, when you are ready, help you find the workers you want and develop the WIN OJT contract for you.



Gains for Everybody

1. Facsimile Form WIN-44 - Continued.

H. WIN OJT Negotiated Fixed-Price Contract (WIN-35).

1. Facsimile Form WIN-35.

WORK INCENTIVE PROGRAM

On-the-Job Training
Employment Contract

Contract No. _____

EMPLOYER

- ☐ State Agency
- ☐ Other Public Agency
- ☐ Indian Tribe on Reservation
- ☐ Private Non-Profit Employer
- ☐ Private Employer

This contract is entered into between the Minnesota Department of Economic Security, hereinafter called the Agency, and the employer identified above, hereinafter called the Employer. The parties agree that the Employer shall hire the WIN registrant named in Paragraph I and perform and provide all On-the-Job Training services in accordance with the provisions contained herein. In consideration for the services to be provided by the Employer, for the period set forth herein, the Employer will receive a total fixed price in an amount not to exceed the total Agency cost specified in the cost table of this contract. This amount is to be paid pursuant to the terms and conditions set forth herein, and in the General Provisions which are a part of this contract. The Employer may not subcontract On-the-Job Training provided for under this contract.

The Employer agrees to hire the registrant with the commitment of continuing employment in the occupation in which s/he is to be trained and to retain the registrant on a permanent basis upon successful completion of the training. It is acknowledged that there are contingencies not within the control of the Agency or Employer which would limit their ability to comply in full with this contract. However, this commitment requires good faith efforts to continue the employment for the WIN OJT registrant who performs satisfactorily. Refer to attached General Provisions, items 17 and 18, for further details.

I. GENERAL

A. ☐ Minority Employer

B. Period Beginning _____ Ending _____

C. Total WIN Agency Cost _____

D. WIN Registrant/Employee _____ SSN _____

E. Employer's Product or Service _____

F. Contract Service Representatives:

Employer _____ Tel. _____

WIN _____ Tel. _____

G. Work Location and Name of Trainer (if other than above)

Location _____ Tel. _____

Trainer _____ Title _____

WIN-35 (1/83) (ES-2078-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

1. Facsimile Form WIN-35 - Continued.

II. COLLECTIVE BARGAINING AGREEMENT

☐ The position contracted for is subject to a collective bargaining agreement. This contract is not in conflict with that agreement.

Name, title, and union affiliation of the appropriate bargaining agent:

_____

Agent's Signature _____

☐ The contracted for position is not subject to a collective bargaining agreement.

III. TRAINING SCHEDULE

Employer's Job Title _____

Training Task: Hours Scheduled

Total Hours

IV. GENERAL AND SPECIAL PROVISIONS

The attached General Provisions (WIN-26) are made a part of this contract.

The following Special Provisions are made a part of this contract (use attachment if necessary).

WORKERS' COMPENSATION

In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 176.182, the Agency affirms that the Employer has provided acceptable evidence of compliance with the Workers' Compensation Insurance requirement of the Minnesota Statutes, 1981 Supplement, Section 176.181, Subdivision 2.

TAX IDENTIFICATION NUMBERS

State Tax ID # _____ Federal Tax ID # _____

This information is required by Minnesota Statutes, 1981 Supplement, Section 270.66, and may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in action to require you to file state tax returns and pay delinquent state tax liabilities. The above numbers will be available to federal and state tax authorities and state personnel involved in the payment of state obligations. This grant will not be approved unless the above requested numbers are provided.

V. TAX CREDIT (employers subject to federal income tax)

☐ Tax credit certification is requested.

☐ Tax credit certification is not requested.

VI. COST TABLE

A. Wages and Hours

1. _____ _____
DOT Title and Code Wage/Hour

2. OJT Weeks Allowed _____

OJT Hours/Week Allowed _____

Total OJT Hours Allowed _____ [ ]

B. Reimbursement

1. Hourly Costs Allowed

[ ] X _____ = _____
OJT Reimbursement/Hour — Hours Allowed

[ ] X _____ = _____
Trial Period Reimbursement/Hour — Hours Allowed

[ ] X _____ = _____
JRE Release Time Reimbursement/Hour — Hours Allowed

2. Job Related Education (JRE) Costs Allowed

_____ _____ = _____

_____ _____ = _____

_____ _____ = _____

3. Special Costs Allowed

_____ _____ = _____

_____ _____ = _____

_____ _____ = _____

C. TOTAL AGENCY COSTS (B1 + B2 + B3) [ ]

VII. REPORTING

The Monthly Progress Report/Invoice (WIN-47) shall be prepared monthly and signed by the Employer, or his authorized representative, as designated on this page. All such reports/invoices shall be submitted to the Area/WIN office shown below or to the address specified in the Special Provisions of this contract (Paragraph IV).

Send report/invoices to the attention of _____

VIII. SIGNATORIES

Name and Address of Area/WIN Office	Name and Address of Employer

Signature of Area/WIN Manager	Signature of Authorized Representative
Typed Name	Typed Name and Title
Date Signed	Date Signed

EMPLOYER'S CERTIFICATION

I, _____, certify that I am the _____ of the agency, corporation, committee, commission, or association named as Employer herein;

that _____, who signed this contract on behalf of the Employer,

was then _____ of said agency, corporation, committee, commission, or association; that said contract was duly signed for and in behalf of said organization by authority of its governing body and is within the scope of its corporate, agency, association, committee, or commission powers.

Signature of Witness (if employer is an individual owner, or partnership, joint venture or solely-owned corporation)	Employer's Signature
	Date Signed

Dist: Original - Employer; 1 Copy - Area/WIN Office; 1 Copy - Financial Services
1 Copy - State WIN Office

Attached: General Provisions (WIN-26)

- 4 -

2. Instructions for Completing the WIN OJT Negotiated Fixed-Price Contract (WIN-35).

Distribution. Original - Employer; 1 copy - Area/WIN Office; 1 copy - Financial Services; 1 copy - State WIN Office.

Page 1:

Employer. Enter complete business name and street address of OJT employer. Check appropriate box indicating type of business organization. Enter contract number (7 digits plus 1 letter); consists of: the office location number (3 digits), the last digit of the current fiscal year (Oct. 1 - Sept. 30), the letter 'J' (indicating OJT), and the cumulative number of OJT contracts written at the Area/WIN location in the fiscal year (expressed in 3 digits). For example, 123-2-J-007 is the seventh OJT contract for the Duluth WIN office in fiscal year 1982.

Item I.A. Type of enterprise. Check box "M" if employer is a minority enterprise. A minority business enterprise is a business, at least 50 percent of which is owned by minority group members, or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purpose of this definition, minority group members are: Blacks, not Hispanic; Hispanic; American Indians and Alaskan Natives; and Asian and Pacific Islanders.

Item I.B. Period Beginning. Date from which employer is to be reimbursed for training or release time. This date may not be prior to date of signing of contract.

Item I.C. Maximum amount of reimbursement employer may receive for completion of agree-to training and release time.

Item I.D. Full name and Social Security Number of WIN registrant.

Item I.E. Description best defining the nature of employer's business.

Item I.F. Employer. Name and telephone number of person designated by employer as responsible for invoicing and for other services as determined necessary in the performance of the contract.

WIN. Name and telephone number of person designated by Area/WIN manager as responsible for reporting and for other services as determined necessary in the performance of the contract.

Item I.G. Location. Address of usual work location of WIN registrant.

Telephone. Telephone number at which trainer and WIN registrant may normally be contacted.

Trainer. Person designated by employer as responsible for the provision of supervision and training of WIN registrant.

Title. Trainer's usual title as designated by employer.

Page 2:

Item II. Collective Bargaining Agreement. Indicate correct responses and provide requested information if applicable. Employer is ineligible for the WIN OJT program if the contract would be in conflict with an existing collective bargaining agreement. If agent does not sign this paragraph, attach agent's signed statement, which is to identify the reason(s) for the agent's refusal to sign the contract.

Item III. Training Schedule. This includes a complete and specific schedule of tasks for which training is to be provided by employer. This schedule must justify use of occupational title and code assigned in Item VI.A.1. Include number of hours assigned to each task described. Total hours must equal VI.A.2. total OJT hours allowed.

Item IV. General and Special Provisions. Special terms or instructions may be included here. For contracts including the 75% trial period reimbursement, provide prescribed format (see Section I.D.9, this Chapter). Exceptions granted by the Area/WIN Office Manager to the 25% rule for employees in training must also be specified here. Attach General Provisions (WIN-26) to employer's contract (original). Workers' compensation coverage by the employer must be ascertained as required by Minnesota Statutes. For tax identification purposes, the employer must provide state and federal tax identification numbers before the training grant is approved.

Item V. Tax Credit (for employers subject to federal income tax). For eligibility under TJTC, the trainee must be certified and vouchered prior to hire by the employer. Employer may decline eligibility by checking and initialing the appropriate box.

Item VI.A.1. Title and code assigned to the DOT job description most closely resembling the training occupation and the WIN registrant's cash wage rate in affect at date of hire (not including tips or commission). Wage must be expressed as a hourly rate.

Item VI.A.2. Number of OJT weeks. OJT hours per week and total number of OJT hours allowed to be provided in contract. Enter total OJT cost in box.

Item VI.B.1. Hourly Costs Allowed. Hourly reimbursement costs allowed to employer for OJT, trial period if required, and job related education release time. Total reimbursement cost for each item is calculated by multiplying the number of hours allowed by the hourly reimbursement rate allowed.

The total number of training hours for which the employer may receive reimbursement may not exceed the established maximum determined by the skill level code. (Upon request, the State WIN Office may waive the established maximum.) The hourly rate at which the employer is to be reimbursed for OJT is 50% of the trainee's cash wage rate in affect at date of hire.

The trial period may not exceed ten days or 80 hours for which the employer may receive reimbursement at the 75% rate. Special provisions must contain the "trial reimbursement" clause (See Section I.D.9 in this chapter).

Release time for JRE may be reimbursed at 100% of trainee's cash wage rate, not to exceed rate in item VI.A.1. Indicate total number of hours registrant is to be released from his regular work to attend job-related education.

Item VI.B.2. List all WIN approved job related education contained in registrant's employability plan and their total cost (See Chapter VIII-27).

Item VI.B.3. List all special costs to registrant's training program such as tools, uniforms, etc., required by the employer for work and their total cost.

Item VI.C. Self-explanatory.

Item VII. Reporting. Provide name of staff member to whom monthly invoices are to be sent.

Item VIII. Signatories. Provide information requested. The Area/WIN Manager is the only authorized signatory for the Department, unless the manager designates in writing to the State WIN Office that other staff persons are so authorized. The authorized representative for the employer shall also sign the monthly invoices unless another person is authorized in the special provisions.

Employer's Certification is to be completed when the employer is a public agency, corporation, committee, commission or association. The person signing the certification must have authority to sign contracts for and in behalf of the employer. The signature of a witness is necessary when the employer's certification is not required.

Item VIII. General Provisions. Attach General Provisions (WIN-26) to employer's contract original.

Page 4:

Provide information requested. The Area/WIN manager is the only authorized signatory for the Department, unless the manager designates in writing to the State WIN Office that other staff persons are so authorized. The authorized representative for the employer shall also sign monthly invoices unless another person is authorized in the Special Provisions. Employer's certification is to be completed when the employer is a public agency, corporation, committee, commission or association. The person signing the certification must have authority to sign contracts for and in behalf of the employer. The signature of a witness is necessary when the employer's certification is not required.

I. WIN OJT Supplemental Agreement (WIN-12).

1. Facsimile Form WIN-12.

WIN/OJT SUPPLEMENTAL AGREEMENT

CONTRACT NO: _____ MODIFICATION NO:	EFFECTIVE DATE:	PAGE NO:	NO. OF PAGES:

EMPLOYER'S NAME AND ADDRESS:

ISSUED BY: MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

LOCAL ADDRESS:

CHANGES HEREIN HAVE THE FOLLOWING EFFECT ON FEDERAL GOVERNMENT FUNDS IN THIS CONTRACT:

INCREASED BY $_____ DECREASED BY $ _____ UNCHANGED ☐

REGISTRANT NAME_____ SSN _____

THE ABOVE NUMBERED CONTRACT IS MODIFIED AS FOLLOWS:

1. THE TOTAL EMPLOYER'S COST AS SHOWN ON THE CONTRACT IS HEREBY INCREASED/REDUCED FROM $_____ TO _____
2. THE TERMINATION DATE AS SPECIFIED ON PAGE 1 OF THE CONTRACT IS HEREBY CHANGED FROM _____ TO_____
3. _____ IS HEREBY AUTHORIZED TO EXECUTE BILLS/REPORTS PERTAINING TO THIS CONTRACT.
   (TYPED NAME OF NEWLY AUTHORIZED SIGNATORY)

_____
(SIGNATURE OF NEWLY AUTHORIZED SIGNATORY)

THIS MODIFICATION IS NECESSARY BECAUSE:

EXCEPT AS HEREBY MODIFIED, ALL TERMS AND CONDITIONS OF SAID CONTRACT (AS HERETOFORE MODIFIED) REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

_____
TYPED NAME OF EMPLOYER

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY
WORK INCENTIVE PROGRAM

By _____ By _____
SIGNATURE DATE SIGNATURE OF AREA/WIN MANAGER DATE

_____ _____
TYPED NAME OF AUTHORIZED REPRESENTATIVE TYPED NAME OF AREA/WIN MANAGER

_____
TYPED TITLE OF AUTHORIZED REPRESENTATIVE

WIN-12 (REV. 10/10/78) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the WIN OJT Supplemental Agreement (WIN-12).

Minimum Distribution: Original - Employer; 1 copy - registrant folder; 1 copy local contract file; 2 copies - State WIN Office (1 copy must bear original signatures).

a. The number of the contract to be modified.

b. The sequential number of the modification.

c. The date the modification is to take effect. Modification must be signed by both parties on or before this date.

d. Enter page number when there is an attachment to the modification.

e. Enter total number of pages when there are one or more attachments to the modification.

f. Employer's name and business address.

g. Address of local WIN office responsible for the contract.

h. Enter amount of increase or decrease due to modification. Check "unchanged," if applicable.

i. Enter registrant's name and social security number.

j. Enter the original amount as shown on page one of the contract, and the gross amount of the contract as modified, if applicable.

k. Enter the original and new termination dates, if the contract has been extended or shortened.

l. If the modification is for change of authorized signatory, enter the typed name of the person newly authorized to sign invoices, etc.

m. Signature of the person named in l.

n. Enter any comments necessary to explain the modification.

o. Enter name of employer.

p. Signature of employer, and date.

q. Typed name of p.

r. Typed title of authorized representative.

s. Signature of ES/WIN Manager.

t. Typed name of s.

J. Intensive Job Follow-Up Agreement (WIN-42).

1. Facsimile Form WIN -42.

Work Incentive Program

INTENSIVE JOB FOLLOW-UP AGREEMENT

Date _____ Contract No. _____

The employer listed below agrees to hire _____ (Name)

as a _____ (Job Title) _____ (DOT Code). The intensive job follow-up period is to begin _____ and end _____. The starting wage rate will be _____.

The employer agrees to provide additional supervision and instruction during this intensive job follow-up period and will allow WIN staff members to meet with the employee during work hours if necessary.

The employer further agrees to retain this employee as a permanent worker upon termination of this agreement if satisfactory adjustment to the job is being made. The employee is to have all rights and benefits of other new employees during and after the term of this agreement.

The WIN Program is authorized to assist the employer in defraying excessive costs resulting from added supervision, or possible material wastage, resulting from the employment of this inexperienced worker. The rate of reimbursement is $15 per week for a maximum follow-up period of eight weeks. Payment is to be made on a one-time basis upon completion of the follow-up period and may equal but may not exceed $120. In the event that the employee is terminated or resigns his employment during the follow-up period, the employer will be reimbursed only for actual weeks, or portions of weeks employed.

If this position is subject to a collective bargaining agreement, the employer has discussed this contract with the collective bargaining agent and has determined that this contract does not conflict with that agreement.

Employer:	Area/WIN Office:
BY:	BY:
_____ Signature of Employer Representative	_____ Signature of Area/WIN Manager
_____ Typed Name of Employer Representative	_____ Typed Name of Area/WIN Manager
	_____ Telephone No.

Distribution:
Original: Employer
2 Copies: Business and Financial Services
1 Copy: Area/WIN Office

WIN-42 (4/80) (ES-26042-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the Intensive Job Follow-Up Agreement (WIN-42).

a. Distribute according to instructions on form. (NOTE: One of the two agreements forwarded to Business and Financial Services must bear original signatures.)

b. Enter information as requested on form. Use an OJT series contract number (for reporting purposes IJF and OJT are identical).

c. Payment is made on a one-time basis upon completion of the IJF period. The WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47) is used for this purpose. (NOTE: Do not use IJF Agreement Certification of Completion/Invoice (WIN-43) which is obsolete.)

d. The maximum IJF period for which an agreement may be written is 8 weeks.

e. The rate of reimbursement is fixed at $15 per week (payment for portions of weeks in case of early termination is allowed).

f. IJF must not conflict with existing collective bargaining agreements. The employer's determination of this is satisfactory assurance.

g. Signatories must meet same requirements as with OJT contracts.

K. Public Service Employment Contract (WIN-24).

1. Facsimile Form WIN-24.

Work Incentive Program

PUBLIC SERVICE EMPLOYMENT CONTRACT

EMPLOYER: Contract No. _____

☐ State Agency
☐ Other Public Agency
☐ Indian Tribe on Reservation
☐ Private Nonprofit Agency

This cost reimbursement contract is entered into between the Minnesota Department of Economic Security, hereinafter called the Agency, and the organization identified above, hereinafter called the Employer. The parties agree that the Employer shall provide employment for the WIN registrant named in paragraph I., for the period specified in paragraph I., to perform the work described in paragraph III. The Employer shall also furnish all the instructions, other services, equipment, and supplies necessary. The total amount to be paid by the Agency to the Employer, in consideration of Employer's hiring of said registrant, shall not exceed the total Agency cost specified in paragraph I. The terms and conditions set forth in the General and Special Provisions attached are made a part of this contract.

Upon satisfactory completion of the specified period of subsidized employment, the Employer agrees to provide permanent unsubsidized employment in his regular work force to the named registrant. Such employment shall be financed from funds other than funds from the WIN Program. The unsubsidized employment shall also be at a level of responsibility and pay comparable to that which was provided during the period of subsidized employment under the program. It is acknowledged that there are contingencies not within the control of the Public Service Employer which would limit his ability to comply in full with this clause. Examples of such contingencies include critical changes in appropriations and legislated regulations. However, this commitment requires good faith efforts to provide such unsubsidized employment for the WIN/PSE registrant who performs satisfactory work.

I. GENERAL

A. IRS ID No. _____ B. Type of Enterprise ☐NM ☐M

C. Period Beginning _____ Ending _____

D. Total WIN Cost _____ Employer Cost _____

E. Registrant/Employee _____ SSN _____

F. Employer's Service _____

G. WIN Representative _____ Tel. _____

H. Employer Representative _____ Tel. _____

I. Employee Supervisor _____ Tel. _____

J. Work Location _____

WIN-24 (Rev. 1-9-80) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

1. Facsimile Form WIN-24 - Continued.

II. COLLECTIVE BARGAINING AGREEMENT

☐ The position contracted for is subject to a collective bargaining agreement. This contract is not in conflict with that agreement.

Name, title, and union affiliation of the appropriate bargaining agent:

_____

Agent's Signature _____

☐ The contracted for position is not subject to a collective bargaining agreement.

III. POSITION DESCRIPTION

DOT Title _____ DOT Code _____

Employer's Title _____

Job Description:

IV. GENERAL AND SPECIAL PROVISIONS

The attached General Provisions (WIN-26) are made a part of this contract.

☐ Special Provisions have not been added.

☐ The following Special Provisions have been added and are made a part of this contract:

1. Facsimile Form WIN-24 - Continued.

V. COST TABLE

A. Hours Allowed (1 x 2)

1. Weeks Allowed _____

2. Hours/Week Allowed _____

[ ] Total Hours Allowed

B. Wage Costs Allowed

_____ Wage/Hour x _____ Total Hours = _____

_____ Wage/Hour x _____ Total Hours = _____

_____ Total Wage Costs Allowed

C. Benefit Costs Allowed

1. FICA _____ Rate x _____ Wage Costs = _____

2. Workers Compensation _____ Rate x _____ Wage Costs = _____

3. Unemployment Insurance _____ Rate x _____ Wage Costs = _____

Other (Specify)

4. _____ _____ _____ = _____

5. _____ _____ _____ = _____

6. _____ _____ _____ = _____

7. _____ _____ _____ = _____

_____ Total Benefit Costs Allowed

D. Reimbursement Rate (B + C ÷ A) [ ]

E. Other Costs/Special Charges Allowed

1. _____ _____ _____ = _____

2. _____ _____ _____ = _____

_____ Total Other Costs Allowed

F. Costs Allowed (B + C + E)

_____ Total Costs Allowed

G. Employer Costs _____

H. WIN Costs [ ]

- 3 -

1. Facsimile Form WIN-24 - Continued.

VI. REPORTING

The Monthly Progress Report/Invoice (WIN-47) shall be prepared monthly and signed by the Employer, or his authorized representative, as designated on this page. All such reports/invoices shall be submitted to the Area/WIN office listed below or to the address specified in the Special Provisions of this contract (Paragraph IV).

Send reports/invoices to the attention of _____

VII. SIGNATORIES

Area/WIN Office:	Employer:
_____ Office Name	_____ Employer Name
_____ Street	_____ Street
_____ City State ZIP Code	_____ City State ZIP Code
By:	By:
_____ Signature of Area/WIN Manager	_____ Signature of Authorized Rep.
_____ Typed Name	_____ Typed Name and Title
_____ Date Signed	_____ Date Signed

EMPLOYER'S CERTIFICATION

I, _____, certify that I am the _____ of the agency, corporation, committee, commission, or association named as Employer herein; that _____, who signed this contract on behalf of the Employer, was then _____ of said agency, corporation, committee, commission, or association; that said contract was duly signed for and in behalf of said organization by authority of its governing body and is within the scope of its corporate, agency, association, committee, or commission powers.

_____ Signature of Witness (if employer is an individual owner, partnership, joint venture or solely-owned corporation)

_____ Employer's Signature

_____ Date

Distribution: Original - Employer; 1 Copy - Area/WIN Office; 2 Copies - Business and Financial Services

- 4 -

2. Instructions for Completing the Public Service Employment Contract (WIN-24).

Page 1:

Employer. Complete business name and address of PSE employer. Check box appropriate to type of business.

Contract No. Seven digits plus one letter. Consists of the office location number (3 digits); the last digit of the current fiscal year (Oct. 1 - Sept. 30); the letter "P" (indicates PSE); and the cumulative number of PSE contracts, including the current one, that have been written at the Area/WIN Office during the current fiscal year (expressed in 3 digits). For example, 700-2-P-004 would be the fourth PSE contract written at the Rochester Area Office in Fiscal Year 1982.

Item I.A. Internal Revenue Service Identification Number. Nine digits. Minnesota-based employers' ID numbers begin with 41.

Item I.B. Check box "NM" if employer is a non-minority business enterprise. Check box "M" if employer is a minority enterprise. If public agency, check "NM."

Item I.C. Period Beginning. The date on which the contract becomes effective and WIN reimbursement begins. This date may not be prior to date all parties sign on page 4.

Ending. Date on which reimbursement stops, and the employer agrees to provide permanent unsubsidized employment. May not exceed 52 weeks from beginning date. The ending date of a PSE contract may not be modified if only to allow for expenditure of WIN funds remaining in the contract at the originally agreed upon ending date.

Item I.D. From H. and G. of Cost Table.

Item I.E. The Social Security Number and full name of WIN registrant working under this contract.

Item I.F. Nature of the employer's business at the site where the PSE registrant usually works.

Item I.G. Name and usual business phone number of the person responsible in the Area/WIN Office for contract reporting and servicing.

Item I.H. Name and usual business phone number of person responsible for invoicing and contract servicing at the employer's establishment.

Item I.I. If other than H., insert name and business phone number of PSE registrant's immediate supervisor.

Item I.J. If other than address specified under Employer, list address and telephone number of usual location where PSE registrant works.

Page 2:

Item II. Check the correct response. Insert requested information, if applicable. Employer is ineligible for PSE if contract would conflict with bargaining agreement. If agent does not sign this paragraph, attach the agent's signed statement or suitable explanation.

Item III. The appropriate job title and code according to the Dictionary of Occupational Titles. Also specify the employer's title for the same job. Include a detailed description of PSE registrant's job duties.

Item IV. General Provisions - Public Service Employment Contract (WIN-26) must be attached to the employer's copy of the contract. Any other terms that may be consequential to the contract are included here as Special Provisions. Check the appropriate box.

Page 3: Cost Table.

Item V.A. Total hours of reimbursement allowed under this contract. Product of A.1. plus A.2.

Item V.A.1. Number of weeks of WIN subsidy allowed may not exceed 52.

Item V.A.2. Number of hours per week of subsidy. Normally, same as employer's work week, but must be in 30--44 hour range. Only 5 work days per week may be claimed for reimbursement. Days in excess of 5 and all overtime costs are the employer's responsibility.

Item V.B. Total reimbursement allowed for wages. Equals the wages rate(s) per hour multiplied by total hours allowed for the rate(s).

Item V.C.1. Total reimbursement allowed for employer's contribution for Social Security benefits. Paid on wage base only. Taxable wage base data may be obtained through the Social Security Administration.

Item V.C.2. Total reimbursement allowed for employer's cost of workers compensation insurance coverage. Not allowed for self-insured employers.

Item V.C.3. Total reimbursement allowed for employer's contribution to the State Unemployment Insurance fund. Not allowed for employers that reimburse the State UI fund for actual expendi-

tures. Paid on wage base only. Taxable wage base data may be obtained from the UI Division of the Department of Economic Security.

Item V.C.4.-C.7. Total reimbursement allowed for employer's contribution for other fringe benefits, such as retirement funds, uniform allowances, etc.

Item V.D. Reimbursement rate. Includes costs for wages and fringe benefits not exceeding $12,000, to be reimbursed to the employer on a per hour basis. Costs for wages and fringe benefits in excess of $12,000 are to be included under Employer Costs.

Item V.E. Other charges in addition to reimbursement for wages and fringe benefits included under B., C., and D. (e.g., employer paid allowances for uniforms or other required clothing, tools, etc.). These costs are not included in the reimbursement rate under D. and are to be charged, as incurred, in the appropriate sections of the WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47). Any charge which can be interpreted as a benefit to the registrant must be included under the $12,000 WIN costs limitation. Excesses must be borne by the employer and included under employer costs.

Item V.F. Total of all costs: wages, benefits and other charges.

Item V.G. Costs in excess of $12,000 for registrant wages and fringe benefits (including any benefits included under E.).

Item V.H. All costs included under B., C., and E. less employer costs.

Page 4:

Item VI. Specify the name of the WIN staff person to whom monthly invoices are to be sent by the employer.

Item VII. Insert information requested. Area/WIN manager is only authorized signatory for the Agency. Authorized Representative or the Employer is to sign monthly invoices unless another person is so authorized in Special Provisions. Employer's certification must be completed only if dealing with a public agency, corporation, committee, commission or association. The individual signing the certification must have authority to sign contract for and in behalf of the employer. Signature of witness is necessary only if the employer's certification is not required.

L. General Provisions for Public Service Employment Contracts (WIN/PSE) and ON-the-Job Training Contracts (WIN/OJT) (WIN-26).

1. Facsimile Form WIN-26.

Work Incentive Program

GENERAL PROVISIONS
for
PUBLIC SERVICE EMPLOYMENT CONTRACTS (WIN/PSE)
and
ON-THE-JOB TRAINING CONTRACTS (WIN/OJT)

The General Provisions of this contract, as stipulated by the Secretary of Labor, consist of the following clauses attached hereto:

1. Laws Applicable

The employer will perform contracted duties in accordance with Part C, Title IV of the Social Security Act, as amended, and the regulations, procedures, and standards promulgated thereunder. The employer will comply with all applicable federal, state, and local laws, rules, and regulations which deal with, or are related to, the performance of this contract. This contract in no way relieves the employer of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended.

2. Data Practices (PSE employer only)

The employer agrees that (it/(s)he) shall be bound by the Minnesota Government Data Practices Act (M.S §§15.1611-15.1598) with respect to "data on individuals" (as defined in §15.162, subd. 3 of that statute) which (it/(s)he) collects, receives, stores, uses, creates, or disseminates pursuant to this contract. The employer also agrees to utilize the Department of Economic Security's Data Practices Policy and Procedures as its policy and procedures with respect to this matter until and unless the employer adopts data practices policy and procedures consistent with the Minnesota Government Data Practices Act and acceptable to the Department.

3. Covenant Against Contingent Fees

The employer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commerical or selling agencies maintained by the contract for the purpose of securing business. For breach or violation of this warranty, the government shall have the right to annul this contract without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

4. Maintenance of Effort

a. OJT employer. The employer-sponsored level of training in existence prior to initiation of an OJT contract shall be continued, and shall not be reduced in level of effort in any way as a result of this contract, except for reduction unrelated to the provisions or purposes of this contract.

b. PSE employer. Provisions of WIN Public Service Employment opportunities and subsequent unsubsidized employment in the regular work force of the Public Service Employment employer--

WIN-26 (8/80)(ES-26076-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

1) will not result in the displacement of currently employed workers, including partial displacement such as a reduction of nonovertime hours in a normal work week, wages or employment benefits;

2) will not impair existing contracts for service or result in the substitution of federal for other funds in connection with which would otherwise be performed, except during the initial employment period;

3) will not substitute public service jobs for existing federally assisted jobs.

5. Nondiscrimination

The employer agrees that there will be no discrimination in this contract on the grounds of age, race, creed, color, sex, handicap, or national origin. Civil rights disputes under this contract will be processed according to equal opportunity provisions established by the Department of Labor at 29 CFR Part 31 and by the Department of Health and Human Services at 45 CFR Part 80, and to the extent applicable in compliance with Title IV of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder.

6. Political Activity

No funds hereunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to this contract with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. In addition, it should be noted that employees of public bodies and community action agencies may be subject to limitations on their political activities under the Hatch Act (5 U.S.C. 1502(a), 18 U.S.C. 595).

7. Sectarian Activity

No WIN registrant will be employed on work involving the construction, operation or maintenance of so much of any facility used or to be used for sectarian instructions or as a place for religious worship, or in any work which will release or free any other person from the performance or rendering of such duties.

8. Nepotism

WIN registrants shall not be hired pursuant to a WIN contract if they are members of the employer's immediate family or if a member of the immediate family is engaged in an administrative capacity for the contracting agency. Where a state or local statute, regulation or administrative policy regarding nepotism exists which is more restrictive than this policy, the more stringent restrictions on such employment shall be adhered to in lieu of this policy.

9. Safety and Health Conditions

In the performance of this contract, the employer agrees to establish and maintain appropriate standards of safety, health and work conditions for the particular work performed by WIN registrants employed under this contract. Where the work performed by such registrants comes within the purview of standards prescribed pursuant to federal, state, or local law, such standards shall apply.

1. Facsimile Form WIN-26 - Continued.

10. Workers Compensation

The employer agrees to provide appropriate workers compensation protection to all WIN registrants.

11. Employee Wages

Hourly wages paid to WIN employees shall not be less than the following, whichever is higher:

a. The minimum rate required under the Fair Labor Standards Act (including any special rate provided by certification under Section 14 of the Act) to the extent that such Act is applicable to the employee or trainee; or

b. Any minimum rate applicable to the employee or trainee and required under any federal, state, or local law; or

c. For registrants employed on federally funded or federally assisted construction projects, the prevailing rate as established by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended; and, in addition

d. The minimum entrance rate for inexperienced workers in the same occupation in the establishment, or if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area.

12. Treatment of WIN Employees

a. The WIN employees shall be treated no less favorably than other employees in similar occupations in the establishment;

b. Employees under a WIN contract are entitled to the same benefits as all other employees, including paid holidays, annual and sick leave, health benefits, established wage increases and workers compensation. All legal holidays which fall within the contract period and for which other employees are paid, shall be considered days in which work or training occurred for purposes of reimbursement;

c. The employer agrees to maintain the confidentiality of any information regarding WIN registrants or their immediate families which may be obtained through employee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the registrant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract, including those furnishing services to the project under subcontract;

d. WIN employees, while the contract is in force, will not be terminated without prior notice and reasonable opportunity for corrections or improvement of performance, as well as notification of the local WIN project by the employer.

13. Audits and Records

a. The employer shall maintain records sufficient to support all payments and, upon request of the contracting officer, shall make such records available to the WIN sponsor and/or to the federal government;

1. Facsimile Form WIN-26 - Continued.

b. The employer shall preserve and make available records until the expiration of three years from the date of final payment under a WIN contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final statement.

14. Examination of Records and Facilities

The employer agrees that the Secretary of Labor and the Comptroller General of the United States or any of their duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine, any directly pertinent books, documents, papers, records, and facilities of the employer involving transactions related to this contract.

15. Limitation of Cost and Budget

In the performance of this contract, the employer shall be reimbursed by the agency for allowable costs in an amount not to exceed the total agency's share as shown on the budget included in this contract.

16. Modification

No modification of this contract shall be effective, unless reduced to writing and duly executed by the parties hereto.

17. Agency Obligation

The obligations of the agency shall terminate upon termination of the contract or upon there being a lack of funds available to fulfill such obligation.

18. Termination

Notwithstanding any other provisions in this contract, the agency shall have the right to terminate the contract on 30 days written notice.

M. Public Service Employment Contract Modification (WIN-25).

1. Facsimile Form WIN-25.

Work Incentive Program

PUBLIC SERVICE EMPLOYMENT
CONTRACT MODIFICATION

Modification No. _____ Contract No. _____

Effective Date _____

The above-numbered contract is modified as follows:

☐ The ending date is changed from _____ to _____

☐ The cost table is changed (complete side two)

☐ The new Authorized Representative is _____

Signature _____

☐ Other

This modification is necessary because:

Except as hereby modified, all terms and conditions of said contract as heretofore modified remain unchanged and in full force and effect.

AREA/WIN Office:	Employer:
_____	_____
Office Name	Employer Name
_____	_____
Street	Street
_____	_____
City State ZIP Code	City State ZIP Code
By:	By:
_____	_____
Signature of Area/WIN Manager	Signature of Authorized Representative
_____	_____
Typed Name	Typed Name and Title
_____	_____
Date Signed	Date Signed

WIN-25 (Rev. 3/11/80) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

1. Facsimile Form WIN-25 - Continued.

A. Change in Reimbursement Rate

1. New Wage Costs _____ (Cents/Hour Increase) x _____ (Hours) = _____ (Total New Wages)

2. New Benefit Costs

a. FICA _____ (Rate) x _____ (Wages) = _____

b. Workers Compensation _____ (Rate) x _____ (Wages) = _____

c. _____ _____ _____ = _____

d. _____ _____ _____ = _____

e. _____ _____ _____ = _____

_____ (Total New Benefits)

3. New Costs _____ (A1+A2)

4. Hours Remaining _____

5. New Reimbursement Rate = _____ (Old Rate) + (A3 ÷ A4) = $ _____ /hr.

B. Change in Hours Allowed

1. _____ (Old Hours) + _____ (New Hours) = _____ hrs.

2. Reimbursement Rate _____

3. New Costs _____ (B2 x New Hours)

C. Change in Other Costs/Special Charges

1. _____ _____ _____ = _____

2. _____ _____ _____ = _____

3. New Costs _____ (C1+C2)

D. Total New Costs _____ (A3+B3+C3)

E. New Employer Costs _____

F. New WIN Costs _____

G. Total WIN Cost is Changed From _____ to $ _____

Distribution: Same as PSE Contract (WIN-24)

2. Instructions for Completing WIN PSE Contract Modification (WIN-25).

Page 1:

Contract No. Same as Public Service Employment Contract (WIN-24) to be modified.

Modification No. Enter the cumulative number of modifications (WIN-25's), including the current one, which have been initiated on this contract.

Effective Date. The date this modification goes into effect.

Ending Date. If ending date is to change, check box and insert old date (from contract or last modification) and new ending date. Total length of contract as modified may not exceed 1 year.

Cost Table. If cost table is changed, check box and complete applicable sections of cost table on side 2.

Authorized Representative. An authorized representative for the employer may be designated if not already so designated by the contract.

Other. Other conditions, provisions or modifications to the contract may be inserted here.

Explanation. The necessity for initiating any contract modification must be explained.

Signatures. Signatories to the modification, the Area/WIN Office location, name and address of the employer are the same as specified on page 4 of the contract.

Page 2: Cost Table Changes.

Items A.1. - A.5. Complete this section only when the existing reimbursement rate is to change as the result of increases in wages and/or fringe benefits.

Item A.1. New wage costs are determined by the increase in wage rate (in cents per hour) multiplied by the number of hours that wage rate will be in effect during the term of the contract.

Item A.2. New benefit costs are the result of increases in benefit rates, increases in wages or the addition of benefits. Increased costs resulting from increased benefit rates are determined by multiplying the increase in the rate (i.e., new rate minus old rate) by the wages to be affected by the rate. Where wages have increased, multiply A.1. by the standard rates of the benefits. Where benefits have been added, multiply the rate of the benefit by the wages to be affected. Sum up all new benefits.

Item A.3. New costs affecting the reimbursement rate. Add A.1. and A.2.

Item A.4. Hours remaining are those hours remaining in the contract during which a new reimbursement will be in effect. This figure is not necessarily the same as the hours used to determine costs in A.1. and A.2.

Item A.5. New reimbursement rate is the former rate plus the hourly cost of the new costs of wages and fringe benefits. NOTE 1: New costs for wages and fringe benefits in addition to costs formerly allowed for these items may not exceed $12,000. Excesses must be included under employer costs at E. and may not be included in the reimbursement rate. NOTE 2: This line does not include changes in other costs specified at C.

Items B.1. - B.3. Only complete this section if the reimbursement rate is to remain constant but the number of hours of reimbursement changes thereby increasing costs. Complete both sections A & B if there is a change in reimbursement rate as well as a change in hours.

Item B.1. Determine the number of new hours to be allowed and add to the previously allowed hours. This total may not exceed 52 weeks multiplied by the number of hours allowed per week (i.e., 1 year).

Item B.2. Specify the correct reimbursement rate. If there has been no change in reimbursement rate, use existing rate. If Section A has been completed, use the reimbursement rate specified at A.5.

Item B.3. Multiply the reimbursement rate by new hours to determine new costs resulting from an increase in hours allowed.

Item C. Add in other new costs which are not included in the reimbursement rate. Such costs are reimbursed to the employer as they are incurred using the appropriate sections of the WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47). Total these new costs under C.3.

Item D. Total New Costs is the summation of costs subtotaled at A.3., B.3. and C.3.

Item E. New Employer Costs include all costs for wages and fringe benefits exceeding $12,000.

Item F. New WIN Costs include all costs under D. less E.

Item G. Total WIN Cost is the summation of WIN costs formerly allowed plus New WIN Costs (F). This sum may not exceed $12,000 in wage and fringe benefit costs.

N. WIN PSE: Creating Jobs in the Public Service (WIN-32).

1. Facsimile Form WIN-32.

INTERESTED?

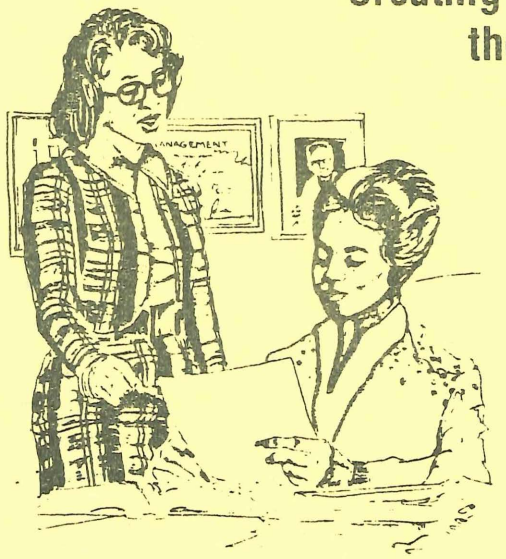
If you desire more information about how a WIN/PSE contract can save you money when hiring new employees, contact the Job Service or WIN office listed below. A WIN representative will be happy to answer any questions you may have.

JOB SERVICE

WIN-32 (Rev. 11/1/78)(SN-26032)

WIN/PSE

Creating Jobs in the Public Service



JOB SERVICE MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

WHAT IS WIN/PSE?

Do you need more employees than you can afford for -

- Urgently needed services for the handicapped, the aged, and the blind.
- Expanded pollution control.
- Better community medical care.

Now you can hire the staff you need for activities such as these or other public services and be reimbursed for part or all of the wages and fringe benefit costs of your new hires.

This gain is made possible by the Work Incentive Program's (WIN) public service employment (PSE) plan. WIN's objective is to help people on Aid to Families with Dependent Children get jobs. And PSE - supported public employment that leads to regular jobs - is one of the ways WIN opens up opportunities for its registrants.

HOW DOES PSE WORK?

First, discuss your worker needs with a WIN expert in your area and find out exactly how the program can help your agency. If you decide to take part, WIN will refer qualified workers to your agency, and you will select the ones you want to hire. After your new workers are on the job, WIN will reimburse you, according to a contract, usually for their full salaries and fringe benefits. Your main responsibility is to agree to move them into your regular payroll after the contract period provided they do a satisfactory job for you.

WHAT KINDS OF JOBS ARE COVERED?

The types of jobs PSE supports are nearly as diverse as the range of services public and private nonprofit agencies provide. The main requirements are that the job meet certain standards, fill an unmet public need, offer career opportunities, and lead to regular unsubsidized employment.

DO YOUR JOBS MEET PSE STANDARDS?

In general PSE standards are designed to assure that a WIN participant gets the same treatment as other workers holding similar jobs in your agency and does not lose money by going to work.

PSE will not pay more than $12,000 per year in salary and fringe benefits for a WIN hire.

In addition, your job must -

- Offer a WIN participant the same working conditions as other employees in your agency and comply with workers' compensation laws, and health and safety standards.
- Be a new position. You cannot let a present worker go, or reduce the hours or pay of other employees to make room for a WIN registrant.
- Conform with any collective bargaining agreement between your agency and a union.

HOW LONG WILL PSE SUPPORT YOUR JOBS?

The period of PSE support is negotiated between you and the WIN office. Usually it runs from 6 to 12 months. You and the WIN expert in your area will discuss the requirements of your jobs and settle on a support period to be written into your PSE contract.

IS YOUR AGENCY ELIGIBLE?

Your agency is eligible if it is a unit of State or local government or one of its subdivisions; a private nonprofit organization established for a public purpose; or an Indian tribe on a reservation.

O. WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47).

1. Facsimile Form WIN-47.

WIN OJT/PSE
MONTHLY PROGRESS REPORT/INVOICE

1. EMPLOYER'S NAME AND ADDRESS	2. CONTRACT NUMBER	3. INVOICE NUMBER
	5. CONTRACT PERIOD FROM / TO (MONTH DAY YEAR)	6. REPORT PERIOD THIS INVOICE FROM / TO (MONTH DAY YEAR)
4. EMPLOYEE NAME		

FINANCIAL SUMMARY

AMOUNTS CLAIMED THIS INVOICE	A. DAYS OR HOURS WORKED	B. AMOUNT CLAIMED
7. REIMBURSEMENT AT $_____		
8. REIMBURSEMENT AT $_____		
ADMINISTRATIVE/ 9. RELEASE COSTS AT $_____		
10. ADJUSTMENTS AND/OR SPECIAL CHARGES (SPECIFY BELOW)		
11. TOTAL CLAIMED THIS INVOICE (SUM OF LINES 7 THROUGH 10)		

CASH STATEMENT	
12. TOTAL EMPLOYER EXPENSES TO DATE	
13. TOTAL PAYMENTS PREVIOUSLY CLAIMED	
14. PAYMENT CLAIMED THIS INVOICE (LINE 12 LESS 13)	

☐ 15. CHECK BOX ONLY IF THIS IS THE FINAL REPORT/INVOICE. (This will terminate the contract.)

16. EXPLANATION OF ADJUSTMENTS AND/OR SPECIAL CHARGES

17. FOR STATE WIN OFFICE USE ONLY

TRAN	VENDOR NUMBER		TYPE
A64			V
INVOICE NUMBER			DEPT/DIV.
WIN			56000
SEQ. NO.	SUFF.	P.O. NO.	OBJECT
	01		71
AMOUNT	DATE	SUB. ACT.	TASK

I hereby certify that the goods or materials covered by this claim have been inspected and received or the services have been performed in accordance with specifications and are in proper form, kind, amount, and quality and payment is hereby recommended.

SYSTEM ASSIGN REF. NO.	DEPT. AUTH. SIGNATURE

AMOUNTS CLAIMED ON THIS INVOICE CONSTITUTE AUTHORIZED PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT. ALL APPLICABLE FEDERAL AND STATE TAXES HAVE BEEN PAID THROUGH THE PRECEDING QUARTER.

18. EMPLOYER'S AUTHORIZED SIGNATURE

19. TITLE

20. DATE

PROJECT OFFICER'S CERTIFICATION:
PERFORMANCE IS SATISFACTORY FOR RECOMMENDATION OF PAYMENT.

21. PROJECT OFFICER'S SIGNATURE

22. DATE

DISTRIBUTION: ORIGINAL + GREEN - BUSINESS MANAGEMENT, YELLOW (2) - PROJECT/AREA OFFICE; PINK - EMPLOYER

WIN-47 (Rev. 1/3/78) (SN-26026) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

P. Instructions for WIN Form 47 (WIN-47A).

1. Facsimile Form WIN-47A.

Work Incentive Program

INSTRUCTIONS FOR WIN FORM 47

OJT/PSE MONTHLY PROGRESS REPORT/INVOICE

1. Enter the employer's complete name and mailing address.

2. Enter the contract number as listed on the contract.

3. The invoice number is determined by the number of invoices submitted--starting with number one for the first and numbering consecutively for each succeeding report/invoice.

4. Enter name and social security number of WIN registrant.

5. Enter the beginning and ending dates of the contract.

6. Enter the beginning and ending dates for this report period. Dates should generally correspond with the calendar month with the possible exceptions of the first and last invoice. In these instances, beginning and ending dates will vary.

7. Enter the reimbursement rate, as stated in the contract, on the line following the dollar sign. Enter in 7A the number of hours worked in the current period. Multiply the number of hours worked by the reimbursement rate and enter in 7B.

8. This line should be completed only when the reimbursement rate has changed during the current report period. This would be done, for example, if the contract provides for a two-week trial period at 75% reimbursement. The instructions for completing this line are the same as those for item 7.

9. Complete this line only when claiming current job related education and release time costs, if allowed by the contract.

10. Complete for adjustments to prior invoices not previously requested. Special charges allowed in OJT contracts should be entered on this line.

11. Enter in 11A the total of lines 7A through 10A. Enter in 11B the total of lines 7B through 10B.

12. Enter total employer expenses incurred under the contract to date.

13. Enter total amount of payments previously claimed under the contract.

14. Enter the amount derived from subtracting line 13 from line 12. This amount should be the same as on 11B.

15. Check box in item 15 if the report is the last to be submitted under this contract.

16. Provide explanations for any adjustments or special charges claimed on line 10.

(over)

WIN-47A (4/80) (ES-26047-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

1. Facsimile Form WIN-47A - Continued.

17. Do not complete. Item 17 is for the use of Business and Financial Services only.

18. Signature of employer or employer's authorized representative as it appears on the contract.

19. Title of employer or employer's authorized representative.

20. Date of signing.

21. Signature of Area/WIN manager.

22. Date of signing.

NOTE: The employer should retain the pink copy, forwarding the original and remaining copies to the Area/WIN Office. Area/WIN Office distribution instructions are found on the last line of the form.

Q. OJT/PSE Contract Service Report (WIN-16).

1. Facsimile Form WIN-16.

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY
WORK INCENTIVE PROGRAM
OJT/PSE CONTRACT SERVICE REPORT

EMPLOYER: CONTRACT NO._____

DATE OF SERVICE_____

1. CONTACTS: (Name and Title of Employer Representative Contacted):

_____

Registrant:_____ Registrant contacted? ☐ Yes ☐ No

Yes	No	
		2. REPORTS AND RECORDS
☐	☐	A. Progress reports submitted every 30 days?
☐	☐	B. Accounting records maintained adequately?
☐	☐	C. Employee progress and attendance records current?
☐	☐	D. Adequate financial records kept to support claims for reimbursement for items in contract budget?
		3. PERFORMANCE
☐	☐	A. Employee aware of contract provisions affecting him/her (wage, contract duration, training provisions, etc.)?
☐	☐	B. Employer and employee aware of availability of WIN assistance (counseling, supportive services, etc.)?
☐	☐	C. Employee being paid at wage specified in contract?
☐	☐	D. Employer providing adequate counseling and supervision?
☐	☐	E. Working spaces and methods safe and sanitary?
☐	☐	F. Employee progressing satisfactorily?
		4. OJT ONLY
☐	☐	A. Training outline being followed?
☐	☐	B. Instruction adequate?

5. EVALUATION OF PROGRAM (Rate this program on the basis of your observations.)
☐ Excellent ☐ Good ☐ Fair ☐ Poor (Explain "poor" rating below.)

6. EXPLANATION, EXTENSIONS AND COMMENTS (Explain "No" answers, poor rating, description of corrective action, etc. Attach additional sheets if necessary.)

_____
WIN Representative

Distribution:
Original: Area/WIN Office
1 Copy: State WIN Office

_____
Area/WIN Office

WIN-16 (Rev. 10/17/79)

2. Instructions for Completing the OJT/PSE Contract Service Report (WIN-16).

a. Complete for:

1) Intensive Job Follow-Up Agreements

2) On-the-Job Training Contracts

3) Public Service Employment Contracts

b. Distribute according to instructions found on the form.

c. Complete after each incident of contract monitoring. The first review is to occur within 30 days of contract award. At least 3 reviews are to be made on contracts of 4-month duration or more.

CHAPTER NINE

WIN E&T AGENCY PAYMENTS

Content: This chapter prescribes the allowable WIN E&T agency payments, including the incentive allowance, training-related expense allowance, temporary residence allowance, payments for auto repairs, auto insurance, special clothing, tools and equipment, and relocation assistance. In addition, it covers the conditions for which these payments may be made and the procedures for computing, processing, and issuing the payments.

I. General.

A. Authority to Pay. The WIN E&T agency will authorize WIN payments to eligible individuals in the amounts and for the purposes for which these payments are allowed. It is assumed that WIN projects will use the Unemployment Insurance Service for all payment procedures. Any exception must be approved by the RCC as part of a state's WIN plan.

B. Eligible Individuals. In order to be eligible for any WIN payment the individual must meet the specific conditions for which the payment is authorized and must be both a WIN registrant and an AFDC recipient. WIN-registered AFDC applicants who are not yet determined to be eligible for AFDC benefits are not entitled to and must not be paid any WIN payments or allowances.

C. Payments While Suspended to Other Programs. A WIN registrant who is suspended to a non-WIN funded work or training program may be paid the allowances provided through and by that program. However, if compensation paid by the other program would be financially disadvantageous, the registrant may elect to receive WIN payments instead. To avoid duplication of payments, the WIN E&T agency shall obtain a statement signed by the registrant acknowledging the choice of WIN payments in lieu of those available through the other program. The WIN E&T agency should retain 1 copy of this statement in the registrant's file and provide 1 copy to the other program sponsor. If the program to which the registrant is suspended does not pay allowances, or the registrant does not meet the requirements for such payment, that individual will receive WIN payments to which s/he is entitled during the period of suspension. WIN payments may be provided only according to the time limits that would apply if the registrant were assigned to a comparable WIN-funded component.

D. Payments from the Veterans Administration. A WIN registrant who is in a WIN component or activity, except suspense, for which payments are authorized, who has applied for or is receiving educational assistance allowances or special training allowances from the Veterans Administration, may also receive WIN payments. Such duplicate payments are properly authorized. The appropriate state or local welfare official will decide whether the VA educational assistance allowance or special training allowance is considered "available income" in determining the individual's monthly AFDC assistance payment check.

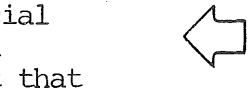
E. Waiver of WIN Payments by the Registrant. Subject to approval of the WIN E&T agency, a registrant may waive WIN payments if accepting them would mean the loss of other benefits such as food stamps and public housing. The registrant may request recurring payments to start at a later date, but may not claim retroactive payments. Requests for waivers or changes to established WIN payments would be submitted in writing and signed by the registrant. The WIN E&T agency shall not approve requests where waiver of payments would preclude the registrant from participating in WIN-assigned activities. The request and its disposition should be placed in the registrant's file.

F. WIN Payment Exempt from Federal Income Tax. Under rulings of the Internal Revenue Service, the WIN program does not provide any benefit in the nature of unemployment compensation but provides training and assistance to qualify participants for employment. Accordingly, WIN allowance payments are not taxable unemployment compensation within the definition of Section 85 (c) of the IRS Code.

G. Payment Period. For the purpose of paying recurring payments, each month will be divided into 2 WIN pay periods defined as follows: the first period is from the 1st through the 15th calendar day of the month. The second is from the 16th through the last calendar day of the month.

H. Informing Registrants of Payments and Absences. After a registrant has been referred to a component or an activity, a WIN E&T agency staff member shall explain the WIN payments the registrant may receive. The WIN E&T agency will also explain that the training-related expense allowance (TRE) will not be paid for any days of absence and that the incentive allowance may not be paid for absence without good cause. The determination of good cause rests with the WIN E&T agency.

I. Attendance Report. Facilities providing WIN training must provide attendance information on WIN registrants to the WIN E&T agency so that allowances can be properly computed and paid. The record of the registrant's attendance during the payment period normally will be based on the official attendance report received from the training facility. However, when an official signature is unattainable, self-certification by the registrant that s/he has attended all the claimed-for classes will be accepted. Self-certification should be accompanied by receipt by WIN, on a regular basis, of the registrant's grades or a progress report. If an individual enrolled in a training institution receives poor grades (as determined by the local WIN office) or a poor progress report, then the employability plan should be reexamined for the appropriateness of the training. In addition, local WIN offices may want to conduct spot checks to verify if the individual is attending classes.



J. Separate Accountability of WIN Payment Records. The original documents authorizing WIN payments and the evidence of such payments (canceled checks and receipts for each individual) will be maintained separately from other records of the WIN E&T agency. These items are needed to support WIN expenditures, budget requests, and other activities [Continued on page IX-3]

that will establish accountability for WIN funding. Such records are subject to review by the Secretary of Labor and authorized officials of the federal and state governments.

K. Retention of WIN Payment Records. Records and accounts of expenditures for WIN payments to each registrant must be retained for at least 3 years from the date of submission of the final expenditure report or from the date of submission of the annual expenditure report for payments under a grant or contract, whichever is earlier. These records shall be retained beyond the 3-year period if audit findings have not been resolved or if there is: (1) an unresolved request for payment under the Act; (2) an appeal or request for review of a decision affecting eligibility for WIN payments; or (3) an open overpayment case and/or investigation. The records for such registrants shall be retained for 3 years after final action.

L. Cancellation of Uncashed Warrant or Check. Each state E&T agency should cancel uncashed WIN warrants or checks in the same manner as it cancels state UI warrants or checks. WIN funds covered by such checks will be reported as deductions from the aggregate WIN funds paid out during a month, in the same manner as a state is required to report recoveries of overpayments.

M. Payment of Claims for Canceled Warrant or Check. Each state agency should follow its own state UI law in handling a claim which is presented subsequent to the cancellation of an uncashed warrant or check. A replacement payment should be reported in the same manner as WIN refunds received except that the amount will be reported as an additional WIN payment of funds rather than as a reduction of WIN fund payments. When an additional payment is made to satisfy a claim made on a canceled warrant or check, the amount will be reported as an addition to the aggregate WIN funds otherwise paid during a month.

N. WIN Overpayments. State agencies paying recurring or nonrecurring WIN payments will use state agency procedures for the prevention, detection, and recovery of overpayments.

1. Waiver of Recovery Involving Payments. Since most WIN payments are issued based on the WIN staff's certification of the registrant's attendance, the majority of overpayments will be administrative or clerical errors and without fault on the part of the registrant. Recovery of these overpayments may be waived if the local WIN manager determines that an adjustment or recovery would be against equity and good conscience. The registrant's record will be annotated to show the application of the provision.

2. Procedure for Recovery. When recovery is not being waived, the registrant shall be required to repay the overpayment or have it offset from future entitlement to WIN payments. Such an overpayment may be recovered by offset installments where full recovery would place a

hardship upon the individual. When establishing the amount to be offset in each payment period, the Training Payment Unit should consider the number of payment periods remaining to ensure full recovery prior to the individual's deregistration. Overpayments made to an individual under any other program shall not be offset against payments payable under this Act.

3. Notifying the Registrant of Recovery. Where the overpayment is not to be waived, the registrant will be notified by the Training Payment Unit in writing of the amount of overpayment, the reason for overpayment, and that such overpayment is recoverable. The notification will advise the registrant of his/her right for a review of such determination by filing a grievance with the WIN E&T agency and provide instructions concerning the procedures for filing such grievances.

4. Recovery after Deregistration. When an overpayment has not been waived and the individual is no longer registered, the Training Payment Unit will apply reasonable collection action to recover the amount of the overpayment.

5. Final Disposition of Uncollectable Overpayment. The procedures of Section 7563, Part V, ES Manual, for the write-off of overpayments are applicable to WIN. Removing an overpayment from the accounting records does not cancel the debt; it remains collectable until paid or otherwise discharged. Although no further active collection effort is required, the Training Payment Unit should maintain an administrative record (including a "stop" order or "flag") during the 3-year record retention period. This will provide for possible collection through offset or by other methods until final disposition of the records. The ES Manual further provides that the Training Payment Unit, after following required collection procedures and having reached a point of diminishing returns, may determine that a debt is uncollectable and remove the amount of uncollectable overpayments from its accounts:

a. When a debtor is without resources and incarcerated for a felony or is permanently incapacitated for work, physically or mentally;

b. When a debtor is deceased and there is positive evidence showing that the decedent left no estate;

c. When a debtor is adjudged bankrupt or has been discharged in bankruptcy, and the amount due was listed in his/her schedule of debts or proof of claim was duly filed in the bankruptcy proceedings, regardless of the amount;

d. When an overpayment amounts to $25 or less and has been on the Training Payment Unit records for at least 1 year; or

e. When an overpayment amounts to more than $25 and has been on the Training Payment Unit records for at least 3 years.

O. Hearing Process. Any determination with respect to an overpayment or denial or requested allowances shall be appealable through the WIN adjudication system.

II. Recurring Payments.

A. Summary Sheet for Authorizing Incentive and Training-Related Expense Allowances. The WIN Statuses, components and activities for which incentive allowances and TRE are authorized are described on the Summary Sheet on the next page.

B. Incentive Allowance.

1. Purpose. The incentive allowance is intended to be an inducement to the registrant to engage intensively in training activities as preparation for entering employment.

2. Allowable Amounts of Incentive Payment. An incentive allowance of up to $15 per training payment period and not to exceed $30 per month is payable to each eligible registrant in an authorized WIN component (see Summary Sheet). The amount of the incentive allowance will be reduced for unexcused absences.

3. Payment Qualifying Standards. WIN component activity must be scheduled for at least 12 hours per week to qualify as an incentive allowance paying component. Allowances are payable for each payment period throughout the registrant's assignment to any WIN component meeting the standards cited above. In addition, registrants who are required to engage in institutional training or work experience activities that are similar to, and as demanding as, those required of individuals assigned to components which meet the 12-hour-per-week rule, must also be paid incentive allowances.

4. Attendance Policy. The E&T agency has adopted the following attendance criteria for determining incentive allowance reduction. The policy shall be included in the SWP and be used throughout the state during a program year.

a. Pay for Attendance Policy. An incentive allowance will be paid at a rate of $1.50 per day for each day of attendance but may not exceed $15.00 in any pay period. The resulting incentive allowance amount will be rounded to the next higher dollar if it is not an exact dollar amount. This payment method may also be used for payment periods where attendance is waived for good cause (e.g., school vacation, illness).

SUMMARY SHEET

RECIPIENT STATUS	PAY CODES	INCENT.	TRE	DUPATION
1 - Working Reg.	452	No	Yes	Not in excess of 2 WIN payment periods; or until they receive their first full paycheck or the cash from an AFDC assistance payment adjusted to reflect new work-related expenses, whichever occurs first.
2 - Suspense Emp.	452	No	Yes	Same as equivalent WIN employment component.
3 - IES/individual	451	Yes	Yes	Length of component.
4 - IES/Group	455	Yes	Yes	Length of component.
5 - WIN Inst. Trng.	450	Yes	Yes	Length of component.
6 - WIN Work Exp.	454	Yes	Yes	Length of component.
7 - Suspense Trng.	459	Yes	Yes	Same as equivalent WIN training.
8 - Part Time Emp.	452	No	Yes	Same as for working registrant.
9 - Non-Comp. Activity	452	No	Yes	For those activities on a case by case basis to allow registrant to participate in an activity.
10 - Unassigned	452	No	Yes	When needed to seek employment.
11x WIN OUT	452	No	Yes	Same as for working registrant.
12x WIN PSE	452	No	Yes	Same as for working registrant.

5. Waiver of Attendance Requirements for Incentive Payments. If a registrant, through no fault of his/her own, fails to meet the attendance policy requirements in the SWP, the WIN E&T agency staff will waive the requirement. Such waiver may be applied to:

a. Training facility shutdowns for emergencies or vacations for no more than 1 full payment period;

b. Absence from scheduled training for a reason determined by WIN E&T agency staff to be good cause, such as registrant illness, not to exceed 1 full payment period.

6. Adjustment of Payment for Partial Attendance. For the purpose of computing an incentive allowance, a day of less-than-full attendance will be considered as a full day. The policy to be followed in the state must be included in the SWP.

7. Method of Payment of Incentives. The local E&T staff must complete a WIN Payment Questionnaire (WIN-45) for each eligible registrant (see Chapter IX, Section IV.B.).

8. Identification of Pay Status Activity. For budget purposes, incentives as well as TRE allowance payments must be identified as to pay activity (see Summary Sheet). In order to accomplish this, the WIN Pay Card (WIN-46) must be coded to include the activity to which the registrant has been assigned. For machine processing and practical reasons only 1 code should be identified for an entire pay period.

C. Training-Related Expense Allowance (TRE).

1. Purpose. TRE allowances compensate or reimburse a registrant for daily transportation and lunch costs that are incurred in connection with WIN participation.

2. Eligible Individuals. All registrants assigned to nonsalaried WIN components shall receive TRE for each day they participate in the component. A registrant entering subsidized or unsubsidized employment, whether full-time or part-time, is authorized TRE for up to 2 WIN payment periods or until the individual receives his/her first full paycheck or the cash from an AFDC assistance payment adjusted to reflect the new work expenses, whichever occurs first. Eligible individuals in unassigned recipient status who are referred to employment or required to engage in other activities are provided with lunch money and transportation through TRE or through petty cash. Eligible registrants in any other WIN recipient status may receive a TRE payment for days of actual participation. (see Summary Sheet).

3. Allowable Amounts.

a. The basic TRE allowance is $3.00 per day. This allowance shall be increased by the amount that the registrant's transportation costs exceed $1.00. It shall be reduced by $1.00 for days when the WIN E&T agency furnishes group transportation to and from the registrant's home and the work or training site.

b. The WIN E&T agency may negotiate with the RCC for authorization of a higher daily minimum TRE allowance on a statewide or project basis. If approved, the new daily minimum TRE allowance shall be stated in the SWP, showing the food, or other additional expenses necessary for employment. In no case, however, may the amount allowed for food be less than $2.00. Like the basic TRE above, the new minimum shall be increased by the amount that a registrant's transportation costs exceed the portion designated for transportation. When the WIN E&T agency furnishes group transportation, the new minimum allowance shall be reduced by the portion designated for transportation.

c. To determine if a base TRE allowance will be increased for excess transportation costs, the registrant's transportation cost should be calculated as follows. If public transportation is available, the cost will be determined by the most economical public transportation. If the registrant used private transportation, the cost will be computed at a rate of 14¢ per mile. The base TRE allowance shall be increased by the amount that the registrant's transportation cost exceeds the portion of the TRE ($1.00) designated for transportation.

d. TRE is payable for each day an eligible registrant participates in an authorized WIN acitivity, whether participation is for a full day or a part of the day. The TRE payment will not be authorized or paid for any day of nonparticipation. The WIN E&T agency shall not grant any waiver to allow the payment of TRE for absence, regardless of the reason for the absence, unless the registrant is obligated to prepay the cost of transportation.

e. The TRE allowance shall be computed for each day during a payment period that the registrant takes part in an eligible WIN activity. The resulting total biweekly TRE allowance, if not an exact dollar amount, may be rounded to the next higher dollar. A registrant's AFDC grant will not be effected by acceptance of WIN TRE (see Chapter XIV).

4. Method of Payment.

a. Advance Payment. Upon request by the registrant a TRE payment covering part or all of the first payment period may be advanced in order to enter and attend WIN assignments. WIN E&T agency staff should indicate on the WIN Payment Questionnaire (WIN-45) the amount of TRE to be advanced to the registrant. The registrant is required to authorize repayment of the advance payment at a minimum rate of $5.00 per pay period, either by offset or by cash, should s/he be deregistered prior to full recovery of the advance payment. A control will be maintained in the WIN

local office to ensure that any outstanding balance is properly deducted based on established UI procedures. Advances should be paid within a reasonable time prior to the starting date of the activity.

Registrants entering unsubsidized employment expected to last 30 days or more may receive an advance TRE payment for 1 pay period which is not subject to repayment. The WIN E&T agency is not required to verify attendance on the job in order to establish the individual's eligibility for such advance payment. If the WIN E&T agency has information, however, that the individual left the job during the initial 2-week period, recovery should be attempted of any unused amount.

b. Regular Payments. Regular TRE payments will be based on the registrant's attendance during a payment period and should be issued following the completion of each period. Every effort should be made to provide a system under which each recurring payment will be received by the registrant within 10 days after the end of each period. A completed WIN Pay Card (WIN-46) may be used to make regular TRE payments (see Chapter IX, section IV.C.).

c. Change in Payments During a Pay Period. If both TRE and incentives are to be paid simultaneously for only part of a pay period and just TRE for the remainder of the pay period, the WIN Payment Questionnaire (WIN-45) must be set up for both TRE and incentives for the entire pay period. The WIN Pay Card (WIN-46) will pay only what is marked, i.e., TRE and incentives or TRE only for any given day during the pay period. However, for purposes of control, the subsequent pay periods must be amended on the WIN Payment Questionnaire (WIN-45) for TRE only, if no incentive is to be paid in following pay periods.

D. Temporary Residence Allowance.

1. Purpose. This is a special allowance to pay the cost of transportation and separate maintenance for a registrant who has been referred to a nonsalaried WIN assignment beyond commuting distance of his/her regular residence.

2. Allowable Amounts.

a. Subsistence Portion. A subsistence allowance may be paid to a registrant for his/her separate maintenance at the rate of $8 per day. This is to cover rent and food and is in addition to the TRE and incentive payments. Subsistence shall be paid for the number of days the registrant is scheduled to be away from his/her home, including week-ends and holidays.

b. Travel Portion. A travel allowance is paid only for the beginning and ending trips. It is computed at the rate of the most economical public transportation available to the registrant or at the rate of 14¢ per mile for use of private transportation.

3. Method of Payment.

a. Subsistence. Initial computer setup of the subsistence allowance is accomplished by putting an "X" in the subsistence box (9.D) in the "Entitlement" section of the WIN Payment Questionnaire (WIN-45). The actual request for payment is made by completing the WIN Pay Card (WIN-46) by putting an "X" in the appropriate box(es) under the corresponding dates for which payments are authorized. Subsistence can be paid shortly before the need is expected to occur (see c., below).

b. Travel. Initial computer setup of the travel allowance is accomplished by checking box 9.E on the WIN Payment Questionnaire (WIN-45), and entering the cost figure on line 12.B for a one-way trip. The actual request for payments is made by indicating the number of one-way trips on the WIN Pay Card (WIN-46): "2" would be used for round trip. Travel can be paid shortly before it is expected to occur (see c., below).

c. Advance Payment. Both subsistence and travel can, if necessary, be requested before the trip begins. However, the request should not be made more than 1 pay period in advance. A WIN Pay Card (WIN-46) should be completed (as in a. and b. above) using the pay period in which either subsistence and/or travel will actually occur. When incentives and/or TRE are subsequently requested for the same pay period, the subsequent WIN Pay Card (WIN-46) should be marked "Supplemental."

E. Authority to Certify. All E&T staff, including Area/WIN managers, who will be signing the WIN Payment Questionnaire (WIN-45) or the WIN Pay Card (WIN-46) forms must have their signatures on file in the Training Payment Unit. A properly completed Authority to Certify (WIN-27) will meet the requirements of this section.

III. Nonrecurring Payments.

A. Auto Repair Payments.

1. Purpose. This payment is allowable for estimates on repairs, replacement parts or repairs to return the registrant's automobile to operable condition. However, it must be authorized in advance and arranged by the WIN E&T agency staff. Generally, any type of repair or part replacement needed to make the vehicle roadworthy or to pass safety inspections, including towing and road service, may be approved. Repairs to radios, stereos, or air-conditioning units are not allowable.

2. Allowable Amount. Cumulative payments for auto repairs shall not exceed $300 per registrant per registration. This amount shall be published in the SWP.

3. Conditions.

a. Auto repair payment shall be authorized only if the vehicle is needed in order for the registrant to seek, accept or retain employment or participate in a component, and such payments will not exceed the cumulative allowable amount established in the SWP.

b. Payment may be authorized when necessary for a WIN assignment provided:

1) No suitable public transportation, including carpools, is available. The term "public transportation" does not include for-hire vehicles such as taxis and rental cars;

2) It is not feasible for the WIN E&T agency to furnish transportation;

3) The welfare agency cannot pay for the repairs;

4) WIN E&T agency staff determines that such costs cannot reasonably be borne by the registrant;

5) The general overall condition of the auto justifies the cost of repairs.

c. Minnesota has a financial responsibilities act requiring insurance to cover injury/property damage sustained or arising out of the ownership, maintenance, operation or use of the vehicle. The E&T staff must view an insurance policy or letter from the insurance company evidencing compliance before committing WIN Program funds for automobile repair.

d. WIN funds will not be used to purchase or rebuild an automobile or pay for its registration or licensing.

4. Request for Payment. ES staff may authorize an auto repair payment by completing a WIN Authorization for Non-Recurring Payments (WIN-41) and submitting the second copy to Business and Financial Services (see Chapter IX, Section IV. E.). Payment will be made by Business and Financial Services upon receipt of an Area/WIN manager-approved vendor invoice (see Chapter IX, Section IV. G.).

5. Method of Payment.

a. Funds must be paid by Business and Financial Services directly to the agency or garage supplying the repair service or parts. WIN E&T agency staff is responsible for arranging for the repair and assuring that the service is performed in a satisfactory manner and is priced within reasonable (prevailing rate) limits.

b. If the registrant cannot perform the work, WIN E&T agency staff should explore the possibility of using garages or parts dealers that have contracts for service of state cars. Consideration should also be given to using skill-training facilities. When these are not available, reputable commercial garages may be used. Where the estimated cost of repair exceeds $50, or appears to be excessive in relation to the work to be performed, more than 1 estimate should be required.

c. Business and Financial Services will be responsible for:

1) Establishing controls to prevent duplication or other unauthorized automobile repair payments, including maintenance of a permanent control to ensure that the registrant's total automobile repair payments do not exceed the allowable accumulated total cost established in the WIN plan.

2) Issuing checks for automobile repair payments. Checks will be made payable to the garage or automotive parts dealer furnishing the service and not to the registrant. Checks may be mailed directly or to the local office WIN E&T agency staff for delivery to such dealer.

6. Petty Cash Payments. Petty cash may be used for minor purchases of auto parts. Such purchases need not be included in the cumulative maximum allowable repair cost.

B. Automobile Insurance Payment.

1. Purpose. This payment is to provide for the minimum required insurance on the registrant's vehicle.

2. Allowable Amount. Payment is limited to a one-time payment of the initial quarterly premium covering the minimum insurance required by state law for a private vehicle. WIN payment for insurance premiums on commercial or for-hire use of the vehicle is not authorized.

3. Conditions. The WIN staff must determine that:

a. The registrant needs to use the car to accept an offer for or to continue in subsidized or unsubsidized employment or training; and

b. The registrant cannot afford to pay the insurance premium (as determined by WIN E&T agency staff), and such funds are not available from other sources (e.g., welfare agency).

4. Request for Payments. The ES staff may authorize an auto insurance payment by completing and submitting a WIN Authorization for Non-Recurring Payments (WIN-41) to Business and Financial Services.

5. Method of Payment. Payment of the insurance premium will be made directly to the vendor upon receipt of an Area/WIN manager-approved vendor invoice.

C. Clothing Payment.

1. Purpose. This payment is for the purchase of special shoes or boots; protective devices such as safety glasses, gloves, and helmets; outer clothing such as uniforms, rain gear, or coats; or other types of clothing necessary within reason for the registrant to enter or attend training or obtain employment. Such items authorized in advance by the WIN E&T agency staff will become the property of the registrant.

2. Allowable Amount. The WIN E&T agency shall allow a reasonable amount for payment of necessary clothing items based on individual need. WIN funds should not generally be authorized for clothing after the registrant enters unsubsidized employment, OJT, or PSE, since the individual is then salaried.

3. Conditions.

a. To be allowable as a WIN-funded clothing payment the following conditions must be met:

1) The purchase of clothing must be determined by the WIN E&T agency staff to be necessary for the registrant's training or employment;

2) The WIN E&T agency staff must determine that the registrant cannot reasonably pay for the clothing by him/herself;

3) The clothing cannot be provided from any other source; and

4) Suitability of the items to be purchased should be verified with the employer or training facility prior to purchase.

b. When excessive wear and tear on these items warrants, the WIN E&T agency may authorize replacement purchases for registrants in the training components.

4. Request for Payment.

a. An authorization for payment may be made through a completed WIN Authorization for Non-Recurring Payments (WIN-41).

5. Method of Payment.

a. Payments for clothing will be made directly to the vendor upon receipt of an Area/WIN manager-approved vendor invoice.

b. Business and Financial Services will be responsible for establishing controls and issuing checks.

D. Tool and Equipment Payment.

1. Purpose. The WIN E&T agency is authorized to purchase the tools and equipment necessary for the registrant to accept an offer of employment, or to participate in OJT or training which will lead to employment. Generally, items needed for an individual to accomplish training or OJT are provided by the training institution or the employer or may be covered by the contract with the employer. Otherwise, purchases of tools and equipment needed for training and OJT may also be authorized as separate nonrecurring expenses. The service must be authorized in advance and arranged for by the WIN E&T agency staff.

2. Allowable Amount. The maximum allowable payment for purchase of tools and equipment shall not exceed $300 for an eligible registrant.

3. Conditions.

a. There must be a specific job opportunity available and the WIN E&T agency must determine that the tools or equipment are needed;

b. The WIN E&T agency staff must determine that the registrant cannot reasonably pay for the tools. Income the registrant will receive from the job will be considered in determining whether or not s/he can pay for the required items;

c. WIN staff must determine that the tools cannot be provided by the prospective employer or from any other source; and

d. The individual must agree to keep the tools or equipment in good condition as long as WIN retains ownership.

4. Purchase and Ownership. Tools and equipment are the property of the WIN E&T agency until the registrant has been employed for 30 days. At that time the WIN E&T agency will transfer the title and ownership of the tools or equipment to the individual for whom they were purchased.

5. Accountability.

a. A detailed account of the tools or equipment, showing the unit price, will be maintained for each individual.

b. The registrant must sign a receipt for the tools or equipment that are assigned, acknowledging ownership of them by the WIN program as specified in Chapter IX, Section III. D. 4. above.

c. Lost or stolen tools or equipment may be replaced when the local WIN E&T agency manager, after a thorough investigation of the circumstances surrounding the loss or theft, deems it advisable. Under no circumstances may a third purchase be authorized.

d. The WIN E&T agency will be responsible for repossessing tools or equipment which the individual is not entitled to retain. The individual is responsible for reimbursing the WIN E&T agency for lost or missing items. Such reimbursement will depend upon the circumstances which prevent them from being returned.

e. Repossessed tools or equipment may be reassigned to other registrants entering similar assignments, with separate accounting records maintained.

6. Method of Payment.

a. Request for payment may be made through a completed WIN Authorization for Non-Recurring Payments (WIN-41). The request should be documented in the registrant's file.

b. Payments for tools and equipment will be made directly to the vendor upon receipt of an Area/WIN manager-approved vendor invoice.

c. Business and Financial Services will be responsible for establishing controls to prevent duplicate or other unauthorized payments and for issuing checks to the vendor.

E. Union Dues. Union dues, or initiation fees may be paid on an initial, one-time basis only when a payroll deduction plan is not available for the registrant to pay this cost once he/she begins employment under the union bargaining agreement.

F. Relocation Payment.

1. Purpose. WIN funds may be used to relocate certified registrants and their families to enable them to become permanently employed and self-supporting. Such assistance shall only be given to registrants for whom employment cannot be found where they are now living, who concur in their relocation, and who have received a bonafide job offer at wage rates which will meet at least their full needs as determined by the state to which they will be relocated. WIN funds may also be used to cover the costs of preemployment interviews not covered by a prospective employer.

2. Relocation Assistance Definitions.

a. Family. All individuals in the immediate household of the WIN registrant who are included in the AFDC assistance payment.

b. Relocation Allowance. A grant paid to or in behalf of a certified registrant to assist in his/her relocation.

3. Relocation Expenses. WIN E&T agency staff is authorized to provide funds as needed for:

a. Transportation and per diem for the registrant's preemployment interview;

b. Repair of the WIN registrant's automobile;

c. Transporting the WIN registrant and family to the new area;

d. Per diem for the WIN registrant and family during transition;

e. Transporting the WIN registrant's household goods to the relocation area;

f. Temporary storage of household goods;

g. Transporting house trailer to relocation area; and

h. Additional assistance for replacement or purchase of basic household goods, payment of union dues, purchase of tools, automobile insurance, and deposits for rent and utilities if required.

4. Conditions. The following conditions must be met:

a. The registrant must be willing to relocate;

b. The registrant must be 18 years of age or older;

c. Relocation must offer the best way for the registrant to become permanently employed and self-supporting;

d. Employment must be unsubsidized (i.e., not OJT or PSE); and

e. Wages must meet or exceed:

1) The federal minimum wage;

2) The prevailing entry wage for similar work in that community as determined by the state employment security agency in the area; and

3) The full needs of the registrant and his/her family as determined by the welfare agency in the new area.

f. WIN funds may be used for relocation in conjunction with funds from another program (e.g., CETA) or an employer, as long as there are no duplicate payments.

5. Priority for Relocation.

a. Areas of relocation should be considered in the following order:

1) Within 200 miles of the registrant's regular residence;

2) Within the state of residence;

3) Within a state contiguous to the state of residence;

b. Assistance can be provided beyond these limits only with RCC approval. A letter requesting approval should be sent to the state WIN Chief for transmittal to the RCC.

6. Preemployment Interview. Assistance shall be provided for:

a. Per diem for the certified registrant of $7.50 per day, plus $14 per night for lodging costs;

b. Transportation by common carrier or at 14¢ per mile where public transportation is not available and a private car must be used.

7. Transportation of Registrant and Family.

a. Travel by Common Carrier. Travel Assistance will be provided via the most economical public transportation. Travel to and from public transportation terminals is also an allowable expense.

b. Travel by Privately Owned Automobile. Fourteen cents a mile by the most direct route from the registrant's home to the new area may be allowed for the registrant using his/her own automobile or for the family traveling by automobile separately from the registrant. No additional transportation expense is payable for family members who travel with the registrant in the same automobile.

c. Subsequent Travel by Registrant and Family Members. A registrant may return to his/her original place of residence to transport other members of the family to the new residence and be paid a second transportation allowance or be allowed mileage for the round trip at 14¢ per mile. If family members travel separately by common carrier, they should use the most economical means of public transportation.

d. Relocation Per Diem. Amounts for lodging and meals may be allowed for up to 5 days of travel. Lodging is limited to $17.50 per night, maximum, per family. Per diem of $7.50 each for registrant and spouse plus $5.50 for each additional family member is allowable.

e. Time of Payment. When travel costs are not paid directly to a carrier, payment for the transportation of the registrant and his/her family may be issued to the registrant, but no earlier than 5 days before departure.

8. Transportation of Household Goods. Assistance shall be provided for the transportation of the household goods of the registrant and his/her family by commercial carrier, rental truck or trailer. The authorized weight limit for household goods is 7,000 pounds for a family.

a. Moving by Common Carrier.

1) In intrastate moves that are not regulated and not subject to uniform tariff rates, the registrant should provide the WIN E&T agency with estimates from at least two moving firms. Assistance may be provided for moving household goods at the lower of the 2 estimates, including the normal insurance coverage, and may be paid directly to the carrier upon receipt of a proper bill-of-lading. Advance payment, if required, may be by check payable jointly to the mover and the registrant.

2) When the move is subject to uniform tariff rates, the registrant may select any mover licensed under the Interstate Commerce Commission or local regulatory body, and the WIN E&T agency may pay the cost of the move directly to the licensed mover on the basis of the uniform bill-of-lading.

3) Under special circumstances, and to assure timely delivery of household goods, the WIN E&T agency may authorize added cost for expedited service.

b. Moving by Rental Truck or Rental Trailer. When a registrant moves by rental truck or trailer, an estimate is required and should include items such as equipment rentals, casual labor, and tolls. An additional 7¢ per mile may be added to the basic 14¢ per mile when a trailer is towed.

c. Transporting a Mobile Home or House Trailer. Relocation assistance may be provided to cover the normal expense involved in transporting a mobile home or house trailer when a unit used as a residence in the previous area will be used as a residence in the new area. Two bids should be obtained from mobile home moving firms. The following costs and limitations apply:

1) Carrier charges may be made for the actual transportation of the unit plus charges for unblocking and reblocking;

2) Tolls, taxes, and charges for fees fixed by state or municipal authority, and costs for permits, flagmen, etc., if required, will be paid;

3) Utility hookups of gas, lights, and water will be paid. Telephone installation will be paid only if required for employment; and

4) Insurance costs shall be limited to the actual cost of insuring the mobile home and personal effects during the move. In such cases, the registrant shall furnish 2 bids from licensed insurers offering to insure the personal effects and household goods at least as adequately as if shipping were by a fully liable common carrier.

d. Temporary Storage of Household Goods. Storage of the registrant's household goods may be authorized for a period not to exceed 30 days. Storage may be either at the point of origin or destination.

e. Repair of Automobile for Relocation Travel. The purchase of minor repairs, parts, batteries or tires for the privately owned vehicles of WIN registrants relocating for the purpose of accepting employment may be authorized up to a limit of $100. Such repairs are not included in the $300 limitation for general automobile repairs.

9. Additional Relocation Assistance. The following assistance may also be provided to the registrant:

a. Replacement or purchase of basic household goods and miscellaneous items, not to exceed $100, for the registrant and spouse, plus $50 for each additional dependent, up to a maximum of $300;

b. Financial assistance in securing insurance for the vehicle used to transport the registrant and his/her family when required for employment. (See instructions for payment of automobile insurance.);

c. Cash deposits for rent and utilities, and for a telephone if required for employment.

10. Responsibilities of the WIN E&T Agency. When relocation is determined to be desirable, the WIN E&T agency will:

a. Obtain an agreement from the demand area employment service office as to the adequacy of wages when a job offer is made;

b. Determine what expenses the prospective employer will pay if a preemployment interview is required;

c. Determine the non-WIN resources available to meet financial needs of the registrant in the course of relocation;

d. Determine the amount of relocation assistance to be provided;

e. Ensure that the authorization for relocation assistance is supported by receipted bills or other evidence of proper application of WIN funds; and

f. Communicate directly with the counterpart in the area to which a registrant and his/her family are to be relocated. (Telephone contacts and correspondence will be on a direct basis between the two projects. Appropriate supervisory personnel should be kept informed.)

11. Request for Payments.

a. The Area/WIN manager may authorize issuance of a preemployment interview payment by completing a WIN Request for Relocation Assistance (WIN-49) and submitting it to Business and Financial Services.

b. A WIN Request for Relocation Assistance (WIN-49) must be completed to authorize the payments required for relocation. This form should be submitted to Business and Financial Services for processing.

c. A WIN Authorization for Non-Recurring Payments (WIN-41) must also be completed for individual vendors and submitted with the WIN Request for Relocation Assistance (WIN-49). Examples of vendors would be:

bus companies, truck rental companies, utility companies, or any vendor that will bill E&T directly. On the WIN Authorization for Non-Recurring Payments (WIN-41) indicate under the "comments" section which authorized amounts are for relocation or preemployment interview.

12. Method of Payment.

a. Payment of preemployment interview costs will be made by Business and Financial Services upon receipt of an Area/WIN manager-approved vendor invoice. If an advance payment is required, a memo requesting this should be submitted along with the WIN Request for Relocation Assistance (WIN-49) request to Business and Financial Services.

b. Payment of relocation costs will be made by Business and Financial Services directly to the vendors, whenever possible, upon receipt of an Area/WIN manager-approved vendor invoice. Where advance payment is required for portions of the relocation costs, a memo and receipts should be attached to the WIN Request for Relocation Assistance (WIN-49).

c. The request for advance payment memo must be prepared and signed by the registrant. It must contain the amounts and their purpose and the complete address to which the check is to be sent. This memo must have the signed approval of the Area/WIN manager.

13. Responsibility of the SAU. Relocation can be a major life crisis, especially when support systems are fragmented. To assist in a smooth transition, the SAU worker should discuss relocation and any related problems and anxieties with the registrants. If necessary, the registrant's family should also be included in the discussions. The SAU in the present area should establish contact with the SAU in the area of relocation to assure a smooth transition of necessary social services to the family in the new area. Telephone contacts and correspondence will be on a direct basis between the 2 SAUs involved. Informational memos should be provided to appropriate supervisory personnel.

G. Petty Cash or Emergency Payment.

1. Funds in Local Offices. The Department of Labor has directed local WIN offices to establish petty cash funds or suitable alternatives in order to meet minor cash needs of the registrants. This fund is used to meet small expenses incidental to training, transportation, or employment, which are authorized by the WIN legislation but which cannot be met by the usual purchasing procedures. There should be no duplication of TRE or other WIN payments. Where state law prohibits the use of petty cash funds, the WIN E&T agency shall develop an alternative procedure to cover such expenses, which will be included in the SWP. In Minnesota, petty cash funds are established and maintained in accordance with Administrative Procedural Letter No. 120-02.

2. Principles for Use. Petty cash expenditures include, but are not limited to, the following: carfare or tokens, cab fare in case of illness, or emergency baby-sitter money. A WIN E&T agency may also pay a registrant's transportation and lunch money from petty cash rather than through TRE when s/he is being referred to a job. Maximum use should be made of contract arrangements for use of public transportation, free or discount services for haircuts and clothing, and meal coupons or chits which can be redeemed at restaurants or lunchrooms.

3. Fund Limits.

a. The initial fund should provide for anticipated needs. In most instances, this fund will not exceed $200 per 150 registrants. If experience shows that this amount is not sufficient to maintain the petty cash emergency fund for a 10-workday period, the fund should be increased by an amount sufficient to do so.

b. Reimbursement is not required from recipients of petty cash or emergency payments, except in cases where it is determined that there is a duplicate payment.

c. Routine payments from the petty cash emergency fund may not exceed $10. Any payments over $10 must have the approval of the Area/WIN manager.

d. The petty cash or emergency fund should be under the control of 1 individual designated by the Area/WIN manager as cashier of the fund. An alternate cashier should be named to control the fund during the absence of the cashier. Cashiers are personally liable for all monies coming into their possession and should be bonded consistent with the principles set forth in Section 1040, Part IV, E&T Manual.

4. Audits.

a. State WIN agencies should establish a verification and audit system to ensure proper use of the funds. The cashier's report should be audited, and all supporting documents should be verified by the person who audits the report. A copy of the audit should be sent to the Chief, Minnesota WIN Program for his records.

b. Petty cash or emergency funds should be closed out at the end of each fiscal year and reestablished at the beginning of the next fiscal year from appropriate fiscal year funds.

c. Unannounced counts of the petty cash or emergency fund should be made by the audit staff.

H. Institutional Training Costs.

1. General. E&T staff may, subject to Chapter VIII provisions, authorize training for a WIN registrant. Costs which may be covered include, but are not limited to:

a. Tuition and fees;

b. Training required books and supplies;

c. Training required tools and equipment.

2. Allowable Amount. The maximum allowable payment will be $300 for tools and equipment. For tuition, fees, books and supplies, the allowable amount is determined in accordance with training facility or course requirements.

3. Authorization for Payment. ES staff may authorize payment by completing and submitting a WIN Authorization for Non-Recurring Payments (WIN-41) to Business and Financial Services.

4. Method of Payment. Payments for training costs will be made by Business and Financial Services directly to the training facility or vendor upon receipt of an Area/WIN manager-approved vendor invoice after services have been rendered.

IV. Forms and Instructions. The forms listed below are prescribed for use by the Minnesota WIN E&T Agency for authorizing and processing WIN payments. Facsimiles of these forms and applicable instructions follow.

A.	WIN-27	Authority to Certify
B.	WIN-45	WIN Payment Questionnaire
C.	WIN-46	WIN Pay Card
D.	WIN-50	Information on Work Incentive Payments
E.	WIN-41	WIN Authorization for Non-Recurring Payments
F.	WIN-49	WIN Request for Relocation Assistance
G	--	Approved Vendor Invoice (no facsimile included)
H.	WIN-47	WIN OJT/PSE Monthly Progress Report/Invoice (Facsimile included in Chapter VIII, Section V)

IV. Forms and Instructions - Continued.

A. Authority to Certify (WIN-27).

1. Facsimile Form WIN-27.

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY
AUTHORITY TO CERTIFY INDIVIDUAL REGISTRATION AND ATTENDANCE UNDER TITLE IV, PART C, OF THE SOCIAL SECURITY ACT

THE TRAINING PAYMENT UNIT OF THE MINNESOTA DEPARTMENT OF ECONOMIC SECURITY WILL RECOGNIZE THE SIGNATURES OF THE DESIGNATED REPRESENTATIVES AUTHORIZED BY THE WIN PROJECT/AREA MANAGER TO CERTIFY INDIVIDUAL REGISTRATION AND ATTENDANCE.

DESIGNATED REPRESENTATIVE	SIGNATURE	
TITLE	AREA OFFICE	A.O. NO.

THE UNDERSIGNED HEREBY CERTIFIES THAT THE SIGNATURE ABOVE IS THAT OF AN INDIVIDUAL AUTHORIZED TO CERTIFY ON WIN PAY SYSTEM FORMS AS INDICATED ABOVE.

WIN PROJECT MANAGER OR AREA MANAGER	DATE

WIN-27 (Rev. 3/1/78)

2. Instructions.

a. Type the name, title, Area/WIN office and Area/WIN office number on the proper lines.

b. The designated representative must sign the card on the signature line. If an Area/WIN manager will be signing the WIN-45 and WIN-46, s/he must complete this line as well as Item c., below.

c. The Area/WIN manager must sign on the proper line and enter the date.

d. The completed form must be forwarded to the Training Payment Unit.

e. Each Area/WIN manager should advise the Training Payment Unit of all staff changes of designated representatives. This includes preparation of new authorizations and cancellation of the Authority to Certify (WIN-27) for individuals no longer authorized to sign the WIN Payment Questionnaire (WIN-45) and the WIN Pay Card (WIN-46).

B. WIN Payment Questionnaire (WIN-45).

1. Facsimile Form WIN-45.

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

WORK INCENTIVE PROGRAM
WIN PAYMENT QUESTIONNAIRE

1. ☐ Original ☐ Amended ☐ Reentrance

2. Registrant's Name (First,Middle,Last)	3. SSA No.	4. Loc.No.	5. Date of Birth

6. Mailing Address

(No.) (Street)

(City) (State) (Zip Code)

Referral

7. You have been selected to participate in scheduled WIN pay activities.
Beginning _____ and ending _____
(Month) (Day) (Year) (Month) (Day) (Year)

8. You should report to _____ _____ _____
(Official) (Facility) (Location)

Entitlement

9. You may receive the following payments while participating in a scheduled WIN Program activity, authorized by a WIN staff member, provided that you meet the eligibility requirements:

- ☐ A. Incentive payment of $1.50 for each day that you attend a scheduled WIN activity. $15.00 maximum per pay period.
- ☐ B. Training related expense of $3.00 for each day that you attend a scheduled WIN activity.
- ☐ C. Additional training related allowance of $___ for each day that you attend a scheduled WIN activity when daily transportation cost exceeds $1.00. (Complete Item 12.A.)
- ☐ D. Subsistence allowance of $8.00 for each day that you are away from your regular place of residence overnight to attend a scheduled WIN activity.
- ☐ E. Travel allowance to attend a scheduled WIN activity outside commuting distance of your place of residence. (Complete Item 12.B.)

Advance

10. I request advance payment of:
- ☐ TRE Allowance
- ☐ Subsistence Allowance
- ☐ Transportation Allowance

To be repaid in installments of $_____ deducted each pay period.

11. Advance Amount Approved
$ _____
$ _____
$ _____

Transportation Expense

12. Complete Line A. when authorizing additional TRE for daily transportation costs. Complete Line B. when authorizing travel costs to and/or from a remote activity site.

	Distance to Facility	Mode of Travel	Cost	
			One-Way	Round Trip
A.				
B.				

Certification

I certify that the information I have given on this form is correct. I know that federal funds are provided and that penalties are prescribed by law for willful misrepresentation or concealment of material facts in order to obtain payments to which I am not entitled under the Act.

SIGNATURE OF REGISTRANT Date

I have witnessed the signature shown and have discussed with the Registrant the statements made. Based upon my knowledge of the facts recited, the statements appear to be correct.

SIGNATURE OF AUTHORIZED WIN STAFF MEMBER Date

WIN-45(4/80) (ES-26028-02) Training Payment Unit (White) Registrant (Green)
Local WIN office (Pink)

2. Purpose and Use. The WIN Payment Questionnaire (WIN-45) will have four basic uses:

a. E&T staff will use it to indicate initial, re-entrance, and amended referrals to WIN pay activities.

b. The form will also be used to notify: (1) the registrant of the details of his/her referral to scheduled WIN activity and of his/her entitlement to WIN payments; and (2) the Training Payment Unit that the registrant has been authorized to participate in scheduled WIN pay activity and the amounts and types of payments to which he/she is entitled.

c. After a registrant is referred to a scheduled WIN pay activity, any change in length of authorization, or in the types and amounts of payments, will require an amended WIN payment Questionnaire (WIN-45) in order to provide all points of the payment system with the notice necessary to maintain proper control of the payments. The E&T case manager will maintain contact with the registrant and will act promptly to prepare amended forms so as to prevent interruption of payments.

d. Upon receipt by the Training Payment Unit, the completed WIN Payment Questionnaire (WIN-45) will serve as the basis for establishing a payment account, cross matching of records, establishing controls, and preparing a cycle or deck of WIN Pay Forms (WIN-46) to be used for processing payments.

3. Instructions for Completing the WIN Payment Questionnaire (WIN-45). The WIN Payment Questionnaire (WIN-45) will be prepared in triplicate by the E&T staff.

Item 1. Check appropriate box to indicate type of application:

Original: Initial request for payments.

Amended: This box will be checked by the E&T case manager to initiate any change in the registrant's payments relating to:

1. Type of allowance;
2. Extending length of authorization;
3. Increasing or decreasing excess transportation allowances.

An amended WIN Payment Questionnaire (WIN-45) must have the registrant's name and Social Security number shown in addition to other pertinent information.

To notify the Training Payment Unit of an early termination, the case manager need only enter a brief remark to this effect on the last WIN Payment Allowance Request (WIN-46) submitted. An amended WIN Payment Questionnaire (WIN 45) is not necessary in this instance.

Re-entrance: Check this box to activate a registrant who was previously active in a WIN pay status but who is currently in a nonpay activity.

Item 2. Self-explanatory. Please type or write legibly with pen.

Item 3. Enter the registrant's Social Security number. The Social Security card must be viewed to assure accurate recording of the account number.

Item 4. Use "8000" series location number in Box 4.

Item 5. Enter registrant's birthdate. Omission of this information will cause the computer to reject the form. If the WIN Payment Questionnaire (WIN-45) is for re-entrance, be sure birthdate is the same as previously submitted.

Item 6. Self-explanatory.

Item 7. Enter the new beginning and ending dates of participation in scheduled WIN pay activities. Do not pick up prior dates of participation.

Item 8. Self-explanatory.

Item 9. (A-E) Check the appropriate box(es) to indicate the type of payment to be made.

Item 9C. If it is found that the cost of daily transportation for the registrant will be greater than $1 per day, the additional cost will be entered in the appropriate space and Item 12A completed showing the exact mileage and the amount computed at 14¢ per mile. The amount of daily transportation in excess of $1 will be added to the $3 daily expense allowance for payment purposes.

NOTE: If 9C is checked, 12A must be filled in.

Item 12A. Enter the number of miles from the registrant's local place of residence to the activity site, the mode of travel to be used, and the cost of one-way and round-trip transportation. In determining the cost to be shown, if the registrant can use public transportation, this cost for the one-way and round-trip will be entered. If a registrant, who because public transportation is not in operation or is not available to meet his/her scheduled participation, shows that he/she intends to use his/her own auto, travel by car pool, or make some other arrangements, the cost of one-way and round-trip will be computed at the rate of 14¢ per mile and entered in the appropriate spaces.

NOTE: If 12A is completed, 9C must be checked.

Item 12B. Complete this item only if the registrant is assigned to an activity beyond commuting distance of his/her regular place of residence. The allowance for travel is paid only for the beginning and ending trips. Cost is to be computed at the rate of the most economical public transportation available or at the rate of 14¢ per mile if private transportation must be used. Enter the one-way cost.

Certifications. The registrant should sign and date the form to acknowledge the correctness of the information on the form and the understanding that federal funds are involved in the payments under the WIN program. The WIN staff member should witness the signature of the registrant and sign and date the certification.

4. Disposition of the WIN Payment Questionnaire (WIN-45). The original will be sent to the Training Payment Unit, the pink copy will be maintained by the E&T case manager, and the green copy will be given to the registrant. Promptness in the preparation and disposition of this form is essential in order for the registrant to receive an advance payment prior to the starting date of training.

C. WIN PAYMENT ALLOWANCE REQUEST

1. Facsimile Form WIN-46.

MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

FOR PAYMENT UNIT USE ONLY					
DATE	TRE	INC	COMP	SUB	EP

WIN PAYMENT ALLOWANCE REQUEST

TO BE COMPLETED BY REGISTRANT:

Social Security Number				
	Please print			
Name - First	MI	Last	Is this a new address? ☐ YES ☐ NO	
Street Address	City	State	ZIP Code	

REGISTRANT: Answer the following question, sign, and turn in to your Case Manager.

1. Did you file or do you expect to file a training allowance claim under any other program? ☐ YES ☐ NO

If "yes", what program? _____

REGISTRANT'S CERTIFICATION: I give this information to support my request for allowances. The information contained in this request is correct. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled.

SIGNATURE	DATE

TO BE COMPLETED BY WIN CASE MANAGER: Is this an amended request? ☐ YES ☐ NO

I request payment of incentive and other allowances for the above registrant for the pay period ending: _____ COMPONENT #_____

AUTHORIZE PAYMENT BY PUTTING AN "X" IN THE APPROPRIATE BOXES.

DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
INC.																															
T.R.E.																															
SUB.																															

RR--IF BOX 9E ON WIN-45 COMPLETED, INDICATE NUMBER OF ONE-WAY TRIPS. _____

CASE MANAGER'S CERTIFICATION: This payment is authorized in accordance with applicable procedures in the Minnesota WIN Handbook. I certify that the payee is (was) a registrant in that program, and that all information upon which this authorization is based is correct to the best of my knowledge and belief.

CASE MANAGER'S SIGNATURE	DATE SIGNED

WIN OFFICE

WIN-46 June 84 (REV. 9/1/83)(SN-26025)

2. Purpose and Use. The WIN Payment Allowance Request (WIN-46) will be used by the registrant to request a WIN payment and by the E&T autorizing officer to approve payment.

The WIN Payment Allowance Request (WIN-46), will be prepared for each registrant who is in a specified WIN pay activity and who otherwise meets the eligibility requirements for an incentive payment and/or expense allowance. The following pay codes will be used to identify payments under the various WIN components/statuses.

450 - WIN Institutional Training
451 - Individual IES
452 - Working Registrant, Suspense to Employment, Part-time Employment, Non-Component Activities, Unassigned Recipient, OJT and PSE
454 - Work Experience
455 - IES/Group
459 - Suspense to Training

Authorized E&T staff will code the WIN-46, to indicate the component/status to which the registrant has been assigned for payment purposes.

If the registrant participates in pay code 452 (TRE only) activity and any of the other codes during a given pay period, use only 1 of the other pay codes--450, 451, 454, 455 or 459--to identify the type of payment to be made. This will allow incentives as well as TRE to be paid for the pay period. If the registrant participates in more than 1 of the activities for which both incentive and TRE are paid, use the code that shows the most number of days of participation for that pay period.

The form will be completed on or before the third work day following the ending date of the WIN payment period if the registrant's required signature can be obtained during the interval. The E&T staff should, when possible, arrange with training facilities to receive complete attendance records for registrants on or immediately following the last day in the pay period. As soon as the signed WIN Payment Allowance Request (WIN-46) is approved by the authorizing official, it should be forwarded to the Training Payment Unit for payment. The WIN-46 must be personally signed by the registrant. No one may sign for the registrant. In order to provide timely payments, forms should be completed as soon as possible for those registrants whose forms were not included in the regular transmittal for the WIN payment period.

NOTE: If data on the WIN-46 is not consistent with information on the WIN Payment Questionnaire (WIN-45) regarding type of allowance, duration of auth- or transportation allowances, these forms cannot be processed and will be returned to the E&T case manager.

The E&T case manager must submit a WIN Payment Allowance Request (WIN-46) for each pay period during the period of payment entitlement (WIN Payment Questionnaire - WIN-45) even though no money is to be paid the registrant during a given pay period. If the registrant did not participate during the pay period, write "none" in the space provided, complete the period ending date, sign name

and date of signature. The signature of the WIN registrant should not be obtained if no payment is to be made to the registrant. Compliance with this procedure will enable the Training Payment Unit to update a registrant's account to the next pay period for which he/she is eligible and not delay a registrant's subsequent check.

If the registrant has completed or otherwise terminated the activity prior to the scheduled completion date (WIN Payment Questionnaire - WIN-45), the E&T case manager will enter a brief remark to this effect on the WIN Payment Allowance Request (WIN-46) submitted in order that a control can be inserted to prevent improper payments for later periods. Examples: "Completed WIN Pay activities January 9, 1984," or "terminated WIN Pay activity due to illness January 9, 1984."

If a registrant does not complete a WIN Payment Allowance Request (WIN-46), according to schedule, he/she should be permitted to request payment at a later date provided he/she does so within 90 days following the ending date of the payment period for which payment is due. A full explanation on the reverse of the WIN-46 should accompany any request for payment that is forwarded to the Training Payment Unit after the 90-day period has ended.

Amended WIN Pay Forms. If it is determined by the case manager that erroneous information was submitted, an amended WIN-46 may be submitted, correcting the erroneous data. The work "AMENDED" should be written in red on the face of the form.

3. Instructions for completing the WIN Payment Allowance Request (WIN-46). For instructions as to the completion of individual items on the WIN Payment Allowance Request (WIN-46) see the annotated facsimile below.

THIS PORTION OF THE FORM IS TO BE COMPLETED BY THE REGISTRANT

If you have not moved since you received your last check, put an "X" in the "NO" box. If you have moved since you received your last check, put an "X" in the "YES" box.

TO BE COMPLETED BY REGISTRANT:

Social Security Number				
	Please print			
Name - First	MI	Last	Is this a new address? ☐ YES ☐ NO	
Street Address		City	State	ZIP Code

REGISTRANT: Answer the following question, sign, and turn in to your Case Manager.

1. Did you file or do you expect to file a training allowance claim under any other program? ☐ YES ☐ NO

If "yes", what program? _____

REGISTRANT'S CERTIFICATION: I give this information to support my request for allowances. The information contained in this request is correct. I understand that penalties are provided for willful misrepresentation made to obtain allowances to which I am not entitled.

SIGNATURE	DATE

Write your signature here. Use your proper name and sign each form the very same way. Write in the date on which you submit your pay form.

Do Not Write on the Other Half of the Form.

Check "YES" if you are receiving money from some program in addition to WIN- such as Veterans Administration, Social Security. If you are, then write the name of the other program here. If you are not, then check the "NO" box.

(CASE MANAGER NOTE: If the amount of transportation allowance should change as a result of an address change, an amended WIN Payment Questionnaire (WIN-45) must be prepared and submitted to the Training Payment Unit.)

3. Instructions for Completing the WIN Pay Form (WIN 46) - Continued

THIS PORTION OF THE FORM IS TO BE COMPLETED BY THE WIN CASE MANAGER.

If the registrant has been set up for incentive and training related expenses, complete both lines for the appropriate dates by putting an "X" in the boxes. If the registrant is set up for only one or the other, place the "X" in the boxes on the appropriate line. Do Not "X" Days of Non-Attendance -- Leave Blank. If an error is made, black out the entire square.

NOTE: A request on this form for any type of payment not set up on the WIN Payment Questionnaire (WIN-45) will not pay. Form will be returned to the case manager.

Write in the ending date of the period to be paid.

Write in code number of pay components and/or activities registrant participated in during pay period. Write "None" if the registrant has not participated during the period.

"X" boxes only for days subsistence is to be paid.

TO BE COMPLETED BY WIN CASE MANAGER: Is this an amended request? ☐ YES ☐ NO

I request payment of incentive and other allowances for the above registrant for the pay period ending: _____ COMPONENT # _____

AUTHORIZE PAYMENT BY PUTTING AN "X" IN THE APPROPRIATE BOXES.

DATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
INC.			X																												
T.R.E.			X																												
SUB.																															

RR--IF BOX 9E ON WIN-45 COMPLETED, INDICATE NUMBER OF ONE-WAY TRIPS. _____

CASE MANAGER'S CERTIFICATION: This payment is authorized in accordance with applicable procedures in the Minnesota WIN Handbook. I certify that the payee is (was) a registrant in that program, and that all information upon which this authorization is based is correct to the best of my knowledge and belief.

CASE MANAGER'S SIGNATURE	DATE SIGNED

WIN OFFICE

WIN-46 (REV. 9/1/83)(SN-26025)

Form must be signed, dated and submitted after the ending date of pay period, unless the request is for subsistence and/or travel, in which case advance requests are allowable.

If the registrant is set up for travel allowance, enter "1" if only one-way is to be paid, or "2" if round trip is to be paid.

Certifications. The registrant and the WIN authorization officer should sign and date the WIN-46. The dates of certification should not be prior to the ending date of the payment period for which the request is made.

Then a registrant has completed training or has been deregistered, the WIN authorization officer should enter a brief remark on the last WIN-46 to this effect in order to prevent subsequent unauthorized payments and to recover any outstanding advance payments.

Specimen signatures of all WIN authorization officers should be furnished to the Training Payment Unit for comparison with signatures shown on the WIN-46.

4. Disposition. The WIN Payment Allowance Request (WIN-46) should be forwarded promptly to the Training Payment Unit upon completion by the WIN authorization officer.

Certifications. The registrant and the WIN authorization officer should sign and date the WIN Pay Card (WIN-46). The dates of certification should not be prior to the ending date of the payment period for which the request is made.

When a registrant has completed training or has been deregistered, the WIN authorization officer should enter a brief remark on the last WIN Pay Card (WIN-46) to this effect in order to prevent subsequent unauthorized payments and to recover any outstanding advance payments.

Specimen signatures of all WIN authorization officers should be furnished to the Training Payment Unit for comparison with signatures shown on the WIN Pay Cards (WIN-46).

4. Disposition. The WIN Pay Card (WIN-46) should be forwarded promptly to the Training Payment Unit upon completion by the WIN authorization officer.

Lost or Misplaced WIN Pay Cards (WIN-46). If a case manager loses or misplaces a WIN Pay Card (WIN-46), s/he should call or write to the Training Payment Unit notifying them of the necessity for new cards. The registrant's name, Social Security number, and mailing address should be included in any correspondence related to ordering new pay cards.

D. Information on Work Incentive Payments (WIN-50).

1. Facsimile Form WIN-50.

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

WORK INCENTIVE PROGRAM
INFORMATION ON WORK INCENTIVE PAYMENTS

If you are selected and determined eligible by the WIN staff to participate in a WIN pay activity, you may receive one or more of the following payments provided you attend the scheduled activity.

1. Incentive Payments

Incentive payments may be made at the rate of $1.50 per day for each day of attendance, but may not exceed $15 for each pay period.

2. Training-Related Expenses

Training-related expenses are intended to compensate a WIN registrant for transportation and lunch money costs that are incurred in connection with WIN participation.

a. The basic daily expense allowance is $3 per day for each day of participation.

b. This allowance shall be increased by the amount that your transportation costs exceed $1.

3. Temporary Residence Allowance

The Temporary Residence Allowance is designed to pay the costs of transportation and separate maintenance for a registrant/recipient who has been referred to a nonsalaried WIN assignment outside commuting distance from his/her regular residence.

a. A subsistence allowance of $8 per day is payable to a registrant to cover rent and food.

b. A travel allowance may be paid for the cost of an initial trip to the training site and for the final trip home at the completion of training. The amount payable will be the cost of the most economical public transportation available or 14¢ per mile if private transportation is used.

If you have any questions on allowances or amounts, please contact your WIN Case Manager.

THIS SHEET IS ISSUED FOR GENERAL INFORMATION. IT DOES NOT HAVE THE EFFECT OF LAW, REGULATION, OR RULING.

WIN-50 (Rev. 10/2/78)

2. Purpose and Use. The Information on Work Incentive Payments (WIN-50) may be used by the E&T case manager when explaining payment procedures during orientation and should be given to the registrant when s/he is placed in initial WIN pay activity.

E. WIN Authorization for Non-Recurring Payments (WIN-41).

1. Facsimile Form WIN-41.

WIN AUTHORIZATION FOR NON-RECURRING PAYMENTS

NOTE: COMPLETE SEPARATE AUTHORIZATION FOR EACH VENDOR TO BE PAID

1. TYPE OF REQUEST (Check One)	2. CHECK IF APPLICABLE:	3. AREA OFFICE AND ADDRESS
☐ WIN Automobile Repair ☐ WIN Automobile Insurance ☐ Institutional Training ☐ Protective Clothing and/or Equipment ☐ Tools and/or Equipment	First request for WIN auto repair? YES ☐ NO ☐ First request for tools or equipment? YES ☐ NO ☐ If NO to either, enter dates and amounts of previous payments under comments.	
	4. PROJECT NO.:	5. AREA OFFICE NO.:
6. REGISTRANT'S NAME		7. SOCIAL SECURITY NUMBER
8. REGISTRANT'S ADDRESS (No., St., City, State, ZIP Code)		9. NAME AND ADDRESS OF VENDOR/EMPLOYER/TRAINING FACILITY
10. OCCUPATION/COMPONENT/COURSE		

PAYMENT WILL BE MADE DIRECTLY TO THE VENDOR ONLY AFTER GOODS ARE RECEIVED OR SERVICES PERFORMED AND PROPER INVOICE SUBMITTED.

11. DESCRIPTION OF ITEM(S) TO BE PURCHASED

Quantity or Length of Course	Type of Item or Class Title and Dates
	MAXIMUM AUTHORIZATION $ _____

12. COMPLETE FOR AUTOMOBILE REPAIR OR AUTOMOBILE INSURANCE ONLY

A. NAME AND ADDRESS OF REGISTRANT AS ON REGISTRATION CARD	B. VEHICLE DESCRIPTION			
	Make	Model	Year	Current Mileage
	License No.	State	Year	Estimated Value

C. REGISTRANT'S DRIVER LICENSE			D. REPAIR COMPLETION DATE	ATTACH ESTIMATES (If Applicable)
State	Number	Expiration Date		

E. Enter: Type of public transportation operating between regular place of residence to vicinity of work or training site (enter "None" if applicable) _____. If public transportation is available, justify requested automobile repairs/insurance under comments.

COMMENTS:	Distribution:
	White – Vendor Green – Business Management Yellow – WIN Case Manager Pink – WIN Project/Area Office

WIN-41 (Rev. 8/15/77) (SN-26024) MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

(Detach and sign on reverse)

1. Facsimile Form WIN-41 - Continued.

AUTHORIZATION DATES AND AMOUNTS						
INVOICE DATES AND NUMBER	BILLING PERIOD	TUITION AND FEES	BOOKS AND SUPPLIES	TOOLS AND EQUIPMENT	MISCELLANEOUS	BALANCE

NOTE: To maintain a current balance under each specific billing item, you may record the amount of each billing item above the dotted line and the current balance below the line.

CERTIFICATIONS

WIN Registrant

☐ I CERTIFY that I am actively engaged in the WIN program and that the items for which payment is requested are necessary for me to enter or continue in employment or training with the WIN program.

☐ I UNDERSTAND that the tools and equipment must be maintained in good order and must be returned to WIN in the event that I fail to continue in related unsubsidized employment for at least 30 days.

☐ I CERTIFY that the information which I have provided on this form is true and correct to the best of my knowledge. This information is given for the purpose of receiving financial assistance which is paid from funds provided by the U.S. Government. I understand that penalties or fines and imprisonment are imposed for knowingly giving false information to obtain Federal funds.

Registrant's Signature _____ Date

WIN Case Manager

☐ I CERTIFY that the WIN registrant for whom this payment is requested is actively engaged in a WIN activity and this item(s) is necessary for entry or continuing in the assigned activity under the WIN program.

WIN Case Manager's Signature _____ Date

I have reviewed and approved the above requested payments.

Area/WIN Manager's Signature _____ Date

2. Purpose and Use. The WIN Authorization for Non-Recurring Payments (WIN-41) is used to request and approve nonrecurring payments which are determined to be necessary for the purchase of specific items for registrants while engaged in approved components and activities. Such items include car repair, auto insurance, clothing, and work-related tools and equipment. The completed form should serve as the basis in the Training Payment Unit for establishing a payment account for the registrant, for setting up necessary controls, and for issuing the payments authorized.

3. Instructions for Completing the WIN Authorization for Non-Recurring Payments (WIN-41). The WIN Authorization for Non-Recurring Payments (WIN-41) should be prepared in triplicate by the WIN E&T agency. Instructions are given below for completing those items on the form which are not self-explanatory.

a. Fill in boxes 1 through 11. Box 12 must be completed where relevant.

(1) For box 4 use:

(a) 252 for Southeastern WIN;
(b) 253 for Northwestern WIN;
(c) 254 for Northeastern WIN;
(d) 255 for St. Paul WIN;
(e) 256 for Minneapolis WIN;
(f) 257 for Southwestern WIN;
(g) 260 for Central WIN.

(2) Under Item 11., in cases of training, the monetary amount being authorized must correspond only to that period of training currently being authorized.

b. The signature of both the registrant and the Area/WIN manager must be affixed in the "Certification" section on the reverse of the form before the form is processed.

4. Disposition. The original (white) is sent to the vendor and the green copy to Business and Financial Services; the yellow copy is placed in the registrant's folder and the pink copy in the central files of the local WIN office.

F. WIN Request for Relocation Assistance (WIN-49).

1. Facsimile Form WIN-49.

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

WIN REQUEST FOR RELOCATION ASSISTANCE

Project Number

Registrant's Name | Social Security Number

Address

Employer

RELOCATION EXPENSES

TRANSPORTATION

Auto Repairs (if any) to be made by (name of company) $ _____ | Completion Date | Total Costs

Traveler Identification	Number of Persons	Travel Dates From	Travel Dates To	If Travel by Auto: Miles	Travel Time	Cost	Travel by Other Transportation: Carrier	Number Persons	Travel Time	Cost
Registrant										
Spouse										
Children*										
Other Dependents*										

* List names, ages, relationship and justify on reverse side.

PER DIEM

Traveler Identification	Number of Persons	No. of Persons @ $7.50 per day	No. of Persons @ $5.50 per day	Number of Days	Cost	Place of Lodging	Number of Persons	Rate per Day	Number of Days	Cost
Registrant										
Spouse										
Family Members										

HOUSEHOLD GOODS

Household Goods — Mobile Home to be moved by (name of company) | Moving Date | Cost

Additional Insurance (if required) to be provided by (name of firm) | Policy Number | Cost

Storage (if required) to be provided by (name of company) | Storage Location (city, state) | No. Days | Cost

ADDITIONAL ASSISTANCE

Deposits, Fixed Costs, and Purchases	Rent	Gas	Electric	Water	Phone	Auto Ins.	Union Dues	Tools	Household Goods

TOTAL AMOUNT $

Registrant

I CERTIFY THAT THE INFORMATION WHICH I HAVE PROVIDED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THIS INFORMATION IS GIVEN FOR THE PURPOSE OF RECEIVING FINANCIAL ASSISTANCE WHICH IS PAID FROM FUNDS PROVIDED BY THE U. S. GOVERNMENT. I UNDERSTAND THAT PENALTIES OF FINES AND IMPRISONMENT ARE IMPOSED FOR KNOWINGLY GIVING FALSE INFORMATION TO OBTAIN FEDERAL FUNDS. I FURTHER CERTIFY THAT THE FUNDS RECEIVED WILL BE USED FOR THE INTENDED PURPOSE AND THAT I WILL PROVIDE PROOF OF SUCH EXPENDITURES AS REQUIRED.

Area/WIN Manager

I CERTIFY THAT THE ABOVE-NAMED INDIVIDUAL IS A CERTIFIED WIN REGISTRANT AND THAT THIS RELOCATION IS IN CONCERT WITH HIS EMPLOYABILITY PLAN. THE COSTS SHOWN ABOVE REFLECT THE ACTUAL NEEDS OF THE APPLICANT WITHIN THE PRESCRIBED LIMITATIONS AS WE CAN PERCEIVE THEM. THEY ARE BASED ON PREDETERMINED COSTS AND WRITTEN ESTIMATES RECEIVED. THE ASSISTANCE BEING PROVIDED IS NOT AVAILABLE THROUGH ANY EMPLOYER OR OTHER FEDERAL PROGRAM IN RESPONSE TO THE RELOCATION NEEDS OF THE APPLICANT.

Signature of WIN Registrant | Date | Signature of Area/WIN Manager | Date

Distribution:
Original - Business Management
1 Copy - Area/WIN Office
1 Copy - Registrant

WIN-49 (Rev. 12/30/77)

2. Purpose and Use. This form is used to request and approve relocation payments for a registrant and family to cover the allowable costs of relocation including pre-employment interviews. The completed form should serve as the basis in the Training Payment Unit for establishing a payment account for the registrant, for setting up necessary controls, and for issuing the payments authorized.

3. Instructions for Completing the WIN Request for Relocation Assistance (WIN-49). This form should be completed in triplicate by the WIN E&T agency. Instructions are given below for completing those items which are not self-explanatory. An amended form may be required to provide additional assistance for needs of the registrant that cannot be predetermined. Any assistance to be provided should be authorized as near the time needed as possible.

Item 1. If the auto owned by the registrant is to be repaired for purpose of relocation, enter the name and address of the firm that will make the necessary repairs, the date the repairs are to completed, and the cost of such repairs. Enter in the proper spaces the identity and number of persons who will be traveling to the new area and the tentative date of travel, if known. If the family members will be traveling by auto, enter mileage, travel dates, and cost of such transportation. Enter the total costs of auto repair and transportation.

Item 2. If per diem is required for the registrant and family, enter in the appropriate spaces the identity and number of persons requiring this assistance, the number of days per diem needed, the location or place of lodging, and the cost per diem. Enter the total cost per diem. Receipts for lodging should be maintained by the WIN E&T agency.

Item 3. Check the proper box to indicate whether household goods or mobile home are to be moved. Enter the name and address of the commercial carrier, the tentative date of the move, and the cost. If the move will be other than by commercial carrier, indicate the means of transporting the household goods to the new area. (Attach estimates if required.)

If normal insurance needed for moving household goods or mobile home or housetrailer is not part of the estimated cost, enter the name and address of the insurance firm selected to provide coverage, the policy number, and the cost of such insurance.

If temporary storage of household goods is necessary, enter the name and address of the firm that will store the goods, the storage location, the number of days storage is required, and the cost of storage.

Item 4. When cash deposits are needed for rent, gas, electricity, water and telephone, enter the amount needed for each item in the appropriate box. If prepayment of union dues, auto insurance and tools are required as a condition of employment, enter the amounts in the proper spaces. If there is a need to purchase basic household goods, enter the amount allowable for the registrant and his/her family.

Certifications. The registrant and the WIN official should complete the required certifications and sign and date the form.

4. Disposition. The original should be sent to Business and Financial Services, 1 copy given to the registrant, and 1 copy retained at the local office.

G. Approved Vendor Invoice.

1. A vendor invoice is any document produced by and identifying the vendor, that requests payment for specified goods and/or services, and instructs where the payment is to be made.

2. An original and 1 copy of each vendor invoice is required by Business and Financial Services. Each invoice must contain the following:

a. The vendor's name and full address including the ZIP code;

b. The name of the WIN registrant receiving the goods or services;

c. The itemized charges (plus sales tax where applicable);

d. An "O.K. for payment" annotation along with the Area/WIN manager's signature.

H. WIN OJT/PSE Monthly Progress Report/Invoice (WIN-47).

1. Facsimile: See Chapter VIII, Section V.

2. Instructions: See facsimile of Instructions for WIN-47 (WIN-47A), Chapter VIII, Section V.

a. This instruction sheet is available through the DES stockroom.

b. New contractors should be supplied with this instruction sheet along with their supply of Report/Invoice forms.

CHAPTER TEN

COORDINATION OF WIN WITH OTHER PROGRAMS

Content: This chapter stresses the importance of coordination between WIN and other employment and training and social services programs and describes methods of formalizing linkages.

I. Purpose. WIN legislation and regulations mandate coordination between WIN and other employment and training and welfare agency programs. WIN must utilize all available resources to prepare registrants for employment and to ensure continued employment. Coordination of activities helps to minimize duplication of services to registrants and to augment WIN services by use of other available resources at minimal cost.

II. Programs That Should Be Coordinated With WIN.

A. The Comprehensive Employment and Training Act (CETA).

1. CETA establishes the provision of employment and training programs by State and local prime sponsors. WIN registrants are eligible for CETA programs due to their "disadvantaged" status as AFDC recipients. Whenever possible the WIN E&T agency should utilize CETA training programs to provide services to eligible registrants.

2. Title IV of the 1978 amended CETA legislation contains a range of employment and training services for eligible youth.

a. Job Corps. The Job Corps offers a training program for out-of-school AFDC recipients and family members under the age of 22. These opportunities can be utilized both for mothers with young children who volunteer for training and for out of school youth over the age of sixteen who are mandatory registrants. The potential for WIN/CETA coordination is significant but it is necessary to involve all parties in serious consideration of the issues and procedures.

OWIN National Office has funded several demonstration projects with Job Corps Centers to provide on-site child development centers for children of WIN Job Corps members. This

activity has demonstrated the potential advantages of this relationship which should be considered, where appropriate.

b. Youth Employment Demonstration Programs. A variety of employment, training and demonstration programs are authorized to explore methods of dealing with structural unemployment problems of youth. Three subprograms are: Youth Incentive Entitlement Pilot Projects; Youth Community Conservation and Improvement Projects; and Youth Employment and Training Programs. The WIN E&T agency may suggest appropriate training and pilot projects to CETA.

c. Summer Youth Programs. Financial assistance is provided to prime sponsors to conduct programs for eligible youth during the summer months.

d. Young Adult Conservation Corps. Eligible youth work in conservation and other public projects on federal and non-federal public lands and waters.

3. The CETA legislative amendment of 1978, Title II, Comprehensive Employment and Training Services, combines old Title I and II into a single new title targeted at the economically disadvantaged. It also sets up a new retraining and job upgrading effort in the Title II, Part C.

4. When a WIN registrant is in suspense to a CETA project, the WIN E&T agency will periodically check on the individual's progress and assist with placement at the completion of training or public service employment.

5. Areas for WIN/CETA Coordination. CETA and WIN offer many opportunities for sharing resources and coordinating activities to meet the needs of AFDC clients. Mechanisms should be developed at the State and local level to assure full cooperation with CETA and utilization by WIN of CETA PSE slots.

Fourteen possible areas for WIN/CETA coordination are suggested:

a. WIN assistance in developing the CETA Annual Plan;

b. WIN participation on the CETA Planning Council;

c. WIN proposals to CETA for use of available funds for AFDC placements;

d. WIN assistance in developing a basic coordinated management system;

e. Integration of intake/appraisal activities for each individually shared client and for programs;

f. Coordinated efforts to reduce conflict and overlap in employability planning;

g. Assured identification of all AFDC recipients applying to CETA and their immediate referral to WIN for certification to assure efficient use of social service funds;

h. Coordinated development activities;

i. Design of a consistent single orientation program for WIN/CETA clients;

j. Coordinated client training;

k. Coordinated decision-making at the individual client level regarding work experience needs and suitable placements;

l. Coordinated flow of client tracking to reduce duplication in paperwork and competition in obtaining "earned employment" credits;

m. Shared information on both WIN/CETA adjudication systems and in particular, procedures and possible sources of grievances;

n. Joint staff training, whenever appropriate, at all levels of the WIN/CETA systems.

B. State Employment Service. In instances where the WIN E&T agency is other than the State employment service, the WIN E&T agency should coordinate all employment and training services with the employment service to gain access to that agency's comprehensive labor market information system.

C. Title XX of the Social Security Act.

1. Title XX provides States with a unified way of planning for social services. Under Title XX, State social services programs are shaped primarily by decisions made in the State rather than by requirements set by the federal government.

2. The services to be provided are directed toward the achievement of specific goals. Two of these coincide with employment and training goals, i.e., achieving and maintaining self sufficiency and self-support and elimination, reduction, or

prevention of welfare dependency.

3. Each State is required to develop a planning process for the selection and delivery of social services and the allocation of funds. This approach is intended to permit greater flexibility and to encourage citizen involvement in the determination of what services are provided and of the eligible client group.

4. The State must publish, first in draft form and then in final, an Annual Comprehensive Services Program Plan (CASP). Both must be generally available to the public for review and comment. While DHEW will review the plan to assure compliance with the federal procedural requirements for development of the plan, DHEW has no authority to disapprove the content of the services plan. The Governor, in most cases, has final approval authority for the services plan and for designation of the agency to administer the Title XX program.

5. Social services generally used by employment and training programs, such as child care, may be provided at the option of the State. Additional employment-related services may be provided under Title XX to WIN registrants as eligible AFDC recipients.

6. The services plan is required to describe how the planning and provision of services under Title XX will be coordinated with, and utilize WIN. Liaison between WIN and the Title XX agency is extremely important. WIN, however, needs to take the initiative in establishing liaison with the State Title XX agencies to assure availability of services to the maximum extent possible.

7. WIN staff at the local and State level should make themselves and data about their clients' social service needs available to Title XX planners in an effort to ensure WIN needs are taken into consideration in the development of the CASP. In addition, regional WIN staff should be available if needed to participate in any technical assistance requested by the State.

8. Each State will establish its own eligibility within the following federal eligibility parameters.

a. Income maintenance status: AFDC recipients and essential persons, recipients of SSI benefits, or State supplementary payments;

b. Income status, i.e., individuals whose gross monthly family income adjusted for family size is less than 115

percent of the State or national median gross monthly family income, whichever is lower. The State may establish an income status eligibility level lower than that provided for in the federal statute.

9. Fees for services must be charged to all income status individuals whose income falls between 80 percent and 115 percent of the median gross monthly family income. Establishment of appropriate fee schedules is the responsibility of the State and must be included in the CASP.

10. Federal matching is at a 75/25 rate for all services except family planning, which is provided at a 90/10 matching rate. The WIN social services allocation, a part of the WIN appropriation, continues to be separate from Title XX funds and is not governed by the Title XX expenditure ceiling.

D. Vocational Rehabilitation (VR) Agency.

1. If, in the course of the appraisal interview, it is determined that the registrant would best benefit from services provided by the State VR agency but the registrant's needs are not so severe as to make the individual exempt, the SAU and WIN E&T agency shall utilize the VR agency to meet such needs. Such a referral may occur in those instances where a registrant's physical or mental disabilities affect his/her ability to enter employment and/or function successfully on a job, but are not sufficiently incapacitating to exempt his/her from the registration requirement. An interagency communication mechanism must be developed to provide the WIN E&T agency with adequate information regarding the registrant's progress so that it may assist in job placement.

2. A registrant referred to VR may be in suspense status, in which case the individual is eligible for TRE and incentive payments, or the individual may be placed in the unassigned recipient status. However, in either case, once the VR agency has accepted a WIN referral for VR services, the individual's rehabilitation plan will not be interrupted for other WIN referrals unless agreed upon by the VR agency.

E. State Adult Basic Education Programs.

1. The regulations for the Adult Education Act provide the following definition for the program:

> The term "adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes

a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

2. In many States constructive cooperation has been established between WIN staff and administrators of the Adult Basic Education program. Such linkages can lead to greater access by educationally needy AFDC recipients to the Adult Basic Education program.

3. Each State educational agency submits a State plan for use of Federal funds. These State plans are required to provide for cooperation with programs related to the anti-poverty effort as well as employment and training programs.

4. OWIN and DHEW/Office of Education have agreed to promote closer cooperation between State WIN staff and State education staff so as to increase the number of recipients being assisted through the Adult Education program.

5. State WIN coordinators should maintain a current list of State directors for adult education and should circulate to local WIN offices any pamphlets which outline the adult education program.

III. Developing Community Resources.

A. Interagency Coordination.

1. WIN staff should develop a network of agency contacts which can be called upon for assistance. When possible, operating procedures for referral should be established between the WIN office and the agency of referral.

2. Coordination should be maintained with not only government sponsored programs but with private profit and nonprofit organizations which provide a variety of specialized social services (e.g., counseling, information and referral, diagnostic and evaluation services, residential treatment, services for the blind, disabled, children and youth). Thrift shops may provide

free clothing. TOPS or Weight Watchers may provide free counseling to WIN registrants.

B. Developing a Directory of Community Agencies.

1. In order that local office staff may be aware of community services for referral purposes, a directory of such agencies should be maintained and periodically updated. At a minimum, this directory should include local voluntary and profit making agencies as well as governmental bureaus, departments, and specialized administrators. Resources for health, education, recreation, child welfare, mental hygiene, financial assistance, housing assistance, and other specialized social service agencies should be included.

2. In many communities, such a directory will be available through a coordinating council of social agencies or the local chapter of the National Association of Social Workers. If no local directory exists, plans should be made for developing one.

3. A well planned directory should be arranged both alphabetically and by the type of service offered (e.g., medical assistance, child care, rehabilitation). The form at the end of this chapter is suggested for storing and retrieving such information. It may also be used as a basis for a questionnaire for gathering information about community resources.

C. Volunteers. A volunteer component to WIN would help to supplement limited staff resources. Volunteers may also be able to provide services not available elsewhere and can contribute to the community welfare. Volunteers may come from religious, fraternal and social service organizations or may individually offer services to WIN. The range of volunteer participation is practically unlimited. Some examples are: emergency transportation and child care; professional assistance such as free psychological counseling; individual tutoring; budget counseling; administrative assistance; and public relations.

D. Public Relations. The community has an important stake in any program which promotes the employment and occupational adjustment of the members. Community acceptance of the WIN program will in part depend upon how well it is kept informed of the aim and accomplishments of the program. WIN staff should be prepared to address businesses, service clubs and organizations; local public service radio and TV spots could be developed; articles could be written for local newspapers and WIN materials describing the program and its successes could be distributed.

IV. Formalizing Linkages and Purchases of Services. There are two methods of establishing formal program linkages:

A. Trade-Off. This method occurs when available slots of equal value are exchanged by the two programs and no funds are transferred. A bilateral subcontract stipulating the value of the services to be exchanged (including staff costs) should be included in the subcontract to ensure that if either agency fails to meet its agreed-upon commitment to the full value of the service, that agency will reimburse the other agency for all services in excess of those received of equal value.

Example: If the CETA Prime Sponsor providing institutional training lacks the strong testing capability WIN possesses, the CETA and WIN E&T agency may agree to exchange these activities A WIN E&T agency may agree to provide testing to 50 CETA enrollees at a value of $4,000 in exchange for CETA's providing institutional training for 5 WIN recipients at a value of $4,000.

B. Buying-In. This method occurs when a program transfers funds to another program in order to purchase slots. WIN funds, however, can be used only to purchase services for WIN-eligible clients because of the legal limitations on the expenditure of WIN funds. Any transfer of funds must be accomplished through a written agreement. WIN may purchase slots in other employment and training programs to meet special client needs. The WIN E&T agency may also want to purchase employment and training services or social services through a written agreement from CETA to supplement its own program.

V. Payments for WIN Clients Participating in Other Programs.

A. Prevention of Duplication of Payments for WIN/CETA Participants. It is necessary for both programs to ensure that duplicate TRE or incentive payments are not made to any individual. Two alternative methods follow:

1. WIN projects utilize the UI for making payments related to WIN, and CETA Prime Sponsors may also use the UI for this purpose. This would preclude the issuance of duplicate payments;

2. If CETA Prime Sponsors choose an alternative payment system, duplicative payments to registrant-recipients must be avoided. The CETA Prime Sponsor could accomplish this and avoid payment problems by providing UI with information about payments made to WIN registrants enrolled in CETA.

B. Payments to Individuals Suspended to Other Programs. Chapter Nine specifies the manner in which an individual may be compensated for participation while in suspense to another program. When an individual is suspended to another program, it is the responsibility of the program to which the individual is suspended to provide identical services and payments to the WIN client that it provides to all other non-WIN clients. For example, an individual suspended to CETA must be paid the identical TRE that CETA provides for non-WIN clients. If CETA does not provide any TRE, then WIN will pay the WIN registrant WIN TRE for participation in CETA.

VI. Transfer from WIN OJT and WIN PSE to CETA PSE. CETA regulations require that most individuals be unemployed for a specific period of time before placement in CETA PSE. This regulation precludes the immediate transfer from WIN OJT or WIN PSE to CETA PSE, of a WIN registrant who is no longer receiving cash welfare assistance. However, a WIN registrant who is still receiving cash welfare assistance is immediately eligible to enroll in CETA PSE (Title I, II, or VI) since such registrant qualifies as economically disadvantaged or underemployed.

VII. Community Agency Information File Card.

COMMUNITY AGENCY INFORMATION FILE CARD	
1. Name of agency and address (include ZIP Code)	2. Date
Telephone Numbers: During office hours: After office hours:	
3. Description of Services:	
4. Eligibility for Program:	
5. Area Served:	6. Fees:
7. Applicant Group Eligible for the Services:	
8. Residency Requirements:	
9. How To Obtain Services:	
10. Estimated Waiting Period for Services:	
11. What, if any, Special Arrangements for AFDC/WIN Registrants:	
12. Supported By:	
13. Contact Person:	
14. Remarks:	

CHAPTER ELEVEN

THE WIN ADJUDICATION SYSTEM

Content: This chapter covers the system for dealing with complaints, grievances, sanctionable issues, and sanctions which may affect WIN registrants. Both formal and informal adjudication measures are included.

I. Issues Which May be Adjudicated

A. Complaints and Grievances

1. Definition. Complaints and grievances are initiated by WIN registrants. The issues involved are not subject to WIN sanctions. They include, but are not limited to, disputes over assignments where the registrant is not refusing the assignment, alleged discrimination, and complaints about eligibility for, or amounts of WIN allowances.

2. Filing and Processing. A grievance must be presented in writing to the WIN/Area Manager, and is to be filed at the WIN office. Every effort should be made to resolve the grievance within the WIN office, at the lowest possible level. The staff member who takes the grievance must explain the grievance procedure to the registrant. The person who is assigned to investigate the grievance must submit a written response to the registrant within 5 working days, whenever possible. The response must include the findings and the action to be taken.

If the registrant is dissatisfied with the disposition of the grievance, he/she may file a formal protest, through the WIN office by means of the Request for Hearing (WIN-4). In such cases, matters will be handled through the WIN adjudication system. Even though a formal protest has been filed, the registrant must continue to participate in his/her assigned WIN component or activity. Failure to do so is considered to be a refusal, and the grievance then becomes a refusal unless a hearing officer finds for the registrant.

3. Grievances Involving Discrimination. Grievances involving discrimination shall be processed according to provisions established by the Minnesota Human Rights Act. Grievances involving discrimination may also be processed according to equal opportunity provisions established by DOL at 29 CFR Part 31 and DHHS at 45 CFR Part 80 and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964, (78) Stat. 252 and the regulations issued thereunder. However, a registrant with a grievance of this nature should be referred first to the Minnesota Department of Human Rights, if no resolution can be obtained at the local level.

B. Sanctionable Issues

1. Definition. Sanctionable issues are those for which a participant may be deregistered from the WIN program. For mandatory registrants, sanctions will result in reduction or loss of AFDC benefits. For volunteers, sanctions are limited to deregistration from the program, and a three or six-payment month waiting period before they will be allowed to re-register. Sanctionable issues include, but are not limited to, failure or refusal without good cause to accept referral to employment, or an offer of employment, a voluntary reduction in earnings without good cause, and failure or refusal without good cause to accept assignment to WIN components, or to otherwise participate in the WIN program.

2. Acceptance of Disputed Assignment Without Prejudice. A registrant may accept a WIN work or training assignment under protest without prejudicing the right to formally dispute the assignment. Such disputes, if not resolved after reasonable effort at the local level, will be handled through the WIN adjudication system. A WIN sanction will not result from an adverse decision if the registrant accedes to that decision and continues with the assignment. If the registrant does not accept an adverse decision of the hearing officer and refuses to continue the assignment, he/she is not entitled to another hearing on the issue, but can institute an appeal from the decision. In this case, the matter becomes a sanctionable issue and will be treated as a refusal. An appeal must be initiated within 10 calendar days following the date on which the hearing officer's decision is mailed.

3. Refusals.

a. Overt Refusal. Overt refusal occurs when a registrant states orally or in writing that he/she will not participate in WIN-prescribed activities or components. Although the initial refusal may be oral, the registrant should be asked to put it in writing. If a written refusal cannot be obtained, WIN staff should prepare a complete record of the circumstances and the substance of the individual's refusal statement for immediate inclusion in the case record. An oral refusal should be witnessed by a third party, if possible.

b. De Facto Refusal. A defacto refusal is any current act or pattern of behavior consisting of a series of events, from which failure or refusal to participate can be inferred. Where failure or refusal to participate is inferred the WIN office shall send notice to the registrant, setting an appointment for the individual to come to the WIN office to discuss the act or pattern of behavior in question. The notice shall explain the reason for the appointment and the consequences of failure to keep the appointment. This appointment shall be considered to be the first day of the conciliation period.

WIN staff should infer a refusal to participate when one or more of the following, or similar situations occurs:

1) After two call-in notices, a registrant refuses or fails without good cause to appear for an appraisal or other interview;

2) A certified registrant refuses without good cause to accept a job referral or to report to a job interview, when the referral is made by WIN staff, provided the job meets appropriate work criteria and is consistent with the employability plan;

3) A registrant repeatedly fails to report for work or for WIN and/or SAU interviews, appointments, classes, etc. without good cause;

4) A registrant seriously disrupts a WIN activity or the orderly administration of the overall program, or the individual's behavior constitutes a threat or hazard to fellow registrants or WIN staff;

5) A registrant possesses the required education, experience, or aptitude to perform the assignment but makes no noticeable effort to benefit from WIN activity. The registrant's performance must be at a level consistently below the normal range of achievement of the other WIN registrants. The determining factor would be the WIN staff's best judgment as to whether the individual is performing at or near his/her potential;

6) A registrant quits a job without good cause or is fired for cause during the initial 90 days of employment. The determination as to whether an individual was fired for cause is made by the JS/WIN, based on Unemployment Insurance Service criteria;

7) A registrant voluntarily reduces his/her earnings without good cause;

8) A registrant refuses without good cause to accept suitable child care, thereby precluding participation in WIN;

9) A registrant refuses without good cause to accept other services, such as transportation, thereby precluding participation in work or training assignments. However, a registrant may not be compelled to accept major medical services, even if the refusal of such services precludes further participation.

c. Refusal to Participate With Good Cause. A finding of "good cause" may be based on:

1) Illness or incapacity;

2) Court-required appearance or incarceration;

3) Family crises or changed individual or family circumstances;

4) Breakdown in transporation arrangements, and no readily accessible alternate means of transportation;

5) Inclement weather which prevented the registrant and other persons similarly situated from traveling to, or participating in, the prescribed activity;

6) Breakdown in child care arrangements;

7) Lack of other necessary supportive services, even those not specifically mentioned in the local or State WIN plan;

8) An assignment which does not meet the appropriate work and training criteria.

The above list is not all-inclusive; there may be other valid reasons for a registrant to refuse to participate.

4. Requirement of Conciliation and Notice. WIN staff must exhaust all efforts toward conciliatory resolution of sanctionable issues between the registrant and WIN before the Notice of Intended Deregistration (WIN-2) is issued. The conciliation period shall begin as soon as possible, but no later than 10 calendar days following the date that WIN staff determines that the registrant has failed to participate through a series of overt or de facto actions. The first scheduled meeting of the conciliation period will be the Pattern of Behavior (POB) meeting. If the registrant fails to attend this meeting, no other POB will be scheduled, and the conciliation period will continue. The registrant is to be notified of the conciliation effort in the manner described in this section of the WIN Handbook. The conciliation period may not exceed 30 days. However, either the WIN staff or the registrant, upon written request, may terminate this period sooner when either party believes that the dispute cannot be resolved by conciliation. WIN staff shall advise the registrant of the right to terminate the conciliation effort and, if necessary, assist in preparing the written statement. WIN staff must maintain thorough documentation of all efforts to conciliate such disputes.

5. Notice of Intended Deregistration (WIN-2)

a. Definition. The Notice of Intended Deregistration is a formal notification that the registrant has failed to comply with required WIN activities and is subject to deregistration. It is not required for the deregistration of an individual who:

1) Has successfully entered employment and is regularly employed;

2) Is deregistered as exempt; or

3) Is deregistered because of ineligibility for welfare.

NOTE: Once the Notice has been sent, deregistration code '8', "Other Off AFDC" will not be used as a reason for deregistration on the Status Change Notice, except in the event of the registrant's death. A registrant is considered to have failed to participate if a hearing was not requested, or if a hearing was held and an adverse decision was rendered. Deregistration code '7', "Sanctioned," will be used in this case. If other situations warrant, deregistration codes '1', '2' and '4' may be used.

b. Content. The Notice shall contain:

1) An explanation of the reason for the action and the consequence of refusal or failure to cooperate in prescribed activities without good cause;

2) A notification of the registrant's right to a fair hearing, if the individual believes the proposed action is unwarranted, provided the hearing request is filed as prescribed in this chapter;

3) Notice that the proposed action will be implemented if no timely hearing request is received;

4) Required forms for requesting a hearing, and instructions for their completion and filing;

5) An offer to assist in preparation of a hearing request;

6) Notice that the registrant may be represented at the hearing by counsel or other authorized representative of the individual's choice. The registrant may be referred to public legal service attorneys who might handle the case without charge; and

7) Notice that the individual will be permitted to present material evidence and testimony at the hearing that is not already in the record, and that the individual or authorized representative will have the opportunity to confront and cross-examine opposing witnesses.

NOTE: After the Notice has been sent, JS staff should not initiate further contact with the individual. However, if the individual asks for help in requesting a hearing, such help must be given. Additionally, WIN staff may not refuse to provide other services for which the registrant is eligible. Any services provided should be documented in the case notes.

c. Oral Notification. When written Notice of Intended Deregistration is mailed to the individual, WIN staff shall, if possible, inform the person of the intended action personally or by telephone. All such attempts, even if unsuccessful, must be documented in the case record.

C. Disputes Regarding Exemption Determinations and WIN Registration

1. The welfare agency, and not JS, must provide an opportunity for a hearing where an individual, whether or not s/he has already registered for the WIN program, disputes a determination that s/he is not exempt from WIN. The welfare agency shall also provide an opportunity for a fair hearing to an individual who contests a denial of AFDC benefits when such benefits have been denied because of the individual's refusal to register for WIN.

2. If the individual requests a hearing on these matters, it will be provided by the state welfare agency and will follow the procedures described in DPW AFDC Manual Sections IV-D and VIII A-2, and in 45 CFR 205.10. When the outcome is adverse to an applicant, refusal or failure to register is considered failure to comply with a basic AFDC eligibility requirement and makes the individual ineligible for AFDC benefits.

3. Decisions on exemption or eligibility determinations by the welfare hearing officer are binding on both JS and the welfare agency. WIN staff shall attend these hearings when their testimony is deemed relevant by the welfare agency.

II. The Adjudication Process

A. Definition. Adjudication is the formal process for resolving non-sanctionable complaints and grievances, and for deciding sanctionable issues arising subsequent to WIN registration.

B. WIN Hearing Process

1. Scheduling a Hearing

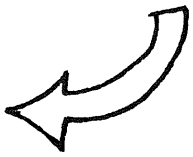
a. Hearing Requests

1) A registrant who is dissatisfied with the disposition of a complaint or grievance is entitled to a hearing on the issue. The individual or an authorized representative may make an oral or written request to JS for a hearing. If the request is oral, JS shall prepare the Request for Hearing (WIN-4) on the individual's behalf and will attempt to obtain the individual's signature on the forms.

2) Any individual who believes an intended deregistration action is unwarranted may, within ten days after the mailing of the Notice, request a hearing before a hearing officer. The individual or an authorized representative may make an oral or written request for a hearing. If the request is oral, JS shall

prepare the required hearing request forms on the individual's behalf and and will attempt to obtain the individual's signature on the forms.

3) The registrant must be told at the time he/she makes an oral request that the WIN-4 must be signed within 10 calendar days. If the tenth day should fall on a Saturday, Sunday or holiday, such days will not be included in the ten day period. An unsigned request is considered to be abandoned, and will not be forwarded to the Appellate Section. If the WIN-4 has not been signed by the registrant or an authorized representative, and no reason for failure to do so has been presented, a copy of the request for hearing shall be placed in the registrant's case file, along with a statement that the request was presented orally, and was not signed by the registrant. No further action need be taken. Instructions on oral requests for hearings are found in the Staff Actions Section at the end of this chapter.



4) A proper request for a hearing is one that is filed on time, in writing, and is signed by the registrant. It is assumed that the date of mailing and the date of presentation of the request will be the same. In the event the dates are different, the date of mailing will be used to determine the time period for appeal.

NOTE: If the registrant does not appeal or otherwise respond within ten calendar days following the mailing or presentation of the Notice, JS will deregister the individual according to the procedures described in the Staff Actions Section.

a. Withdrawal of Hearing Requests. A registrant or an authorized representative may withdraw the hearing request prior to the hearing. The request for withdrawal must be presented in writing to the WIN office or to the Appellate Section of MDES.

b. Notice of Scheduled Hearing. Within 10 days following receipt of a request for a hearing, the Appellate Section shall mail a notice of scheduled hearing to the individual and other involved parties. The notice shall indicate the date, time and place of the hearing and the issues to be considered and decided, and shall include a copy of the hearing procedures that will be followed. The hearing shall be scheduled no earlier than 10 days nor later than 30 days following the date of the mailing of the hearing notice.

c. Rescheduled Hearing. The hearing officer may reschedule a hearing upon the request of the registrant, an authorized representative, a concerned party, or on his/her own motion.

2. Hearing Procedures

a. Responsibility for Presentation. WIN staff who are familiar with the case and the issues to be decided or their legal representative shall have primary responsibility for presenting the case before the hearing officer.

b. Examination and Cross-Examination of Witnesses. The registrant or his/her appointed representative, as well JS/WIN and the SAU, or their representatives, shall be given the opportunity to present, examine, and cross-examine witnesses. The hearing officer may elicit testimony from witnesses but shall not act as an advocate for any party.

c. Recording Testimony. The hearing testimony shall be recorded but shall be transcribed only when necessary for review by the Board of Review.

d. Availability of the Case Record. Upon request, the case record or any portion thereof shall be made available for inspection and copying by any party to the hearing prior to, during, and following the hearing.

3. Duties of the Hearing Officer

a. The hearing officer shall:

1) Administer oaths and affirmations;

2) Regulate the course of the hearing;

3) Issue subpoenas as authorized by State law;

4) Assure that all relevant issues are considered, including the timeliness of the hearing request;

5) Rule on the introduction and relevance of new evidence and testimony;

6) Receive and enter into the record documentary evidence offered by any party to the hearing and accepted at the hearing. Upon request, copies of such evidence shall be made available to other involved parties;

7) Take any other action consistent with due process in order to ensure an orderly hearing;

8) If feasible, resolve the dispute by conciliation at any time prior to the termination of the hearing;

9) Review the evidence and make a decision based thereon;

10) Prepare findings of fact and decisions with reasons for decisions based on the entire record of the hearing.

11) Within 10 working days, mail such written decision to the individual and authorized representative, if any, the State WIN office, the WIN Project, the SAU and RCC. Instructions for appealing an adverse decision or recommendation to the Board of Review

shall be attached to the copy sent to the individual and the representative, if any.

b. In cases involving novel questions of law and policy, the hearing officer may, within 5 days after issuing the written decision, submit the case for review and decision to the Board of Review.

c. A hearing officer shall not consider the validity or constitutionality of the WIN regulations or the provisions of the Social Security Act upon which they are based.

4. Decisions of the Hearing Officer. The hearing officer may decide:

a. To dismiss the request for hearing because:

1) It was filed untimely without good cause;

2) It has been withdrawn in writing;

3) The registrant failed to appear at the hearing without good cause; or

4) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case the WIN sponsor shall take appropriate action to dispose of the issue, which may include deregistration.

b. That the registrant has failed to appear for appraisal or other interviews without good cause, or has failed or refused to otherwise participate without good cause, and that the individual shall be deregistered;

c. That good cause has been shown for failure or refusal to participate and the individual should be retained in the program or exempted;

d. That the registrant was appropriately or inappropriately assigned;

e. Whether, following conclusion of the sanction period, the WIN staff correctly refused to reregister the individual for cause;

f. Render such other decisions as are appropriate to the issues in question, such as a decision that resolution of the issue is not within the jurisdiction of the hearing officer or of the WIN program.

C. Implementation of a Hearing Officer's Decision. The WIN hearing officer's decision is binding upon both JS and the welfare

agency, and shall be implemented immediately. An appeal of the decision to JS shall not stay or delay implementation of that decision. The WIN hearing officer's decision can be reversed only through the WIN adjudication system or by the courts.

III. WIN Appeals

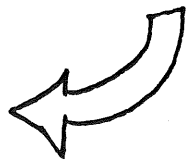
A. Board of Review

1. Jurisdiction. A review of the record by the Board of Review is the first level for appeal of a hearing officer's decision in a WIN case. (Minn. Statute 268.10, Subd. 5).

2. Appeal Procedure.

a. Any interested party who disagrees with the WIN Hearing officer's decision may appeal within 10 calendar days of the mailing date shown on the decision. The appeal is to be filed by letter or memo to the Board of Review with a copy to the Adjudication Coordinator in the WIN State Office. An appeal by WIN is to be signed by the Area/WIN manager, or by the Coordinator of the Work Incentive Program. The address of the Board of Review is:

Department of Economic Security
Commissioner Appeal
P. O. Box 307
Saint Paul, Minnesota 55102



b. Upon receipt of a request for review of a hearing officer's decision, the Board of Review shall review the entire hearing record and any additional evidence obtained in connection with its consideration of the appeal.

3. Decision of the Board of Review.

a. Within 30 calendar days following receipt of the request for review, the Board of Review shall prepare a written decision either affirming or reversing the hearing officer's decision or remanding the case to a hearing officer for further evidence. The Board of Review's decision shall state the findings of fact and conclusions of law, and the reasons therefor, and shall be accompanied by instructions for appealing a decision to the National Review Panel (NRP) and the rules under which the NRP considers appeals.

b. The Board of Review shall mail copies of the decision to the registrant, his/her representative, the State WIN Office, the area WIN office, the SAU, the RCC, the NCC, and the NRP. The RCC shall notify the regional Solicitor's Office (DOL9 and the regional General Counsel's Office (DHHS) of all such decisions.

4. Consideration of Novel Questions of Law and Policy. The State WIN appellate body may also consider novel questions of law and policy, and may submit the case within 5 days after rendering its decision to the NRP for review and decision.

B. National Review Panel

1. Jurisdiction. The NRP may, at its discretion, consider decisions of the Board of Review. The National Review Panel is the final level of administrative review of hearings and appeals decisions arising from disputes in the WIN program.

2. Appeal Procedure

a. An appeal to the NRP must be in writing, and must identify reasons supporting the appeal. The appeal must be mailed within 10 days of the date of the written decision from which the appeal is taken, to:

National Review Panel
U. S. Department of Labor
1111 - 20th Street, N.W. Suite 700
Washington, D.C. 20036

b. Notice of the appeal and copies of the appeal shall be sent by the NRP to all parties to the proceedings, who then have the right to respond or comment thereon.

c. Any party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal. The submitting party shall mail its response to the NRP within 10 days following:

1) The date of mailing of notification of filing an appeal from the hearing officer's decision where there is no State WIN appellate body (in Minnesota, the Board of Review); or

2) The date of mailing of notice that the NRP, at its own discretion, has accepted an appeal from the decision of the Board of Review; or

3) The date of mailing of notification that the NRP has accepted certification of a case, whether at its own request or upon the application of the Board of Review or hearing officer.

3. Decision of the NRP

a. Based on the entire record, including any additional evidence submitted to or obtained by the NRP, the NRP shall prepare a written decision setting forth its findings, the reasons therefor, and an appropriate order to be implemented. The decision may consist of affirmation, reversal, remand for further evidentiary development, or other appropriate action. Copies of this decision shall be mailed to all parties to the hearing and to such other persons and agencies as may be appropriate, including notification that the NRP has denied a request for its consideration of a Board of Review decision.

b. The NRP disseminates precedent-setting decisions to all appropriate agency levels. Decisions received by the State WIN office will be distributed to all WIN projects, and may be cited at WIN hearings as evidence of national policy and intent.

C. Judicial Review by State Supreme Court

1. In addition to the rights accorded under Federal Law as set forth previously, Minnesota Law at Section 256.736, Subdivision 4, Paragraph 4, provides that WIN registrants shall have the right of review of a decision by the WIN Board of Review (Commissioner's Representative) in accordance with the provisions of Section 268.10, Subdivision 8. A decision of the WIN Board of Review may be appealed to the Minnesota Supreme Court by writ of certiorari (petition asking Supreme Court to review the case), provided such writ is issued and served upon the Commissioner of the Department of Economic Security within thirty (30) days after the date of mailing of the decision. A writ of certiorari is issued only by the Clerk of the Minnesota Supreme Court and must be secured directly from the Clerk by the registrant or his/her legal representative. An appeal before the Minnesota Supreme Court is prosecuted in accordance with the Minnesota Rules of Civil Appellate Procedure. All costs incurred in prosecuting the matter in the Supreme Court will be borne by the registrant.

NOTE: The WIN staff cannot assist the registrant in prosecuting such an appeal; it must be done solely by the registrant or his/her legal representative.

D. Reversal of Hearing Officer's Adverse Decision. If a hearing officer's decision which was adverse to the registrant is overturned on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

IV. Post-Determination Actions

A. Sanctions for Refusal to Participate Without Good Cause.

1. Under Title IV-A of the Social Security Act as amended, Congress has specified sanctions concerning AFDC payments for mandatory registrants who refuse without good cause to participate in the program or who refuse to accept a bona fide offer of appropriate employment. Financial sanctions do not apply to exempt individuals who volunteer for registration.

a. JS is required to deregister an individual who has been determined to have failed to participate without good cause. Such individual must remain deregistered for three consecutive payment months from the date of deregistration. If the individual applies for AFDC during the three-month period, the application cannot be processed until the sanction period expires.

b. An individual who has been deregistered two or more times for refusal to participate without good cause must remain deregistered for six consecutive payment months from the date of deregistration. If the individual applies for AFDC during the six-month period, the application cannot be processed until the sanction period expires.

c. If the person is a caretaker-relative receiving AFDC, his/her needs will not be considered in determining the family's need for assistance. Assistance will be provided in the form of protective or vendor payments, or of foster care.

d. If the person is the only dependent child in the family, assistance for the entire family will be denied.

e. If the person is one of several dependent children in the family, his/her needs will not be considered in determining that family's AFDC grant.

f. If the person is an unemployed parent, assistance for the entire family will be denied.

B. Registration of Individuals Who Have Been Sanctioned

1. An individual who has been deregistered from WIN after having refused to participate without good cause must indicate to WIN project staff a willingness to participate before he/she may again register for WIN. Although the person's verbal agreement to cooperate can be sufficient evidence of "willingness to participate," WIN staff may impose additional requirements if the circumstances so dictate. Any such requirements should be noted on the WIN-6, Notice of De-Registration.

2. Readmittance to the WIN Program may be denied where the previous deregistration action was the result of the individual's disruptive behavior, or of criminal or other activities which presented a hazard to the staff or to others. Behavior that is belligerent, unresponsive, or argumentative, is not sufficient reason to refuse to readmit an individual into WIN. However, while refusal to participate begins when the individual is a registrant, it can continue after deregistration, and following the conclusion of the sanction period. After the sanction period has elapsed and before re-registration may be permitted, the individual may be expected to establish for the WIN staff a willingness to participate. This could be done by showing that the circumstances which caused the refusal have been eliminated, and that no new circumstances or barriers have arisen since deregistration which would interfere with full participation.

3. An individual who has been denied readmittance to WIN for the reasons outlined in 2, above, may request a hearing on the issue. The request is to be presented at the local WIN office. A WIN Form 4, Request for Hearing, and a written justification for the

denial of readmittance (prepared by the Area/WIN manager) are to be forwarded to the State WIN Manager. These forms are then sent to the Appellate Section which will schedule a hearing according to its regular practices.

D. Notification of the IMU

The WIN sponsor shall notify the IMU within 3 days of: a decision which is adverse to the registrant; and the anticipated date of deregistration if deregistration is to occur. The IMU must receive this information promptly in order to fulfill its responsibilities.

E. The Adjudication Package

When a formal request for a hearing has been initiated, the WIN staff must assemble the records of the case for the hearing officer. The assembled package must contain all documents relative to the case. These include:

1. The Notice of Intended Deregistration;

2. The Report of Findings;

3. The Record of Refusal;

4. The Request for Hearing;

5. The Employability Plan;

6. Other pertinent documents, including statements and letters, case notes, medical evaluations, and 511's.

7. If the request was mailed, include the envelope in which it was sent. If a request for hearing was hand delivered, the person taking receipt of such request must write the date of receipt on the WIN-4.

If the issue is an unresolved grievance, some of the above forms may not be included. Whenever possible, an Employability Plan should be part of the package, except when the individual refused appraisal, and no Employability Plan has been prepared.

The assembled adjudication package and a cover memo must be forwarded to the State WIN Manager within two working days following receipt of the Request for Hearing. The cover memo must show the date the package was submitted, and a list of the attached documents. Original documents should be included whenever possible. If this cannot be done, clear, legible copies should be sent.

The State WIN Manager will review the package and if it is in order, will forward the case to the Appellate Section.

ADJUDICATION - STAFF ACTIONS

The adjudication process is triggered by the failure or refusal of a registrant to participate in the WIN Program without good cause. The initial evaluation, and the determination of refusal to participate is made by the case manager, in accordance with federal and state regulations and guidelines, which define the conditions under which a finding of failure to participate without good cause may be made.

Action

1. Conciliation Period

   This is a period of time, not to exceed 30 days, wherein WIN staff attempts informally to resolve the issues surrounding registrant's failure to participate. This is the final effort to avoid the formal adjudication process. All staff actions and results must be documented in the case record. The case manager should send a letter to the registrant notifying him/her of the start of the conciliation period. The consequences of the registrant's refusal must be explained in this letter, and again at the Pattern of Behavior meeting (the first meeting of the the conciliation period) unless he/she does not respond to the letter. The registrant must be informed that he/she, as well as WIN, can terminate the conciliation period when it becomes obvious that informal attempts to resolve the issue are unsuccessful.

2. Record of Refusal or Other Action (WIN-14)

   If the registrant does not respond positively to conciliation attempts, the case manager must prepare a Record of Refusal, which describes when and how the registrant refused to participate. This record, and the complete case file, are sent to the Area/WIN manager.

3. Notice of Intended Deregistration (WIN-2)

   If the Area/WIN manager agrees with a recommendation to continue with adjudication. He/she will sign the Report of Findings and return it to the case manager, who will prepare the Notice. The Notice must contain the specific reason(s) for the intended de-registration and the consequences thereof. It apprises the registrant of his/her right to a fair hearing; the length of the proposed sanction; the time limits for requesting a hearing (ten calendar days from the date of mailing of the Notice - if the tenth day should fall on a Saturday, Sunday or holiday, such days will not be included in the ten day period); and an offer to assist in preparation of a request for hearing. The Notice is to be sent to the registrant via certified mail, and is accompanied by the forms for requesting a hearing. When the Notice is sent, WIN staff must attempt to inform the registrant of this action by telephone or in person, if possible. All such attempts should be documented.

If the registant does not request a hearing, or does so beyond the allowable time limits, she/he is considered to have refused to participate without good cause and is to be deregistered as sanctioned. She/he must remain deregistered for three payment months from the date of deregistration; or for six payment months if she/he was sanctioned during a previous registration. Even if there is no request for a hearing after the Area/WIN manager makes a decision to deregister, the individual still can appeal this decision. She/he should be cautioned, however, that since this is a first level appeal, a hearing officer is likely to rule that it was presented untimely. If this is the case, the hearing officer has no jurisdiction in the matter and will dismiss the appeal. Procedures and time limits for these actions are outlined below.

4. Request for Hearing (WIN-4)

A registrant who wishes to appeal the decision of the Area/WIN manager must state, in writing, the reasons for requesting a hearing. The Request must be signed by the registrant and returned to the Area/WIN office within ten calendar days of the date the Notice was mailed.

If an oral request is made, WIN staff shall prepare the Request for Hearing on behalf of the individual and obtain his/her signature on the request. An individual making an oral request is to be told she/he must sign the WIN-4 within 10 working days or the request will be considered to be abandoned.

The Area/WIN manager will forward the request to the State WIN Adjudication Specialist in the Applicant Services Section. The request should be accompanied by all pertinent documents, including the EP, any case notes relative to the issue, the Record of Refusal, doctor's statements, call-in letters, referral slips, etc. There should be a valid employability plan which meets the criteria outlined in Section Four of this Handbook with every case going to a hearing, except for registrants who have not been appraised and those individuals who have been sanctioned and are attempting to re-enter the program.

The State WIN Adjudication Specialist will review the case to ensure the intended action is justified. If the case is in order, the package is sent to the Appellate Section of MDES. The State WIN Adjudication Specialist may take whatever steps are necessary to stop adjudication proceedings if it appears that WIN does not have good cause for termination, or if more information is needed.

5. Notice of Scheduled Hearing

The Appellate Section shall mail a Notice of Scheduled Hearing to the registrant and all other involved parties within ten working days of receipt of the Request for Hearing. The notice shall

contain the date, time and place of the hearing; the issues to be considered and the hearing procedures to be followed. A hearing must be scheduled to take place no earlier than ten days and no later than 30 days after the mailing of the Notice of Scheduled Hearing.

6. The Hearing

If the registrant does not appear at the hearing and does not have a valid reason for failure to do so, the hearing officer will issue an Order of Dismissal which will affirm the intended deregistration. The registrant will then be deregistered as sanctioned. The decision of the Area/WIN manager is to be implemented immediately, even if it is appealed to the Board of Review.

If the registrant appears at the hearing and receives an adverse decision from the hearing officer, the procedures are the same as above, except the hearing officer will issue Findings of Fact and Decision.

7. Decision of the Hearing Officer

A decision or an order of dismissal must be issued within ten working days from the date of the hearing. A copy is sent to the registrant and to each involved party. It is accompanied by instructions for appealing an adverse decision. Decisions and dismissals are to be implemented immediately, even if they are appealed to the Board of Review.

8. Deregistration

Special procedures must be followed to ensure that the grant adjustment and deregistration occur at the same time, i.e., on the first day of the appropriate payment month. When JS determines that a person has refused to participate without good cause and the ten-day appeal period has expired, or a hearing officer has rendered a decision which is adverse to the registrant, the JS WIN office will issue a WIN-6 Notice of Deregistration, with copies to the IMU and the SAU. The notice will indicate the length of the sanction - three or six payment months - and the anticipated effective date, which will be the first day of the first month when the IMU can reduce or terminate the individual's grant.

Example: If the WIN-6 is prepared and sent to the IMU on January 7, the effective date should be February 1 since this is likely to be the earliest date the IMU can reduce or terminate the grant. However, if a WIN-6 is prepared and sent to the IMU on January 21, the effective date should be March 1, because the IMU will probably not have enough time to act on the grant by February 1.

Because cut-off dates will vary from county to county, Job Service staff must meet with county agency staff to develop local deadlines and procedures.

When the IMU receives the WIN-6, it shall determine the first possible date to reduce the grant (in most cases, the effective date on the WIN-6), and will notify the registrant of this impending action via the DPW-1842, Notice of Action. The IMU will also inform Job Service of this action via the DPW-1929, WIN Information Transmittal. This procedure should already be in place for all AFDC grant closings for WIN registrants.

Deregistration and grant reduction/termination will usually occur on the effective date as stated on the WIN-6. The client can file an appeal of the welfare action; however, if an appeal is filed, the IMU must send a copy of the appeal request to the Job Service office. This will delay deregistration, and Job Service must send a letter to the client which will verify the delay. Since no WIN-20 will have been prepared at this point, such delay should not present a significant problem. When the appeal to welfare is settled, the IMU will proceed to close or reduce the grant at the earliest possible time as shown in the example above, and will notify Job Service of this or any other action to be taken.

When Job Service receives the DPW-1929, it will issue a WIN-20, Status Change Notice. Field 46, "Adjudication and Deregistration" is to be filled in with code "7", sanctioned. Copies of the WIN-20 go to the IMU and the SAU. It is at this point that the IMU reports welfare savings on the DPW-1689, AFDC WIN Grant Change Record.

An individual who has been sanctioned may not register with WIN until the three or six payment month sanction period has elapsed. The procedures for AFDC applications and eligibility determinations currently in use will apply.

9. Appeal to the Board of Review (Commissioner's Representative)

Such appeal must be made in writing, no more than ten calendar days from the date of the decision from which the appeal is taken. The Board of Review will issue a decision within 30 days of receipt of the appeal.

10. Appeal to the National Review Panel

An appeal must be filed within ten calendar days from the date of the decision of the Board of Review. The NRP does not have to accept such appeal, but must so notify the appellant.

Chronology

1. Refusal to participate.

2. 1 - 30 calendar days - reconciliation period.

Notice of Intended Deregistration

3. 10 calendar days - to appeal Notice.

4. 10 calendar days - to receive notice of hearing.

5. 10 calendar days - from date of notice of hearing to date of hearing.

6. 10 working days - from date of hearing to issuance of decision.

7. 10 calendar days - from date of decision to appeal to Board of Review.

8. 30 calendar days - from receipt of appeal to decision.

9. 10 calendar days - from date of decision to appeal to NRP.

Minnesota
DEPARTMENT OF ECONOMIC SECURITY
Work Incentive Program

RECORD OF REFUSAL OR OTHER ACTION

TO: _____ DATE: _____
Determination Specialist

FROM: _____ REGISTRANT'S NAME: _____

WIN TITLE: _____ SSN: _____

ADDRESS: _____

_____

ISSUE

- ☐ Registrant failed to appear for appraisal without good cause.
- ☐ Registrant refused job referrals, interviews, or offers without good cause.
- ☐ Registrant failed to show up for work or WIN interview, appointments, classes, etc. without good cause.
- ☐ Registrant seriously disrupts WIN activity and/or constitutes a threat or hazard to other registrants or WIN staff.
- ☐ Registrant makes no observable effort to benefit from WIN activity.
- ☐ Registrant quit a job without good cause or was fired for cause.
- ☐ Registrant refused to accept suitable child care or other services thereby precluding participation.
- ☐ Registrant has an unresolved complaint or grievance.
- ☐ Registrant wishes to protest an assignment to or removal from a WIN activity, but will continue to participate pending results of adjudication proceedings.

The potential consequences of these issues and the adjudication procedures have been explained personally to the registrant by:

Name/Title: _____

Date: _____

The above have not been explained to the registrant because: _____

The following information includes the identification of parties, dates, and circumstances relating to this issue:

☐ The registrant's signed statement is attached to this report.

☐ The registrant has made no signed statement.

All informal conciliatory measures toward a resolution of this dispute have been exhausted.

_____
Signature

Distribution:
Original - Determination Specialist
1 Copy - Case Record
1 Copy - SAU

WIN-14 (Rev. 1/20/78)

JOB SERVICE MINNESOTA

Instructions

RECORD OF REFUSAL OR OTHER ACTION

WIN-14

Initiator: Case Manager

Issue:

If registrant does not respond positively to conciliation attempts, check item(s) which best describes when and how the registrant refused to participate.

Special Instructions:

Send with complete case file to the local determination specialist.

NOTE: Unless otherwise designated, the determination specialist for outstate offices is the WIN adjudication coordinator located at the State WIN Office.

Minnesota
DEPARTMENT OF ECONOMIC SECURITY
Work Incentive Program

REPORT OF FINDINGS

TO: _____ DATE: _____
Area/WIN Manager

REGISTRANT'S
FROM: _____ NAME _____
Determination Specialist

SS NO. _____

_____

_____ submitted a Record of Refusal or
WIN Staff Member

Other Action dated _____ stating that:

☐ Registrant refused to participate in WIN without good cause.

☐ Registrant has an unresolved complaint or grievance.

☐ Registrant wishes to protest an assignment to or removal from a WIN activity, but will continue to participate pending adjudication.

Investigations developed the following chronology supplementing the description of events contained in the Record of Refusal:

(over)

The recommendation of the Determination Specialist is to:

☐ Continue formal adjudication proceedings.

☐ Discontinue adjudication proceedings.

The rationale for this recommendation is:

All pertinent records of the case in addition to the Notice of Intended Deregistration are attached to this report.

_____
Determination Specialist's Signature

Area/WIN Manager's decision:

☐ Report returned for further development. See other instructions.

☐ Issue resolved. Discontinue proceedings. See other instructions.

☐ Continue adjudication proceedings. Notice signed and dated.

_____
Area/WIN Manager's Signature

Other Instructions:

Distribution:
Original - Area/WIN Manager
1 Copy - Case File
1 Copy - SAU
1 Copy - Determination Specialist

WIN-15 (Rev. 1/19/79) - 2 -

Instructions

REPORT OF FINDINGS

WIN-15

Initiator: Local Determination Specialist

Introduction:

Indicate name of WIN staff person who prepared the Record of Refusal (WIN-14) and the date that the form was prepared.

Issue: Check one, only

Investigation:

Narrative chronology describing any new information developed in the course of investigation of the issue. Supplement description of events in the Record of Refusal. Use additional pages, if necessary.

Recommendation:

Check appropriate response. Justify recommendation with citation(s) from federal material, if possible.

Pertinent Records:

Attach documents pertinent to the issue. If the recommendation is to continue adjudication, the Determination Specialist will prepare the Notice for the Area/WIN Manager's signature. In the outstate offices, the Notice will be prepared by the case manager.

Manager's Endorsement:

Check appropriate response. If the report is returned for development or if the proceedings are to be discontinued, the manager must include justification and instructions for further disposition of the case. If adjudication is to be continued, the Notice will be signed, dated, and mailed at this time.

Work Incentive Program

NOTICE OF INTENDED DEREGISTRATION

Registrant's Name _____ Social Security Number _____

Address _____ [ ] Volunteer [ ] Mandatory

City, State and ZIP Code _____ [ ] Unemployed Parent

This is a formal Notice of Intended Deregistration from the Work Incentive Program (WIN). The specific reasons(s) for your proposed deregistration is (are) as follows:

If you are deregistered from WIN for the above reasons(s), you will not be allowed to register again for _____ AFDC payment months. If you are a mandatory registrant, you will be removed from the AFDC grant for failure to participate without good cause in the WIN program. If you are registered for WIN under the AFDC Unemployed Parent program, your entire AFDC grant will be cancelled for failure to participate without good cause in the WIN program.

You have the right to request a hearing before a Department of Economic Security hearing officer if you wish to appeal your proposed deregistration from WIN. You have ten (10) calendar days from the date of mailing of this Notice to request a hearing. If you do not request a hearing within the prescribed 10 days, no further right of appeal will be granted to you.

Enclosed is the form you may use to request the hearing.

If you request a hearing, you will be allowed to have an attorney or other representative with you to help present your case. You will be given the opportunity to cross examine any witnesses against you. You will be allowed to present witnesses of your own and documentary evidence that is not already in the record.

If you have any questions regarding this Notice or if you need assistance in requesting a hearing, contact:

_____ at _____

Dated at _____, Minnesota

this _____ day of _____, 19 ____

Distribution:
Original - Registrant
1 Copy - Case Manager
1 Copy - State WIN Office
1 Copy - SAU
1 Copy - IMU

Enclosures (2)

JOB SERVICE MINNESOTA

_____
JS/WIN Representative

_____
Address

_____
City, State and ZIP Code

WIN-2 (6/84) (ES-26002-03)

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

Instructions

NOTICE OF INTENDED DEREGISTRATION

WIN-2

Initiator: Area/WIN Manager

Reason:

When the WIN Manager agrees with recommendations to continue adjudication.

Special Instructions:

The form will be sent to the registrant by certified mail and accompanied by the form WIN-4 for requesting a hearing. At the same time, WIN staff will attempt to inform the registrant of this action by telephone or in person if possible. All such attempts should be documented. If the tenth day should fall on a Saturday, Sunday or holiday, such days will not be included in the ten day period.

REQUEST FOR HEARING

Work Incentive/General Assistance Programs

Name _____ Date _____

Social Security Number _____

I wish to formally request a hearing before a state hearing officer to decide an issue involving: (check one only)

☐ An intent to deregister me from the Work Incentive Program (WIN).

☐ A grievance, complaint, or protest initiated by me,

☐ Noncompliance with General Assistance work registration requirements.

My reasons for requesting the hearing are:

_____

_____

_____

_____

_____

I understand that I will be notified of the time, date and place of the hearing. I may also have my attorney or authorized representative present with me at the hearing.

OFFICE USE ONLY

Request Filed: _____ Date

☐ Timely ☐ Not Timely

_____
Signature of Area Office/WIN Manager

_____
Signature

_____
Address

_____
City, State and ZIP Code

Distribution:

Original - State WIN Office
1 Copy - Case Manager (WIN) Area Office Manager (GA)
1 Copy - SAU (WIN) Welfare Agency (GA)
1 Copy - Local Determination Specialist (WIN)

WIN-4 (9/84)(ES-26004-03)

JOB SERVICE MINNESOTA

Instructions

REQUEST FOR HEARING

WIN-4

Initiator: Registrant

Issue: Registrant should check one issue.

Reason: Registrant should explain his/her reason(s) for requesting a hearing.

Special Instructions:

This form is to be mailed to the registrant completely blank. No part may be prepared in advance by WIN staff unless the registrant requests such assistance, or makes an oral request. If a registrant requests assistance in preparing a Request for Hearing, WIN staff must provide such assistance.

The date at the top of the form is to be the date the registrant prepared the form, or the date an oral request is taken by WIN staff.

If the request is oral, the staff person taking such request is to inform the registrant that s/he must sign the WIN-4, or the request is considered to be abandoned and will not be forwarded to the hearing officer.

The "Request Filed" date is to be the postmark on the envelope in which the request was returned to WIN or the date such request was hand-delivered to the WIN office.

A request returned by mail and forwarded to a hearing officer, must be accompanied by the envelope in which it was received at the WIN office.

Those offices where the WIN adjudication coordinator serves as determination specialist may delete one copy of the WIN-4 from the distribution. Only one copy need be sent to the State WIN Office.

Work Incentive Program

NOTICE OF DEREGISTRATION

Registrant's Name _____ Date _____

Social Security Number _____ Refusal ☐

This is formal notice of your deregistration from the Work Incentive Program, effective _____. The county welfare agency has been informed of this action. You will be notified if this date is to be changed for any reason.

This reason for your deregistration is:

☐ You were employed after registration - off AFDC

☐ You were employed after registration - exempt

☐ Your grant was not opened

☐ You are exempt

☐ You are off AFDC - other reason

Comments:

☐ You have been sanctioned. Because you refused to participate in WIN without good cause, you must remain deregistered for a period of _____ AFDC payment months. The reason for this action is:

_____ JS/WIN Representative

_____ Address

_____ Phone Number

_____ City, State, ZIP Code

Distribution:

Original - Registrant
1 copy - Case File
1 copy - SAU
1 copy - IMU

WIN-6 (10/82)(ES-26006-02)

JOB SERVICE MINNESOTA

Instructions

NOTICE OF DEREGISTRATION

WIN-6

Initiator: Local Determination Specialist

Reason for Deregistration:

Summarize the events necessitating deregistration and explain the consequences thereof, including the length of time the individual must wait before again registering with WIN.

Section Eleven: OJT, PSE, Tax Credit

11.1 General. This chapter describes On-the-Job Training (OJT) and Public Service Employment (PSE) contracts. It also discusses the WIN and Welfare tax credits available to employers of AFDC registrant/recipients.

Time Charging. Because WIN has a Federal mandate to spend a minimum of 37% of its funds on OJT/PSE, it is extremely important for staff to account for all time spent on these activities. The functional codes to be used are:

532 Job Development, Placement, and Follow-Up--WIN/OJT;

533 Job Development, Placement, and Follow-Up--WIN/PSE.

These codes include all time spent on development of jobs for WIN registrants by means of: review of computerized Job Bank and Job Matching Systems and all other sources of information on existing vacancies; contacting area employers for possible vacancies or new positions at their establishments, or for contract openings; and all follow-up contacts with registrants or employers who have WIN contracts.

All staff time related to CETA-subsidized employment on behalf of registrants suspended to CETA OJT or PSE, is to be charged to functional codes 532 or 533.

In addition, time spent discussing the tax credit provisions with employers is to be charged to functional code 532.

11.2 On-the-Job Training (OJT)

A. Description. WIN/OJT is an employment opportunity under which a certified WIN registrant is hired and given training under contract with the employer. Employers of WIN registrants provide greater-than-average supervision and training and are compensated for employees' non-productive time and other extraordinary costs.

B. Objectives of OJT. The objectives of OJT are to provide to the registrant:

1. Structured skill training;

2. Improvement of his/her present skill level through close supervision;

3. Work experience to bring skills to a level that would be competitive on the job market; or

4. Improvement of his/her marginal employability potential through more substantial supervision and direction than would usually be afforded in an unsubsidized work situation.

In addition, the employer has stated the intention to retain the registrant on a permanent basis upon successful completion of the training. Such training should result directly in welfare savings and move the registrant toward self-support.

C. General Program Standards

1. Registrant Eligibility for AFDC Benefits Payment. Registrants in WIN/OJT are considered to be employed. The non-UF registrant in WIN/OJT is entitled to the $30 and one-third income disregard, and other social and employment services specified in the Employability Plan. Registrants in WIN/OJT are not eligible to receive WIN $30 monthly incentive payments. They may, however, receive TRE allowances for a time. (See Section 7.) The $30 and one-third income disregard does not apply to UF's. Since WIN/OJT is considered employment, as soon as a UF works 100 hours or more per month, he is to be removed from his grant as being ineligible for AFDC assistance.

2. Occupational Eligibility

a. All WIN/OJT jobs must meet the criteria for appropriate work (defined in Section 6.3) with the exception that no OJT contracts are to be written for part-time employment.

b. The employee is to be hired with an expectation of continuing employment in the occupation in which he/she was trained.

c. Occupations must meet prevailing standards with respect to wages, hours, and conditions of employment.

d. Occupations for which training will not be approved include, but are not limited to:

(1) Occupations dependent on a commission as the primary source of income;

(2) Power sewing machine operators in the garment industry;

(3) Bartenders;

(4) Intermittent seasonal occupations; and

(5) Professional occupations requiring licenses, unless the individual already possesses the license. In this case, a contract might be used to enable an individual to brush up on skills which may need to be updated, due to disuse.

3. Contractor Eligibility

a. Any public agency and private profit and nonprofit company is eligible to participate as an employer under the WIN/OJT Program.

b. Any firm or industry in violation of local, State, or federal labor laws is not eligible for training assistance.

c. Before approving a WIN/OJT agreement, it shall be determined that abnormal labor conditions such as a strike, a lockout or other similar conditions do not exist at the establishment or its affiliates.

d. Funds will not be provided for training in situations involving:

(1) Highly mobile, highly competitive industries where minimal employee training is needed;

(2) Those industries in which the employer has traditionally provided the necessary instruction without the need for federal assistance;

(3) Industries with a substantial number of experienced and able workers who are presently unemployed; and

(4) An effect of adding to industrial dislocation and merely transferring unemployment from one area to another.

3. Anticipation of Contract. Where an employer agrees to hire a WIN registrant on an unsubsidized basis in anticipation of a WIN/OJT contract, such registrant shall be considered eligible under the WIN/OJT contract if he/she is in regular employment with that employer for less than one month before becoming an OJT trainee. However, OJT reimbursement payments shall not be retroactive. The earlier period of regular employment need not be deducted from the negotiated training time. The employer may be reimbursed only for services provided after the contract has been executed. A WIN/OJT contract is not effective until all parties have affixed their signatures to it. Requests for reimbursement of pre-contract costs will be denied by the State WIN office and by Business Management.

Registrants hired in anticipation of a contract are not to be reported as "entered employment" unless the anticipated contract fails to materialize or until the contract is completed and the employment again becomes unsubsidized. Entry into OJT is not reported until the contract is approved, and the employee begins work.

4. Counseling. Employers should be told that a WIN representative will be visiting the OJT employee from time to time and that the employee will be called away from the job during these visits. At the same time, employers should realize they can ask the WIN representative to assist the employee when it is thought such assistance is necessary or helpful. Since time spent in counseling is considered part of on-the-job training, no special reimbursement will be permitted.

5. Tax Credit for WIN Registrants. In accordance with the Revenue Act of 1971 and the Tax Reform Act of 1976, employers of WIN registrants placed in regular employment or on-the-job training are entitled to an employer tax credit. Reimbursement to WIN/OJT employers is for the nonproductive time of the WIN registrant and not for reimbursement of wages. Thus, monies paid to a WIN contractor do not have to be deducted by an employer when computing the tax credit.

6. Retention. Evaluation studies have identified the three following areas as most crucial to retention in an OJT placement:

a. Orientation. Orientation of the new employee by the employer is an important and necessary element of the training process. Company rules, regulations, products, benefits, EEO policies, forms, and plant layout should be included in the orientation. The supervisory force should also be oriented to the OJT program, the employees, and their needs.

b. Job Related Education (JRE). JRE gives the OJT employee a sense of the employer's interest in preparing him/her for the job and also helps the employee to feel more confidence in his/her ability to perform assigned tasks. This is discussed in detail in Section 11.2,H,1.c.

c. Transportation Assistance. This may be provided through the organization of car pools, or assistance in finding the most efficient route to work. The length of commuting time has been shown to be a retention factor.

7. Employer Responsibility and Capability

a. Responsibility. The first step the contract writer should take in analyzing employer responsibility is to check the employer's name against the DOL list of debarred, ineligible, and suspended contractors. Contracts will not be approved or continued with an employer who is listed in the U. S. Government Accounting Office "Consolidated List of Persons or Firms Currently Debarred for Violations of Various Public Contracts Acts Incorporating Labor Standards Provisions." This is a list of contractors in ineligibility status. Each Area/WIN office will be supplied quarterly with up-to-date copies of this list. Further investigation, such as local checks into the employer's reputation and a check of the employer's financial position, either with the Dun and Bradstreet report or with the local credit bureau for small firms with sales under $100,000, should be made whenever the contract writer feels such steps are advisable and/or necessary.

b. Contractual Authority. Prospective employers must designate an official of the company or agency with whom WIN can enter into a legally binding contractual relationship.

c. Compliance with Federal, State and Local Laws. Employers must comply with all terms or conditions of employment in applicable federal, State and local laws.

d. Competence for Providing OJT Instruction. Employers must be capable of providing the proper quality and quantity of instruction for OJT, as determined by the WIN/OJT representative.

e. EEO Policy. The employer's EEO policies should be assessed to determine if the training will be conducted in a responsive setting and if the employer will be in compliance with EEO regulations. The following methods may be used in making such a determination:

(1) A listing of the employer's staff by position, race, and sex may be obtained and examined to determine if minorities and females are represented at all levels and in various job categories;

(2) The employer's EEO policies and affirmative action program, if any, may be assessed for their adequacy and whether they are being implemented;

(3) A check with the area office of the Minnesota Department of Employment Services may be made to determine if the employer is requesting referrals on a non-discriminatory basis. (Actual numbers of referrals and placements made by race and sex should be determined to the extent possible, in assessing the EEO policy.)

f. "Hire First" Principle. Employers must agree to hire prior to training for WIN/OJT positions.

8. Registrant Eligibility. Persons who are AFDC recipients are not eligible to participate in WIN/OJT until they have been registered in the WIN Program, have completed an employability plan, and have been certified.

An employer's close relatives and certain other individuals cannot qualify as WIN employees for OJT purposes. The limitations prescribed by IRS for the WIN tax credit are also applicable here.

9. Registrant Wages

a. Wages are monies paid by an employer to a trainee for hours worked. Wages do not include tips or commissions when computing OJT reimbursement.

b. Prior to entering into a WIN/OJT contract with an employer, there should be reasonable assurance that the wage rate set for a WIN registrant will not tend to create unfair competitive labor-cost advantages, or have the effect of impairing or depressing wage or working standards established for experienced workers for work of a comparable nature in the establishment and industry.

c. Wages must meet WIN appropriate work and training criteria as outlined in Section 6.3.

d. The minimum starting rate for WIN/OJT employees shall not be less than that provided for in applicable federal or State minimum wage laws or the prevailing area rate established for starting workers in a like occupation or industry, whichever is greater.

e. If a collective bargaining agreement or company policy is in effect, any scheduled wage increase shall be consistent with such agreement.

10. Maximum Number of Employees Allowable. The maximum number of employees to be trained by an individual employer on WIN/OJT contracts shall not normally exceed 25 percent of the employer's regular full-time force at any given time, in the plant where the training is taking place. Exceptions to this rule may be granted at the discretion of the Area/WIN manager, although no more than one trainee will be allowed when the full-time work force is less than four.

11. Employee Benefits. WIN/OJT employees will be treated no less favorably than other employees in the establishment in similar occupations. Employees under WIN/OJT contracts are entitled to the same benefits as all other employees, including paid holidays, annual and sick leave, health benefits, and worker's compensation. At the same time, WIN/OJT employees may not be given preferential treatment by an employer, and will not be entitled to benefits other than those given to the employer's regular work force.

12. Working Conditions. WIN/OJT employees are subject to the same working conditions as all other employees hired by the OJT contractor in similar positions.

13. Collective Bargaining Agreements. When developing a WIN/OJT contract, the contract writer must determine if there is a collective bargaining agreeement between the employer and the employees, or their representatives. Where an

agreement exists and is applicable to the establishment and the occupation, the WIN/OJT contract must not conflict with the agreement. A statement to this effect, signed by the appropriate bargaining representative (usually the business agent), will be made a part of or affixed to the WIN/OJT contract.

14. Length of Contracts. A contract may be extended to cover such contingencies as layoffs or the registrant's ill health, but a contract and its extension may not provide reimbursement for more training time than is allotted by the DOT training time conversion chart (see Section 11.2, L.). Excluding JRE, in no case will a contract and its extension exceed 44 weeks of reimbursement. For purposes of WIN/OJT, a work week may range from 30 to 44 hours. NOTE: No WIN or CETA OJT/PSE contract may be followed by another WIN or CETA OJT/PSE contract, for the same registrant, with the same employer.

D. Mandated General Provisions to all WIN/OJT Contracts. A copy of the General Provisions (WIN-54), must be attached to each WIN/OJT contract. WIN staff should familiarize themselves with these provisions, and should point out to OJT employers that it is to their advantage to understand them thoroughly.

E. The OJT Contract

1. Contracting Agency. The OJT contract shall be a contract between WIN and the employer.

2. Contract Approval Procedures. The instructions in this paragraph apply to all WIN OJT/PSE contracts, modifications, and invoices. Arrangements should be made to ensure timely approval of all WIN OJT/PSE contracts and their related documents. Approval authority for these documents is delegated to area office managers, or their designated representatives, in order to assure rapid response to employers, and to expedite placement of WIN registrants. If area managers wish to delegate this authority, they must provide the State WIN office with a list of those staff persons authorized to execute OJT/PSE contract documents on their behalf. These lists must be updated as necessary, and must be submitted in duplicate. One copy will be retained in the State WIN office; the other will be forwarded to Business Management. If no such list is provided to State WIN, the area office manager is the only person whose signature will be accepted on all contract documents.

3. Singularity of Contracts. No more than one individual may be trained pursuant to the terms of any one OJT contract. The individual must be so named on Page 1 of the subcontract form (WIN-35). If for any reason the so named registrant is unable to complete training, all monies remaining unclaimed by the contractor must be deobligated and the contract terminated.

4. Items Required to be Included in All OJT Contracts. The following areas must be covered in the contract:

a. Name, address and phone number of area WIN office;

b. Name, address and phone number of the individual WIN/OJT employer and, if required, the employer's certification;

c. Name and social security number of the individual to be trained;

d. Total cost of the contract. Training costs and job-related education costs must be shown separately;

e. Number of hours of training;

f. Location of the training facility and persons in charge of supervision of the OJT training under the contract;

g. A program narrative and training outline must be included in which the employer clearly states how he intends to train the WIN registrant;

h. Signed statement, when required, by the collective bargaining agency;

i. Effective and termination dates of the contract;

j. Clauses providing for causes for early termination or cancellation of the contract;

k. Job-related education. If job-related education is being sub-contracted, such information must appear on the contract.

l. Whenever an employer is identified as a State agency, the contract writer will check the "State Agency" block on Page 1 of the contract, and will include in Item IA of the contract the name and telephone number of the individual at that agency who is responsible for preparing the invoice (WIN-47).

F. OJT Modifications (WIN Form 12)

1. Executing a Modification. Ordinarily, modifications are bilateral supplemental agreements and are issued only when they are in the best interests of the Government. A modification which calls for additional funding may be issued only when the original scope of the contract is to expand, and sufficient funds are available and included by the modification to defray the increased costs.

Modifications are to be executed by both parties concerned before any anticipated actions are begun. They must reflect any mutually agreed-to changes within the general scope of the contract affecting employer's performance, and any adjustments in time and/or costs resulting therefrom. All modifications must be numbered sequentially beginning with (1), and dated. Modifications are not effective until **they are signed by the Area/WIN manager or his designated representative and the employer's authorized representative. They are to be distributed in the same manner as the original contract.**

2. Documenting a Modification. Adequate documentation justifying each modification is mandatory and will be included either as part of the modification or as a separate document within the contract file.

3. Situations Requiring Contract Modifications

a. Extension of Termination Date. Whenever a contract is extended, a contract modification is required. (See Section 11.2,C.14.)

b. Deobligation of Excess Funds. During the life of a contract where it becomes apparent that certain funds will not be expended, such funds are to be deobligated.

c. Adding Funds. There are cases where funds may be added to a contract. An allowance of additional training days or release time, for example, would necessitate the addition of funds. (See 1., above, however.)

d. Change of Signatory. Modification is required where a change in authorized signatory occurs.

G. Work-Related Tools and/or Equipment. Minimum necessary work-related tools and/or equipment (not including protective clothing) are not to be included as part of a WIN/OJT subcontract, but must be treated as a non-recurring expense. The title to such tools and/or equipment will remain with the WIN Program until the registrant completes 30 days of unsubsidized employment in the same or similar job.

At this time, ownership will be transferred to the registrant. Each WIN Project/Area office will account for all work-related tools and/or equipment purchased from WIN funds and assigned to a registrant. The maximum amount to be expended for any one registrant shall not exceed $300 during each registration period. For additional information, see Section Seven.

H. Payments and Records

1. Reimbursement Payments to Employers. Reimbursement to the OJT employer is reimbursement for the extraordinary costs incurred by the employer in hiring and training a WIN registrant who is basically unqualified. It is not reimbursement for wages paid to an OJT employee. The length of each contract will be negotiated with the employer, and will be based on the content of the training to be given, and the selection requirements to be applied in placing WIN registrants for training. Information on skill codes and length of training, as well as a DOT code training time conversion chart, will be found in Section 11.I., and may be used to assist the contract representative in determining the length of funded training and the allowable reimbursement to employers for WIN/OJT employees.

a. A Reimbursement Rate of 50 Percent. Experience in earlier OJT programs has shown that there is a correlation between the cost of funded training (plus other cost items chargable to OJT for disadvantaged clients), and one-half the employee's starting wage rate, multiplied by the number of hours of funded training. The 50 percent reimbursement formula, based on this correlation, covers the costs of extra supervisory efforts, nonproductive time, material waste, and other incidental expenses that an employer may incur in training disadvantaged persons. Reimbursement for release time for job-related education is in addition to the reimbursement computed for actual on-the-job training.

b. Reimbursement During 2-Week Trial Period. An additional reimbursement schedule may be used when the contract writer and the local Area/WIN manager concur that it is necessary. It permits up to 75 percent reimbursement for a maximum of two weeks to provide an incentive to an employer to hire an individual who would not otherwise be competitive within the work force, and who represents an extremely high turnover risk requiring continued intensive WIN services such as supportive services, personal employment counseling, etc.

This reimbursement approach focuses entirely on the severity of the needs of the particular trainee, and requires that WIN staff include in the client's file adequate documentation of such a need. Employers should be informed that the reimbursement rate is related to the particular registrant's characteristics, and that the 2-week maximum is to allow the employer time to assess whether the trainee can fit into his/her work force. This 2-week period may be included under the employer's "hire first" commitment, or may be used exclusively with

low wage employers with no further OJT reimbursement of any kind. The proper contract format follows (to be entered in the Special Provisions):

TRIAL PERIOD REIMBURSEMENT

> The employer shall be reimbursed on the basis of 75 percent of the employee's wages for a period not to exceed two weeks. It is recognized by the employer that this reimbursement represents substantially all of his costs associated with this employee whose work product during this time is considered to be minimal or at a loss to the contractor due to the costs of material waste and intensive supervisory time and who also represents an exceptionally high turnover risk during this time period. *The employer understands this trial period shall not be extended and this individual shall not be made a part of WIN On-the-Job Training Contract. (*This last sentence would be deleted in those instances where the employee is then placed on a regular 50% reimbursement OJT contract.)

c. Release Time for Job-Related Education (JRE). Job-related education is provided to help raise the employee's performance to a level comparable to that of persons already working for the employer in the same occupation. Tutorial programs arranged by WIN, such as the GED, should be considered to be job-related education. All JRE must be approved by the local WIN staff and it must be part of the registrant's employability plan. Costs of the actual education may be made a part of the WIN/OJT contract and included in the Special Provisions.

Employers may be reimbursed for 100 percent of the employee's wage for the time a WIN/OJT employee is released from work to attend an approved JRE class, because such time is considered nonproductive to the employer. The employee receives his/her regular wage while participating in employment-related education during work hours. JRE may extend beyond the period of on-the-job training. In such cases, the contract will extend through the end of the JRE.

Job-related education may also take place in addition to the traditional work hours. If the employer is paying for all or part of this JRE, he may be reimbursed for all training costs he incurs, which are associated directly with the training: e.g., classroom, teacher, and materials; there would, however, be no reimbursement for nonproductive employee time. Vestibule and other forms of "front-end" training are permitted provided:

(1) The employer has put the trainee on his/her payroll in fulfillment of the "hire first" commitment; and

(2) The employee begins on-site OJT before one quarter of the training time period specified in the OJT contract has been completed.

2. Definition of Training Time for Payment Purposes

a. Regular Work-Training Hours. Employers will be reimbursed for those hours during which an employee is in pay status, provided that training occurs during those hours, and that those hours fall within the contract period.

b. Standard Work Week. WIN/OJT trainees will be paid on the basis of a standard work week. A standard work week is the standard number of hours worked each week by most employees of the employer who do approximately the same job as the WIN trainee; provided that the total number of hours worked each week does not exceed 44 hours, and provided such hours are worked during no more than a 5-day period each week.

c. Overtime. Hours for which overtime is paid will not be considered part of the standard work week and will not be reimbursed under the OJT contract.

d. Holidays. All legal holidays which fall within the contract period and for which all employees are paid, including WIN/OJT employees, shall be considered days in which training occurred.

e. Annual and Sick Leave. All days on which an employee is on either annual or sick leave during the contract period may be counted as days in pay status for reimbursement purposes, provided that the employer regularly pays his other employees for these days. If an OJT employee is absent for an extended period of time, WIN staff may negotiate with the employer to provide an additional period of training time (equivalent to the number of days the employee has been absent, if necessary). **This extension of training can be covered by a modification of the contract provided that there is no additional cost incurred by WIN. Such possible arrangements should be discussed during contract negotiation.**

3. Monthly Progress Report/Invoice (WIN-47). WIN/OJT employers must submit an invoice each month. Invoices are to be completed according to the WIN Form 47A, "Instructions for WIN Form 47."

4. Employer Visits. Contract monitoring and servicing by the area WIN staff should assure adequate administrative control of the WIN/OJT program. To assure that employers meet the obligations in each contract, regular visits and in-depth visits will be made.

a. Regular visits will generally include:

(1) On-site review of all WIN/OJT contracts for program performance analysis;

(2) Consideration of specific areas of the employer's documentation and program operation, such as:

(a) Employee job performance;

(b) Employee entrance and termination date;

(c) Wage scale and its relationship to contractual wage;

(d) Employee turnover and reasons;

(e) Actual training provided to employee, based on the occupation his/her folder indicates he/she was hired for;

(f) Whether the employer's records, such as payroll, time and attendance records, indicate clear and accurate support for all personnel actions; and

(g) Whether the employer is submitting accurate and timely valid invoices.

b. In-depth visits are not regular monitoring visits and generally include:

(1) Visits made at the request of the OJT employer;

(2) Other visits, initiated by the WIN staff and coordinated with the employer, where additional service or counseling is indicated.

c. The first on-site WIN/OJT visit is to be made within 30 days after contract award. At least 3 visits are to be made during the life of any contract with a performance period of 4 months or more. The contract service report form (WIN-16) must be completed after each monitoring visit, and one copy sent to State WIN.

d. Where the visit by the OJT staff person identifies any serious problems or deficiencies in the operation of the training program, both the WIN/OJT employer and the Area/WIN manager should be notified. Where appropriate, State WIN staff should also be notified and they may recommend that certain actions be taken.

I. Intensive Follow-Up Agreement (WIN Forms 42 and 43)

1. Explanation. The simplified intensive follow-up agreement is intended to provide reimbursement to employers for supervision of WIN employees during the initial weeks of employment. The agreement is intended for use primarily with DOT skill levels in the 21-23 range, but may be used for other skill levels as well. The agreement provides for WIN staff members to meet with the employee for follow-up counseling during work hours.

2. Reimbursement. The rate of reimbursement is $15 per week for a maximum follow-up period of 8 weeks. Payment is made on a one-time basis upon completion of the follow-up period, and may not exceed $120. In the event that the WIN employee terminates employment during the agreement period, the employer is reimbursed only for actual weeks, or portions of weeks, of employment.

3. Reporting. For reporting purposes, Intensive Follow-up is considered WIN/OJT and is reported as such on the WIN Status Change Notice, WIN-20. The agreement is numbered in sequence with other OJT contracts. Distribution of the agreement is the same as with OJT.

4. Bargaining Agreement. If the position involved is subject to a collective bargaining agreement, the contract representative must obtain the employer's assurance that there is no conflict with that agreement.

5. Monitoring. Monitoring requirements are the same as with OJT.

6. Payments. The Intensive Follow-up payment is claimed via use of the Certification of Completion/Invoice, WIN-43. This form is prepared in quadruplicate by the employer upon completion of the follow-up period, and submitted to the local WIN office. At the time of receipt, the local WIN supervisor verifies the claim, signs each copy of the form, and forwards three copies to the State WIN office. One copy is retained for local records.

J. WIN/OJT Relationship to the Bureau of Apprenticeship and Training (BAT). When training is proposed for apprenticeable occupations, WIN staff must consult with BAT apprenticeship representatives regarding the linking of the training with apprenticeship programs. MDES/WIN will conform to established relationships already dealing with apprenticeship training within Minnesota. The purpose is to assure that individuals who receive pre-apprenticeship training will continue to receive training as apprentices.

K. Coordination with Other Agencies. In the operation of the OJT program, MDES/WIN should maintain close cooperation with other interested organizations such as the Department of Public Welfare, the Department of Commerce, the Small Business Administration, the National Alliance of Businessmen, CETA, and other relevant parties.

L. Training Length and Reimbursement. To determine maximum length of training allowable and employer reimbursement:

1. Locate the job in which the training is to be given in the Dictionary of Occupational Titles (DOT), Vol. I, "Definitions of Titles." Example: Punch Press Operator 615.782.

2. Add the last three digits of the six-digit DOT code. Example: Punch Press Operator 7+8+2=17. This sum is the skill level code.

3. Locate this sum (17) on the base line of the appropriate chart labeled "DOT Code Training Time Conversion Chart."

4. Location of the code number indicates a range of training time in weeks. For example: Code 17, maximum period of training is 26 weeks. The length of training agreed upon, including a two-week trial period, may not exceed the maximum allowed by skill level code.

5. Once the length of training has been agreed upon, the reimbursement to the contractor shall be determined by multiplying the employee's starting wage rate times the hours per week times the number of weeks of training and dividing by two.

$$\frac{\text{(Wage Rate x Hours x Number of Weeks)}}{2}$$

DOT CODE - TRAINING TIME CONVERSION CHART

SKILL LEVEL CODE	MAXIMUM WEEKS OF TRAINING	SKILL LEVEL CODE	MAXIMUM WEEKS OF TRAINING
10	44	17	26
11	43	18	23
12	41	19	20
13	38	20	17
14	35	21	14
15	32	22	11
16	29	23	8

The DOT-Training Time Conversion Chart reflects maximum lengths, only. A WIN/OJT contract may not be written for less than 4 weeks, unless the 2-week trial period is used without further OJT reimbursement (see 11.2, H, 1.b).

Main Points of WIN/OJT

WIN/OJT (On-the-Job Training) is a program designed to pay the employer for the costs incurred in training a person to perform his job. WIN/OJT provides:

1. reimbursement of training costs;
2. a period of reimbursement that is adjusted to the skill level of the job under contract;
3. 100% reimbursement for production loss during periods of approved release time for job related education;
4. the availability of a 20 percent tax credit on wages paid to WIN workers during their initial 12 months of employment.

The employer agrees:

1. to hire a WIN worker and treat him/her in the same way as any other employee including working conditions and fringe benefits;
2. to submit a training outline and provide the necessary training;
3. to pay the prevailing wage rate;
4. to submit a monthly invoice for payment;
5. to allow a representative of the WIN Program access to necessary records and allow him to discuss the progress of the training with both the WIN trainee and the employer.

The WIN Program will:

1. refer suitable persons to the employer considering both the employer's needs and the skills of the WIN applicant. The employer has the right to accept or reject any referral;
2. provide any necessary counseling or other supportive services;
3. prepare the WIN/OJT contract for the employer's signature.

For more detailed information, contact:

GENERAL PROVISIONS
FOR
NEGOTIATED FIXED PRICE SUBCONTRACTS
(WIN/OJT)

The General Provisions of this contract, as stipulated by the Secretary of Labor, consist of the following clauses attached hereto:

1. Laws Applicable

The employer will perform contracted duties in accordance with Part C, Title IV of the Social Security Act, as amended, and the regulations, procedures, and standards promulgated thereunder. The employer will comply with all applicable federal, State, and local laws, rules, and regulations which deal with, or are related to, the performance of this contract. This contract in no way relieves the employer of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended;

2. Maintenance of Effort

The employer-sponsored level of training in existence prior to initiation of this OJT contract shall be continued, and shall not be reduced in level of effort in any way as a result of this contract, except for reduction unrelated to the provisions or purposes of this contract;

3. Nondiscrimination

The employer agrees that there will be no discrimination in this contract on the grounds of age, race, creed, color, sex, handicap, or national origin. Civil rights disputes under this contract will be processed according to equal opportunity provisions established by the Department of Labor at 29 CFR Part 31 and by the Department of Health, Education, and Welfare at 45 CFR Part 80, and to the extent applicable in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder;

4. Employee Wages

Hourly wages paid to OJT employees shall not be less than the following, whichever is higher:

a. The minimum rate required under the Fair Labor Standards Act (including any special rate provided by certification under Section 14 of the Act) to the extent that such Act is applicable to the employee or trainee; or

b. Any minimum rate applicable to the employee or trainee and required under any federal, State, or local law; or

c. For registrants employed on federally funded or federally assisted construction projects, the prevailing rate as established by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended; and, in addition

d. The minimum entrance rate for inexperienced workers in the same occupation in the establishment, or if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area.

5. Treatment of OJT Employees

a. The WIN/OJT employee shall be treated no less favorably than other employees in similar occupations in the establishment.

b. Employees under the WIN/OJT contract are entitled to the same benefits as all other employees, including paid holidays, annual and sick leave, health benefits, established wage increases and worker's compensation. All legal

holidays which fall within the contract period and for which other employees are paid, shall be considered days in which training occurred for purposes of reimbursement.

c. The employer agrees to maintain the confidentiality of any information regarding WIN registrants or their immediate families which may be obtained through employee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the registrant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract, including those furnishing services to the project under subcontract.

d. OJT employees, while the contract is in force, will not be terminated without prior notice and reasonable opportunity for corrections or improvement of performance, as well as notification of the local WIN project by the employer;

6. Audits and Records

a. The employer shall maintain records sufficient to support all payments and, upon request of the contracting officer, shall make such records available to the WIN sponsor and/or to the Federal Government.

b. The employer shall preserve and make available records until the expiration of 3 years from the date of final payment under the OJT contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final statement;

7. Examination of Records and Facilities

The employer agrees that the Secretary of Labor and the Comptroller General of the United States or any of their duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, have access to and the right to examine, any directly pertinent books, documents, papers, records, and facilities of the employer involving transactions related to this contract;

8. Covenent Against Contingent Fees

The employer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Work Incentive Program

INTENSIVE FOLLOW-UP AGREEMENT

Date _____ Contract No. _____

The employer listed below agrees to hire _____ (Name)
as a _____ (Job Title) _____ (DOT Code). The Intensive Follow-Up Period is to begin _____ and end _____. The starting wage rate will be _____.

The employer agrees to provide additional supervision and instruction during this intensive follow-up period and will allow WIN staff members to meet with the employee during work hours as necessary.

The employer further agrees to retain this employee as a permanent worker upon termination of this agreement if satisfactory adjustment to the job is being made. The employee is to have all rights and benefits of other new employees during and after the term of this agreement.

The WIN Program is authorized to assist the employer in defraying excessive costs resulting from added supervision, or possible material wastage, resulting from the employment of this inexperienced worker. The rate of reimbursement is $15 per week for a maximum follow-up period of eight weeks. Payment is to be made on a one time basis upon completion of follow-up period and may equal but may not exceed $120. In the event that the employee is terminated or resigns his employment during the follow-up period, the employer will be reimbursed only for actual weeks, or portions of weeks employed.

If this position is subject to a collective bargaining agreement, the employer has discussed this contract with the collective bargaining agent and has determined that this contract does not conflict with that agreement.

Employer:

BY

_____
Signature of Employer Representative

_____
Typed Name of Employer Representative

Minnesota Department of Employment Services

BY

_____
Signature of WIN Representative

_____
Typed Name of WIN Representative

_____
Signature of Area/WIN Manager

Distribution:
Original: Employer
2 Copies: State Office
1 Copy: Contract File
1 Copy: Registrant Folder

WIN-42 (Rev. 11/24/76)

MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

Work Incentive Program

INTENSIVE FOLLOW-UP AGREEMENT

CERTIFICATION OF COMPLETION/INVOICE

Date _____ Contract No. _____

This is to certify that we have retained _____ as an
(Name)

employee from _____ to _____.

We hereby claim reimbursement for _____ weeks at $15 per week, or portion of a week as specified in the agreement. Total reimbursement due: $_____.

Employer:

Mail four copies to:
Minnesota Department of
Economic Security

Payment is authorized by

_____ _____
Signature of Employer Representative Signature of Area/WIN Manager

_____ _____
Typed Name of Employer Representative Typed Name of Area/WIN Manager

Minnesota
DEPARTMENT OF ECONOMIC SECURITY

WORK INCENTIVE/ON-THE-JOB TRAINING PROGRAM
NEGOTIATED FIXED-PRICE CONTRACT

EMPLOYER:

Contract No._____

☐ State Agency
☐ Other Public Agency
☐ Private Non-Profit Employer
☐ Private Employer
☐ Indian Tribe on Reservation

THIS CONTRACT IS ENTERED INTO BETWEEN THE MINNESOTA DEPARTMENT OF ECONOMIC SECURITY, HEREINAFTER CALLED THE AGENCY, AND THE EMPLOYER IDENTIFIED ABOVE, HEREINAFTER CALLED THE EMPLOYER. THE PARTIES HERETO AGREE THAT THE EMPLOYER SHALL HIRE THE WIN REGISTRANT SO IDENTIFIED IN PARAGRAPH I.E. AND PERFORM AND PROVIDE ALL ON-THE-JOB TRAINING SERVICES IN ACCORDANCE WITH THE PROVISIONS CONTAINED HEREIN. IN CONSIDERATION FOR THE SERVICES TO BE PROVIDED BY THE EMPLOYER, FOR THE PERIOD SET FORTH IN PARAGRAPH I.C., THE EMPLOYER WILL RECEIVE A TOTAL FIXED PRICE IN AN AMOUNT NOT TO EXCEED THE TOTAL AGENCY COST SPECIFIED IN PARAGRAPH I.D. THIS AMOUNT IS TO BE PAID PURSUANT TO THE TERMS AND CONDITIONS SET FORTH HEREIN, AND IN THE GENERAL PROVISIONS WHICH ARE A PART OF THIS CONTRACT. THE EMPLOYER MAY NOT SUBCONTRACT ON-THE-JOB TRAINING PROVIDED FOR UNDER THIS CONTRACT.

THE EMPLOYER AGREES TO PROVIDE PERMANENT EMPLOYMENT IN HIS REGULAR WORK FORCE, AFTER THE PERIOD SPECIFIED IN THE CONTRACT, FOR ALL ON-THE-JOB TRAINING REGISTRANTS WHO PERFORM SATISFACTORILY IN THEIR RESPECTIVE WORK ASSIGNMENTS. SUCH PERMANENT EMPLOYMENT SHALL BE FINANCED FROM FUNDS OTHER THAN FUNDS FROM THE WIN PROGRAM. THIS UNSUBSIDIZED EMPLOYMENT SHALL BE AT A LEVEL OF RESPONSIBILITY AND PAY COMPARABLE TO THAT WHICH WAS PROVIDED EACH RESPECTIVE WIN/OJT REGISTRANT DURING THE PERIOD OF ON-THE-JOB TRAINING UNDER THE PROGRAM. IT IS ACKNOWLEDGED THAT THERE ARE CONTINGENCIES NOT WITHIN THE CONTROL OF THE EMPLOYER WHICH WOULD LIMIT HIS ABILITY TO COMPLY IN FULL WITH THIS CLAUSE. HOWEVER, THIS COMMITMENT REQUIRES GOOD FAITH EFFORTS TO PROVIDE SUCH UNSUBSIDIZED EMPLOYMENT FOR EACH WIN/OJT REGISTRANT WHO PERFORMS SATISFACTORILY.

I. GENERAL

A. IRS ID No._____ B. Type of Enterprise ☐NM ☐M

C. Period Beginning_____ Ending_____

D. Total WIN Agency Cost_____

E. WIN Registrant_____ SSN_____

F. Previous WIN Contract?____ G. Employees in training 25% or less?____

H. Employer's Product or Service_____

I. Contract Service Representatives

Employer_____ Tel._____

WIN_____ Tel._____

J. Work Location and Name of Trainer (if other than above)

Location_____ Tel._____

Trainer_____ Title_____

II. COSTS

A. Wages

Occupation and DOT Code	Wages Per Hour

B. Training Costs/Employer Reimbursement (1c+2d+3c) _____

1. On-the-Job Training Cost

   a. Total number of OJT training hours _____

   b. Reimbursement rate per hour _____

   c. Total (1a x 1b) _____

2. Job-Related Education Release Time Cost

   a. Number of release hours per week _____

   b. Total number of release hours _____

   c. Reimbursement rate (hourly wage) _____

   d. Total (2b x 2c) _____

3. Trial Period Reimbursement (2-week limit)

   a. Total number of trial period hours _____

   b. Reimbursement rate per hour _____

   c. Total (3a x 3b) _____

III. OJT TRAINING OUTLINE AND NUMBER OF SCHEDULED HOURS FOR THE OCCUPATION
(add sheets as needed)

TRAINING OUTLINE	HOURS
TOTAL HOURS	

IV. WIN TAX CREDIT (for employers subject to federal income tax)

☐ The employer has submitted Eligibility Declaration, MA 6-72, and certification of placement has been completed for the purpose of claiming the WIN tax credit.

☐ The employer does not claim eligibility at this time.
Employer's initials_____.

V. COLLECTIVE BARGAINING AGREEMENT

Is the occupation in which the employment and training are offered subject to a collective bargaining agreement? YES____ NO____. If YES, does this contract conflict with the agreement? YES____ NO____.

Name, title, and union affiliation of the appropriate bargaining agent:

_____

Agent's Signature_____

VI. REPORTING

The Monthly Progress Report/Invoice (WIN-47) shall be prepared and signed monthly by the Employer, or his authorized representative, so named on page four of this contract. All such reports/invoices shall be submitted to the Area/WIN Office at:

VII. SPECIAL PROVISIONS

VIII. GENERAL PROVISIONS

The attached General Provisions (WIN Form 54) are a part of this contract. The WIN Agency may add other provisions, not in conflict, as it determines necessary in order to comply with existing federal and state law.

AREA/WIN OFFICE	EMPLOYER
Name	Name
Street	Street
City State ZIP Code	City State ZIP Code
BY	BY
Signature of Area/WIN Manager	Signature of Authorized Representative
Typed Name	Typed Name
Title	Title
Date	Date

EMPLOYER'S CERTIFICATION

I, _____, certify that I am the _____ of the public agency, corporation, committee, commission, or association named as Employer herein; that _____, who signed this contract on behalf of the Employer was then _____ of said public agency, corporation, committee, commission, or association; that said contract was duly signed for and in behalf of said organization by authority of its governing body and is within the scope of its agency, corporation, committee, commission, or association powers.

_____
Signature

_____
Signature of Witness (when employer is an individual owner, partnership, joint venture, or solely owned corporation)

_____
Date

Distribution:
Original - Employer
1 Copy - Area/WIN Office
2 Copies - Business and Financial Services

Instructions for WIN Form 35

WIN/OJT Program Negotiated Fixed-Price Contract

Distribution: Original - Employer; 1 copy - Area/WIN office; 2 copies - Business and Financial Services (1 copy must bear original signatures).

PAGE 1

Employer: Enter complete business name and street address of OJT employer. Check appropriate box indicating type of business organization. Enter contract number (eight digits plus one letter), comprised of: the Area/WIN office number (four digits), the last digit of the current fiscal year (Oct. 1 - Sept. 30), the letter 'J' (indicating OJT), and the cumulative number of OJT contracts written at the Area/WIN location in the fiscal year (expressed in three digits). For example, 81209-J-007 is the seventh OJT contract for the Duluth WIN office in fiscal year 1979.

Paragraph I.

A. Enter Internal Revenue Service Identification Number (nine digits; Minnesota based employers' ID numbers begin with 41).

B. Type of enterprise. Check box "NM" if employer is a non-minority business enterprise. Check box "M" if employer is a minority enterprise. A minority business enterprise is a business, at least 50 percent of which is owned by minority group members, or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purpose of this definition, minority group members are: Blacks, not Hispanic; Hispanics; American Indians and Alaskan Natives; and Asian and Pacific Islanders.

C. Period Beginning. Date from which employer is to be reimbursed for training or release time. This date may not be prior to date of signing of contract.

Ending. Date through which employer may claim reimbursement for training or release time completed.

D. Maximum amount of reimbursement employer may receive for completion of agreed-to training and release time.

E. Full name and Social Security Number of WIN registrant.

F. Has employer entered into previous WIN/OJT or PSE contracts? Respond "yes" or "no".

G. Respond "yes" or "no". No more than 25% of employer's permanent, full-time work force at work location may be in training for purposes of WIN/OJT. One trainee will be allowed when the full-time work force is less than four. Exceptions may be granted by Area/WIN manager if so specified in Special Provisions (para. VII).

H. Description best defining the nature of employer's business.

I. Employer. Name and telephone number of person designated by employer as responsible for invoicing and for other services as determined necessary in the performance of the contract.

I. (cont.)

WIN. Name and telephone number of person designated by Area/WIN manager as responsible for reporting and for other services as determined necessary in the performance of the contract.

J. Location. Address of usual work location of WIN registrant.

Telephone. Telephone number at which trainer and WIN registrant may normally be contacted.

Trainer. Person designated by employer as responsible for the provision of supervision and training of WIN registrant.

Title. Trainer's usual title as designated by employer.

PAGE 2

II.A. Title and code assigned to the DOT job description most closely resembling the training occupation, and the WIN registrant's cash wage rate in effect at date of hire (not including tips or commissions). Wage must be expressed as a per hour rate.

B. Same as item I.D., page 1.

1.a. Number of training hours for which employer may receive reimbursement. May not exceed established maximum as determined by skill level code.

1.b. Hourly rate at which employer is to be reimbursed for training completed. This rate is 50% of trainee's cash wage rate in effect at date of hire.

1.c. Total amount of reimbursement employer may receive for on-the-job training completed at the 50% rate.

2.a. Number of hours per week registrant is to be released from his regular work to attend job-related education. This time need not reduce the total number of agreed-to OJT training hours.

2.b. Self-explanatory.

2.c. Rate at which employer is to be reimbursed for release time. May not exceed wage rate in item II.A.

2.d. Total amount of reimbursement employer may receive for release time allowed.

3.a. Number of training hours for which the employer may receive reimbursement at the 75% rate. May not exceed 10 days or 80 hours. Two-week trial period only. Special provisions must contain "Trial Reimbursement" clause (see WIN Handbook, Section 11.2, Para. H.1 b.)

3.b. Hourly rate at which employer is to be reimbursed for training at the 75% rate (two-week trial period only).

3.c. Total amount of reimbursement employer may receive for on-the-job training completed at the 75% rate.

III. A complete and specific schedule of tasks for which training is to be provided by employer. This schedule must justify use of occupational title and code assigned in item II.A. Include number of hours assigned to each task described. Total hours must equal item II.B.1.a. and 3.a.

PAGE 3

IV. WIN Tax Credit (for employers subject to federal income tax). Eligibility Declaration, MA 6-72 is to be completed in conjuction with the OJT agreement. Employer may decline eligibility by checking the appropriate box and initialing the area provided. This does not preclude employer from claiming eligibility at a later date.

V. Collective Bargaining Agreement. Indicate correct responses and provide requested information if applicable. Employer is ineligible for the WIN/OJT Program if the contract would be in conflict with an existing bargaining agreement. If agent does not sign this paragraph, attach agent's signed statement.

VI. Reporting. Provide name and address of Area/WIN office to which employer is to submit monthly reports/invoices. Include name of staff member to whom invoice is to be sent.

VII. Special Provisions. Special terms or instructions may be included here. For contracts including the 75% trial period reimbursement, provide prescribed format (see WIN Handbook, Section 11.2,para. H.1.b.) Exceptions granted by the Area/WIN office manager to the 25% rule for employees in training must also be specified here.

VIII. General Provisions. Attach WIN Form 54 to employer's contract original.

PAGE 4

Provide information requested. The Area/WIN manager is the only authorized signatory for the Department, unless the manager designates in writing to the State WIN office that other staff persons are so authorized. The authorized representative for the employer shall also sign monthly invoices unless another person is authorized in the Special Provisions. Employer's certification is to be completed when the employer is a public agency, corporation, committee, commission or association. The person signing the certification must have authority to sign contracts for and in behalf of the employer. The signature of a witness is necessary when the employer's certification is not required.

WIN OJT SUPPLEMENTAL AGREEMENT

CONTRACT NO: _____ MODIFICATION NO:	EFFECTIVE DATE:	PAGE NO:	NO. OF PAGES:
EMPLOYER'S NAME AND ADDRESS:		ISSUED BY: MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES LOCAL ADDRESS:	

CHANGES HEREIN HAVE THE FOLLOWING EFFECT ON FEDERAL GOVERNMENT FUNDS IN THIS CONTRACT:

INCREASED BY $_____ DECREASED BY $_____ UNCHANGED ☐

REGISTRANT NAME _____ SSN _____

THE ABOVE NUMBERED CONTRACT IS MODIFIED AS FOLLOWS:

1. THE TOTAL EMPLOYER'S COST AS SHOWN ON THE CONTRACT IS HEREBY INCREASED/REDUCED FROM $_____ TO _____
2. THE TERMINATION DATE AS SPECIFIED ON PAGE 1 OF THE CONTRACT IS HEREBY CHANGED FROM _____ TO _____
3. _____ IS HEREBY AUTHORIZED TO EXECUTE BILLS/REPORTS PERTAINING TO THIS CONTRACT.
   (TYPED NAME OF NEWLY AUTHORIZED SIGNATORY)

   _____
   (SIGNATURE OF NEWLY AUTHORIZED SIGNATORY)

THIS MODIFICATION IS NECESSARY BECAUSE:

EXCEPT AS HEREBY MODIFIED, ALL TERMS AND CONDITIONS OF SAID CONTRACT (AS HERETOFORE MODIFIED) REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

_____ TYPED NAME OF EMPLOYER	MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES WORK INCENTIVE PROGRAM
BY _____ SIGNATURE DATE	BY _____ SIGNATURE OF AREA/WIN MANAGER DATE
_____ TYPED NAME OF AUTHORIZED REPRESENTATIVE	_____ TYPED NAME OF AREA/WIN MANAGER
_____ TYPED TITLE OF AUTHORIZED REPRESENTATIVE	

WIN-12 (REV. 5/13/77) MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Instuctions for WIN Form 12

Work Incentive/On-the-Job Training Program Supplemental Agreement

Minimum Distributions: Original - Employer; 1 copy - registrant folder; 1 copy - local contract file; 2 copies - State WIN Office (1 copy must bear original signatures).

1. The number of the contract to be modified.

2. The sequential number of the modification.

3. The date the modification is to take effect. Modification must be signed by both parties on or before this date.

4. Enter page number when there is an attachment to the modification.

5. Enter total number of pages when there are one or more attachments to the modification.

6. Employer's name and business address.

7. Address of local WIN office responsible for the contract.

8. Enter amount of increase or decrease due to modification. Check "unchanged", if applicable.

9. Enter registrant's name and social security number.

10. Enter the original amount as shown on page one of the contract, and the gross amount of the contract as modified, if applicable.

11. Enter the original and new termination dates, if the contract has been extended or shortened.

12. If the modification is for change of authorized signatory, enter the typed name of the person newly authorized to sign invoices, etc.

13. Signature of the person named in 12.

14. Enter any comments necessary to explain the modification.

15. Enter name of employer.

16. Signature of employer, and date.

17. Typed name of 16.

18. Typed title of authorized representative.

19. Signature of ES/WIN Manager.

20. Typed name of 19.

WIN OJT/PSE
MONTHLY PROGRESS REPORT/INVOICE

1. EMPLOYER'S NAME AND ADDRESS	2. CONTRACT NUMBER	3. INVOICE NUMBER
	5. CONTRACT PERIOD	6. REPORT PERIOD THIS INVOICE
4. EMPLOYEE NAME	FROM MONTH DAY YEAR	FROM MONTH DAY YEAR
	TO	TO

FINANCIAL SUMMARY

AMOUNTS CLAIMED THIS INVOICE	A. DAYS OR HOURS WORKED	B. AMOUNT CLAIMED
7. REIMBURSEMENT AT $_____		
8. REIMBURSEMENT AT $_____		
9. ADMINISTRATIVE/ RELEASE COSTS AT $_____		
10. ADJUSTMENTS AND/OR SPECIAL CHARGES (SPECIFY BELOW)		
11. TOTAL CLAIMED THIS INVOICE (SUM OF LINES 7 THROUGH 10)		

16. EXPLANATION OF ADJUSTMENTS AND/OR SPECIAL CHARGES

CASH STATEMENT	
12. TOTAL EMPLOYER EXPENSES TO DATE	
13. TOTAL PAYMENTS PREVIOUSLY CLAIMED	
14. PAYMENT CLAIMED THIS INVOICE (LINE 12 LESS 13)	

☐ 15. CHECK BOX ONLY IF THIS IS THE FINAL REPORT/INVOICE. (This will terminate the contract.)

17. FOR STATE WIN OFFICE USE ONLY

TRAN	VENDOR NUMBER	TYPE
A64		V
INVOICE NUMBER		DEPT/DIV.
WIN		56000
SEQ. NO.	SUFF. 01 / P.O.NO.	OBJECT 71
AMOUNT	DATE	SUB. ACT. / TASK

I hereby certify that the goods or materials covered by this claim have been inspected and received or the services have been performed in accordance with specifications and are in proper form, kind, amount, and quality and payment is hereby recommended.

SYSTEM ASSIGN REF. NO.	DEPT. AUTH. SIGNATURE

AMOUNTS CLAIMED ON THIS INVOICE CONSTITUTE AUTHORIZED PAYMENTS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT. ALL APPLICABLE FEDERAL AND STATE TAXES HAVE BEEN PAID THROUGH THE PRECEDING QUARTER.

18. EMPLOYER'S AUTHORIZED SIGNATURE

19. TITLE

20. DATE

PROJECT OFFICER'S CERTIFICATION:
PERFORMANCE IS SATISFACTORY FOR RECOMMENDATION OF PAYMENT.

21. PROJECT OFFICER'S SIGNATURE

22. DATE

DISTRIBUTION: ORIGINAL + GREEN - BUSINESS MANAGEMENT; YELLOW (2) - PROJECT/AREA OFFICE; PINK - EMPLOYER

WIN-47 (5/1/76) (SN-26026)

MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

Instructions for WIN Form 47

OJT/PSE MONTHLY PROGRESS REPORT/INVOICE

1. Enter the employer's complete name and mailing address.

2. Enter the contract number as listed on the contract.

3. The invoice number is determined by the number of invoices submitted--starting with number one for the first and numbering consecutively for each succeeding report/invoice.

4. Enter name and social security number of WIN registrant.

5. Enter the beginning and ending dates of the contract.

6. Enter the beginning and ending dates for this report period. Dates should generally correspond with the calendar month with the possible exceptions of the first and last invoice. In these instances, beginning and ending dates will vary.

7. Enter the reimbursement rate, as stated in the contract, on the line following the dollar sign. Enter in 7A the number of hours worked in the current period. Multiply the number of hours worked by the reimbursement rate and enter in 7B.

8. This line should be completed only when the reimbursement rate has changed during the current report period. This would be done, for example, if the contract provides for a 2-week trial period at 75% reimbursement. The instructions for completing this line are the same as those for item 7.

9. Complete this line only when claiming current administrative or release time costs, if allowed by the contract.

10. Complete for adjustments to prior invoices not previously requested. Special charges allowed in OJT contracts should be entered on this line.

11. Enter in 11A the total of lines 7A through 10A. Enter in 11B the total of lines 7B through 10B.

12. Enter total employer expenses incurred under the contract to date.

13. Enter total amount of payments previously claimed under the contract.

14. Enter the amount derived from subtracting line 13 from line 12. This amount should be the same as on 11B.

15. Check box in item 15 if the report is the last to be submitted under this contract.

16. Provide explanations for any adjustments or special charges claimed on line 10.

17. Do not complete. Item 17 is for the use of the State WIN Office only.

18. Signature of employer's authorized representative as it appears on the contract.

19. Title of employer's authorized representative.

20. Date of signing.

21. Signature of authorized WIN representative.

22. Date of signing.

NOTE: The employer should retain the pink copy, forwarding the original and remaining copies to the Area/WIN office.

Minnesota
DEPARTMENT OF EMPLOYMENT SERVICES

Work Incentive Program

OJT/PSE CONTRACT SERVICE REPORT

Employer: Contract No. _____

Date of Service _____

I. CONTACTS

Name(s) and Title(s) of Employer Representative(s) Contacted:

_____

_____

Yes No* Name of Registrant _____

☐ ☐ Was Registrant Contacted?

II. REPORTS AND RECORDS

Yes	No*		
☐	☐	A.	Progress reports submitted every 30 days?
☐	☐	B.	Accounting records maintained adequately?
☐	☐	C.	Employee progress and attendance records are current?
☐	☐	D.	Adequate financial records are being kept to support claims for reimbursement for items in contract budget?

III. PERFORMANCE

Yes	No*		
☐	☐	A.	Employee aware of contract provisions affecting him (wage, contract duration, training provisions, etc.)?
☐	☐	B.	Employer and employee aware of availability of WIN assistance (counseling, supportive services, etc.)?
☐	☐	C.	Employee being paid at wage specified in contract?
☐	☐	D.	Adequate counseling and supervision being provided by employer?
☐	☐	E.	Working spaces and methods meet statutory requirements for safety and sanitation?
☐	☐	F.	Employee progressing satisfactorily?

18. Signature of employer's authorized representative as it appears on the contract.

19. Title of employer's authorized representative.

20. Date of signing.

21. Signature of authorized WIN representative.

22. Date of signing.

NOTE: The employer should retain the pink copy, forwarding the original and remaining copies to the Area/WIN office.

Minnesota
DEPARTMENT OF EMPLOYMENT SERVICES

Work Incentive Program

OJT/PSE CONTRACT SERVICE REPORT

Employer: Contract No. _____

Date of Service _____

I. CONTACTS

Name(s) and Title(s) of Employer Representative(s) Contacted:

_____

_____

Yes No* Name of Registrant _____

☐ ☐ Was Registrant Contacted?

II. REPORTS AND RECORDS

Yes	No*	
☐	☐	A. Progress reports submitted every 30 days?
☐	☐	B. Accounting records maintained adequately?
☐	☐	C. Employee progress and attendance records are current?
☐	☐	D. Adequate financial records are being kept to support claims for reimbursement for items in contract budget?

III. PERFORMANCE

Yes	No*	
☐	☐	A. Employee aware of contract provisions affecting him (wage, contract duration, training provisions, etc.)?
☐	☐	B. Employer and employee aware of availability of WIN assistance (counseling, supportive services, etc.)?
☐	☐	C. Employee being paid at wage specified in contract?
☐	☐	D. Adequate counseling and supervision being provided by employer?
☐	☐	E. Working spaces and methods meet statutory requirements for safety and sanitation?
☐	☐	F. Employee progressing satisfactorily?

IV. OJT ONLY

Yes	No*	
☐	☐	A. Training outline being followed?
☐	☐	B. Instruction adequate?

V. EVALUATION OF PROGRAM

Rate this program on the basis of your observation.

Excellent	Good	Fair	Poor	
☐	☐	☐	☐	Explain "poor" rating below

VI. EXPLANATIONS OR EXTENSIONS (attach additional sheets if necessary)

*Explain "No" answers. Include description of corrective action.

Signature

Typed Name

Area/WIN Office

Date

Distribution:
Original: Contract File
1 Copy: State WIN Office
1 Copy: Registrant Folder

WIN-16 (Rev. 5/13/77)

11.3 WIN Public Service Employment (PSE)

A. General. PSE is a component that provides job-ready WIN registrants with subsidized, full-time jobs with public and private nonprofit employers who are committed to retain the registrants in permanent unsubsidized jobs at the end of a contracted period. A registrant may be placed in PSE only if an appropriate, unsubsidized full-time job or OJT is not available.

NOTE: Staff time related to PSE activity is to be reported under functional activity code 533.

B. Public Service Defined. Funds utilized under PSE should be used to support subsidized positions in agencies for public service needs which have not been met and, where possible, to implement new public services. Area/WIN offices are expected to determine which public service needs are most pressing within their jurisdictions. Work which is not customarily done by government, and which primarily benefits a private profit-making organization may not be funded under PSE. This latter prohibition does not refer to maintenance or minor construction work normally performed by the government. "Public Service" is defined as a type of service normally provided by government, and includes, but is not limited to, the categories listed below:

1. Law Enforcement. Includes functions relating to police work, correctional institutions, the court systems, guard forces, and other law enforcement functions.

2. Education. Includes all education-related functions for elementary and secondary schools, institutions of higher learning, vocational and technical schools, adult education programs, and libraries.

3. Public Works and Transportation. Includes functions associated with streets and highways, public buildings, and transportation activities.

4. Health and Hospitals. Includes all health-related functions.

5. Environmental Quality. Includes functions relating to pollution control, solid waste disposal, sewage, recycling units, and other activities relating to environmental quality.

6. Fire Protection. Includes functions for fire departments and related public safety units.

7. Parks and Recreation. Includes park construction and maintenance, conservation and recreation.

8. Social Services. Includes public welfare and social service functions.

9. Other. Includes all governmental functions not listed above.

C. General Program Standards

1. AFDC Status. For AFDC purposes, registrants in WIN/PSE are considered employed but are not eligible for the $30 and 1/3 income disregard. If as a result, registrants become ineligible for AFDC, their grants will be closed. In these cases,

registration in WIN continues until the registrant is no longer participating in the component. Appropriate deregistration action may then be initiated. See Section 10.4 A.

2. Occupational Eligibility. All WIN/PSE assignments must meet appropriate work and training criteria as listed in Section 6.3 of this handbook.

3. Contractor Eligibility.

a. Eligible employers may include the following:

(1) Any unit of State or local government which has general governmental authority;

(2) Any public agency or institution which is a subdivision of State or local government;

(3) Private nonprofit organizations which are established for a public purpose;

(4) Indian tribes on reservations.

b. Ineligible employers include the following:

(1) Certain partisan and nonpartisan political organizations. No WIN registrant may be placed through a WIN/PSE contract on work which involves:

(a) Any partisan or nonpartisan political activity, associated with a candidate or contending faction, in an election for public or party office, or lobbying for any matter at public issue;

(b) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(c) Any voter registration activity.

(2) Certain sectarian or religious facilities. No WIN registrant may be placed through a WIN/PSE contract on work involving the construction, operation or maintenance of any part of a facility that is used or is to be used for sectarian instruction or as a place for religious worship, or on any work which will release or free any other person for the performance of such duties.

4. Nepotism

a. No employer may hire through a WIN/PSE contract an individual who is a close relative or a dependent.

(1) A close relative is any of the following:

(a) Spouse
(b) Child (including adopted children) and descendants
(c) Brother, sister, half brother, half sister,
(d) Parent, grandparent or other direct ancestor (not foster parent),

(e) Stepparent,
(f) Uncle, aunt,
(g) Nephew, niece,
(h) In-law (father, mother, brother, sister).

(2) A dependent individual who lives in, and is a member of, the employer's household may not be hired through WIN/PSE.

5. Maximum Number of Employees Allowable. Same policy applies as with WIN/OJT; see 11.2, C. 10.

6. Displacement of Workers. A PSE contract will not be written with an employer if full or partial displacement of currently employed full-time workers will result.

a. Full displacement occurs when an employed worker loses his job for reasons other than normal turnover, or his job is altered so as to effect a reduction of pay;

b. Partial displacement occurs when the use of WIN registrants leads to a reduction of non-overtime hours in the normal work week of workers presently employed in the same activity.

7. Union Contracts. Same policy as with WIN/OJT; see 11.2, C. 13.

8. Working Conditions.

a. PSE participants are considered to be employees of the agency to which they are assigned.

b. They shall have working conditions neither more nor less favorable than those had by other employees of the employing agency.

c. Prior to the entering PSE employment, every registrant must be advised of the name of his supervisor and his rights and benefits in connection with his employment.

d. No registrant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary or hazardous to his health or safety. Individuals employed in inherently dangerous jobs (e.g., fire or police work) will be assigned to work in accordance with reasonable safety practices. Specific health and safety standards promulgated for occupations under Section 19 of the Occupational Safety and Health Act of 1970 (PL 91-596) apply to PSE occupations.

D. Job Development Principles. In developing PSE opportunities, the contract negotiator should be guided by the following principles:

1. The jobs should be convertible into unsubsidized positions in occupational fields which are most likely to expand within the public or private sector. However, in order not to discourage employers needlessly, the commitment-to-hire clause of the PSE contract specifically excludes situations beyond the control of the employer which, during the contract period, would limit the ability of the employer to fund unsubsidized positions for PSE registrants. Such circumstances include cases where:

a. The individual does not perform satisfactorily on the job;

b. Funds to provide for continued employment of the individual are requested by the PSE employer from his appropriating authority but are not approved;

c. The State or agency places a freeze on further hiring after the contract was signed; or

d. The PSE individual is unable to comply with Civil Service regulations which are required by law and are reasonable and appropriate to the job.

2. To avoid obstructing WIN funded positions from becoming permanent, WIN/PSE jobs must not become encumbered with other forms of subsidization (e.g., prior, concurrent or subsequent CETA funding).

3. The jobs should be those which cannot initially be funded by local revenues.

4. The jobs should not be dead-end, but should contribute to the career advancement and the development of the employment potential of the individual. Limited career ladder jobs are acceptable if the salary to be earned is sufficient to enable the individual to become self-supporting.

5. Programs should contribute to the elimination of restrictive practices and institutional barriers which prevent the effective use of available manpower and which systematically preclude large segments of the population from realizing their employment potential.

E. Contract Conditions

1. Commitment to Hire. In any WIN/PSE contract, the employer must agree to provide permanent, unsubsidized employment in his regular work force to all PSE workers who perform satisfactorily in their respective work assignments during, or at completion of the period specified in the contract. This unsubsidized employment must be at a level of responsibility and pay comparable to that which was provided during the contract period.

a. There are contingencies which would limit an employer's compliance with the above commitment. Such contingencies include critical changes in agency appropriations and legislated regulations. However, the commitment does require good faith efforts to provide such unsubsidized employment for each WIN/PSE worker who performs satisfactorily. (See D. 1., above.)

2. Length of Contract

a. The length of any WIN/PSE contract may vary up to a maximum of 52 weeks depending on such factors as:

(1) The date the employer anticipates being able to fulfill his commitment to hire (i.e., when permanent funding becomes available).

(2) The period of time the employee needs to meet entry level hiring standards or to obtain the certificate or license required for the occupation.

(Where personnel or merit system requirements are considered unnecessarily restrictive, the affected positions should not be supported with PSE funds.)

(3) The total cost of the contract. (WIN funding for wages and benefits is limited to $12,000 maximum $7,500 Statewide average.)

(4) Availability of PSE funds to the Area/WIN office.

b. The recommended length of WIN/PSE contracts is 26 weeks, but depending on such factors as listed above, the period of subsidy may be extended to a maximum of 52 weeks.

c. In addition to the guides listed above, Area/WIN staff may find it useful to refer to the following chart when determining the period of subsidy of a PSE contract. Explanation of skill level codes may be found in Section II.2 L., Training Length and Reimbursement, of this handbook. NOTE: The number of hours in a WIN/PSE work week is normally the same as in the employer's standard work week, but may not be less than 30 nor more than 44 hours.

SKILL LEVEL CODE	WEEKS OF SUBSIDY SUGGESTED
0-12	52
13	47
14	43
15	43
16	43
17	39
18	34
19	34
20	30
21	26
22	26
23	26

3. Fringe Benefits

a. Retirement. Employer payments into retirement accounts should normally be made from the day the individual enters subsidized employment and are allowable costs if:

(1) Payments are contributions under the Social Security Act;

(2) Payments are for retirement benefits that are part of a consolidated package including such other benefits as health and accident insurance. The package must already be in effect for regular employees and not one established specifically for PSE employees;

(3) Payments are for individuals who will be subsequently hired as regular employees (i.e., attain regular employee status during or at the end of the PSE period);

(4) Payments are for retirement benefits required by Federal, State or local law, which will not permit the exclusion of PSE employees from coverage.

b. Worker's Compensation. PSE employers shall provide workers compensation coverage to WIN workers during the period under contract. The Area/WIN office must verify the existence of insurance in force before the effective date of a contract. Self-insured units of State and local government are not allowed reimbursement of costs relating to coverage of PSE employees. Privately insured employers are allowed reimbursement at whatever the current rate may be for the PSE occupation.

c. Unemployment Insurance. PSE employers who contribute (pay taxes) to the State UI fund are allowed reimbursement for the amount paid against the PSE occupation. Other employers, such as the State of Minnesota, who finance UI benefit costs by reimbursing the fund for actual expenditures may not claim these costs for WIN/PSE. The Area/WIN office must verify the existence and type of a State UI account prior to the effective date of a contract. Reimbursing accounts can be identified by the numeral "7" as the first digit of the account number.

At the present time the UI tax rate varies from 1 per cent to 7-1/2 per cent and applies only to the first $7,000 of an employee's wages ($7,500 on January 1, 1978, and $8,000 on January 1, 1979).

d. Personal Insurance. Reimbursements to employers for contributions toward various types of personal insurances for their PSE employees and their dependents are allowable provided that such contributions are available for all regular employees. Health, medical, sickness, accident and life insurances are included here.

e. Other. Direct employer costs for fringe benefits to PSE employees not specifically mentioned above are reimbursable provided that these costs are incurred for all regular employees (e.g., allowances for uniforms or other required clothing).

4. Cost Limitations. WIN funds will not be used to reimburse employers for any part of a registrant's salary and fringe benefits that exceeds $12,000. Average WIN costs for salary for all PSE employees in Minnesota may not exceed $7,500, including the cost of fringe benefits. The following stipulations apply:

a. Fringe benefits will be comparable to those of regular employees.

b. Under no circumstances shall a registrant in a job receive less than the prevailing entry level salary paid to a non-WIN hiree in the same occupation.

c. The wage, less mandatory payroll deductions and work expenses, shall provide a monthly income equal to or exceeding the registrant's monthly AFDC grant.

d. Overtime pay must be paid by the employer and is not an allowable cost under WIN/PSE.

e. The employer is reimbursed only for salary and fringe benefits. No additional Federal reimbursement for allowing the PSE employee to attend job related education classes is authorized.

f. Pre-contract costs are not allowable costs under WIN/PSE. No job may be subsidized until a contract has been signed and dated by all parties, including union representatives where applicable. Any costs related to a WIN registrant performing in a job where WIN/PSE funding is only anticipated, must be assumed by the employer.

g. Administrative costs are allowable only with Indian tribes on reservations. The rate of reimbursement in all such instances is $.25 per contract hour. In that the $12,000 limit on WIN funding applies only to reimbursement of wages and fringe benefits, the total allowable cost of a contract may exceed $12,000 by the amount of the administrative costs.

5. Collective Bargaining Agreements. Same policy applies as with WIN/OJT; see 11.2, C. 13.

6. Contract Approval Procedures. Same policy applies as with WIN/OJT; see 11.2, E. 2.

7. Singularity of Contract. Same policy applies as with WIN/OJT; see 11.2, E. 3.

8. Reporting. Same policy applies as with WIN/OJT; see 11.2, H. 3., Monthly Progress Report/Invoice (WIN-47).

F. Contract Modification.

1. Provided that the limits of $12,000 and 52 weeks are not exceeded, WIN/PSE contracts may be modified to reflect changes in reimbursement rate or reimbursement period where justified. Appropriate justification must be documented in the comments section of the modification form (WIN-24, WIN/PSE Modification).

2. An employer's authorized contract representative may be changed only by contract modification.

3. Changes of WIN employee or DOT job title or code require new contracts and may not be made by modifying existing contracts.

4. Any additional costs incurred prior to the effective date of a modification (i.e., before all parties sign) must be assumed by the employer.

G. WIN/PSE Monitoring. Same policy applies as with WIN/OJT; see 11.2, H. 4., Employer Visits. NOTE: The purpose of monitoring is to assure that WIN/PSE employees are working in occupations designated in the contracts, receiving the same benefits as others in similar occupations and that unsatisfactory employers do not receive subsequent contracts. Effective monitoring must include appropriate follow-up to situations under which PSE employees are found not to perform satisfactorily.

H. Forms and Instructions. Facsimilies of WIN forms 24, 25, 26, and 32, as well as applicable instructions, follow.

MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

WORK INCENTIVE PROGRAM

PUBLIC SERVICE EMPLOYMENT CONTRACT

A. Employer

B. IRS ID No. _____

- ☐ State Agency
- ☐ Other Public Agency
- ☐ Indian Tribe on Reservation
- ☐ Private Nonprofit Agency

THIS COST REIMBURSEMENT CONTRACT IS ENTERED INTO BY AND BETWEEN THE MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES, HEREINAFTER CALLED THE AGENCY, AND THE ORGANIZATION NAMED IN PARAGRAPH A., HEREINAFTER CALLED THE EMPLOYER. THE PARTIES HERETO AGREE THAT THE EMPLOYER SHALL PROVIDE EMPLOYMENT FOR THE WIN REGISTRANT NAMED IN PARAGRAPH C. FOR THE PERIOD SPECIFIED IN PARAGRAPH C. TO PERFORM THE SERVICES HEREINAFTER SET FORTH IN PARAGRAPH G., AND SHALL FURNISH ALL THE INSTRUCTIONS, OTHER SERVICES, EQUIPMENT, AND SUPPLIES NECESSARY THEREFORE. THE TOTAL AMOUNT TO BE PAID BY THE AGENCY TO THE EMPLOYER, IN CONSIDERATION OF EMPLOYER'S HIRING OF SAID REGISTRANT, SHALL NOT EXCEED THE TOTAL AGENCY COST SPECIFIED IN PARAGRAPH C. THE TERMS AND CONDITIONS SET FORTH IN THE GENERAL AND SPECIAL PROVISIONS ATTACHED HERETO ARE MADE A PART OF THIS CONTRACT.

THE EMPLOYER AGREES TO PROVIDE PERMANENT UNSUBSIDIZED EMPLOYMENT IN HIS REGULAR WORK FORCE, WHICH SHALL BE FINANCED FROM FUNDS OTHER THAN FUNDS FROM THE WIN PROGRAM, TO ALL WIN PUBLIC SERVICE EMPLOYMENT REGISTRANTS WHO PERFORM SATISFACTORILY IN THEIR RESPECTIVE WORK ASSIGNMENTS AFTER THE PERIOD SPECIFIED IN THE CONTRACT. THIS UNSUBSIDIZED EMPLOYMENT SHALL BE AT A LEVEL OF RESPONSIBILITY AND PAY COMPARABLY TO THAT WHICH WAS PROVIDED EACH RESPECTIVE WIN/PSE REGISTRANT DURING THE PERIOD OF SUBSIDIZED EMPLOYMENT UNDER THE PROGRAM.

IT IS ACKNOWLEDGED THAT THERE ARE CONTINGENCIES NOT WITHIN THE CONTROL OF THE PUBLIC SERVICE EMPLOYER WHICH WOULD LIMIT HIS ABILITY TO COMPLY IN FULL WITH THIS CLAUSE. EXAMPLES OF SUCH CONTINGENCIES INCLUDE CRITICAL CHANGES IN AGENCY APPROPRIATIONS AND LEGISLATED REGULATIONS. HOWEVER, THIS COMMITMENT REQUIRES GOOD FAITH EFFORTS TO PROVIDE SUCH UNSUBSIDIZED EMPLOYMENT FOR EACH WIN/PSE REGISTRANT WHO PERFORMS SATISFACTORILY.

C. General

1. 8 _ _ _ P _ _ _ Contract Number (1 FY 9)

2. Employer's product or service at work location: _____

3. _ _ _ _ _ _ Beginning Date (10 MMDDYY 15)

4. _ _ _ _ _ _ Ending Date (16 MMDDYY 21)

5. Number of employees at work location not on PSE: _____

6. $ _ _ . _ _ Total WIN Cost (22 28)

7. Has employer had other WIN/OJT/PSE contracts? _____

8. _ _ _ _ _ _ _ _ Registrant/Employee Name (29 S S N 37)

State Office Use Only _ _ _ _ 2 _ _ (38 44)

9. WIN Contract Representative: _____ Tel. _____

10. Employer Representative: _____ Tel. _____

11. Employee Supervisor: _____ Tel. _____

12. Work Location: _____ Tel. _____

D. Collective Bargaining Agreements

Is the occupation contracted for subject to a collective bargaining agreement?

YES _____ NO _____

If yes, there has been concurrence of the appropriate bargaining representative:

Name, title, and union affiliation of the appropriate bargaining agent:

_____

Agent's Signature _____

E. Reporting

The Monthly Progress Report/Invoice, form WIN-47 is to be completed and submitted monthly by the Employer, or his authorized representative, as designated in paragraph I, page 4. All such reports/invoices are to be submitted to the Area/WIN office listed in paragraph I, Attention: _____, or to another address which is listed here.

F. General and Special Provisions

The attached General Provisions are made a part of this contract. In addition, the following Special Provisions also apply.

G. Occupation Description

DOT Title _____ DOT Code _____

Employer's Title _____

Job Description:

H. Cost Table

1. Total hours allowed (a x b) _____

   a. Weeks allowed _____

   b. Hours/week allowed _____

2. Wage and Fringe Benefits Cost (add a-f) $ _____

   a. Wages $ _____ (wage/hour) x _____ (hours (H1)) = $ _____

   b. Workers Compensation $ _____ (wages (H2a)) x _____ (rate (%)) = $ _____

   c. Unemployment Insurance $ _____ (wages (H2a)) x _____ (rate (%)) = $ _____

   d. FICA $ _____ (wages (H2a)) x _____ (rate (%)) = $ _____

   e. _____ (other) $ _____ x _____ = $ _____

   f. _____ (other) $ _____ x _____ = $ _____

3. Administrative Costs (H1 x $ .25/hr.) $ _____

4. Total Agency Cost (H2 + H3) $ _____

5. Reimbursement Rate-wage and fringe (H2 ÷ H1) $ _____

I. Signatories

Area/WIN Office:	Employer:
Name	Name
Address	Address
City State ZIP Code	City State ZIP Code
BY	BY
Signature of Area/WIN Manager	Signature of Authorized Representative
Date Signed	Date Signed
Typed Name	Typed Name
	Title

EMPLOYER'S CERTIFICATION

I, _____ , certify that I am the _____ of the agency, corporation, committee, commission, or association named as Employer herein; that _____ who signed this contract on behalf of the Employer, was then _____ of said agency, corporation, committee, commission, or association; that said contract was duly signed for and in behalf of said organization by authority of its governing body and is within the scope of its corporate, agency, association, committee, or commission powers.

Signature

Signature of Witness (Where Employer is an Individual Owner, Partnership, Joint Venture, or Solely-Owned Corporation)

Date

Distribution: Original-Employer; 1 Copy-Area/WIN Office; 2 Copies-State WIN Office

Instructions for Completing Public Service Employment Contract, WIN-24

A. Enter complete business name and address of PSE employer and check box appropriate to type of business.

B. Enter Internal Revenue Service Identification Number. Nine digits. Minnesota based employers' ID numbers begin with 41.

C.1. Enter contract number. Nine digits or letters. Consists of the Area/WIN office number (4 digits); the last digit of the current fiscal year (Oct. 1 - Sept. 30); the letter "P" (indicates PSE); and the cumulative number of PSE contracts including the current one, that have been written at the Area/WIN office during the current fiscal year (expressed in three digits). For example, 87007-P-004 would be the fourth PSE contract written at the Rochester Area Office in Fiscal Year 1977.

C.2. Describe the nature of the employer's business at the site where the PSE registrant usually works.

C.3. The date (in MMDDYY format) on which the contract becomes effective and WIN reimbursement begins. This date may not be prior to date all parties sign on page four.

C.4. Date (MMDDYY format) on which reimbursement stops, and the employer agrees to provide permanent unsubsidized employment. May not exceed 52 weeks from beginning date. The ending date of a PSE contract may not be modified if only to allow for expenditure of WIN funds remaining in the contract at the originally agreed upon ending date.

C.5. Insert number of permanent, full-time, unsubsidized employees at the place the PSE registrant usually works.

C.6. From H4, page 3. Include leading zeros and cents so that all seven spaces have an entry.

C.7. Answer yes or no. Includes contracts from any Area/WIN office in Minnesota.

C.8. Insert the Social Security number and full name of WIN registrant working under this contract.

C.9. Insert name and usual business phone number of the person responsible in the Area/WIN office for contract reporting and servicing.

C.10. Insert name and usual business phone number of person responsible for invoicing and contract servicing at the employer's establishment.

C.11. If other than C.10 above, insert name and business phone number of PSE registrant's immediate supervisor.

C.12. If other than A. above, list address and telephone number of usual location where PSE registrant works.

D. Indicate the correct response and insert requested information, if applicable. Employer is ineligible for PSE if contract would conflict with bargaining agreement. If agent does not sign this paragraph, attach the agent's signed statement.

E. If desired insert the WIN staff person's name to which invoices should be sent by the employer. Also insert the Area/WIN office address to which invoices should be sent if other than listed on page 4.

F. General Provisions, WIN form 26, must be attached to the employer's copy of the contract. Any other terms that may be consequential to the contract are included here as Special Provisions. If none, write "none".

G. Insert the appropriate job title and code according to the Dictionary of Occupational Titles. Insert the employer's title for the same job. Include a detailed description of the PSE registrant's job duties.

H.1. Total hours of reimbursement allowed under this contract. Product of H.1. a. and b., below.

H.1.a. Number of weeks of WIN subsidy allowed may not exceed 52.

H.1.b. Number of hours per week of subsidy. Normally, same as employer's work week, but must be in 30-44 hour range.

H.2. Sum of H.2.a-f. below. May not exceed $12,000.

H.2.a. Total reimbursement allowed for wages. Equals the wage rate per hour multiplied by H.1.

H.2.b. Total reimbursement allowed for employer's cost of workers compensation insurance coverage. Not allowed for self-insured employers.

H.2.c. Total reimbursement allowed for employer's contribution to the State Unemployment Insurance fund. Paid only on the first $7,000 of wages ($7,500 as of January 1, 1978 and $8,000 on January 1, 1979). Not allowed for employers who reimburse the State UI fund for actual expenditures.

H.2.d. Total reimbursement allowed for employer's contribution for Social Security benefits.

H.2.e. and f. Total reimbursement allowed for employer's contribution for other fringe benefits, such as retirement funds, uniform allowances, etc.

H.3. Allowed only for Indian tribes on reservations. Fixed rate is $.25 per contract hour.

H.4. May not exceed $12,000 plus H.3.

H.5. Does not include allowances for administrative costs.

I. Insert information requested. Area/WIN manager is only authorized signature unless a statement is on file at State WIN office indicating other authorized signatures. Authorized representative for the employer is to sign monthly invoices unless another person is so authorized in Special Provisions. Employer's certification must be completed only if dealing with a public agency, corporation, committee, commission or association. Person signing certification must have authority to sign contracts for and in behalf of the employer. Signature of witness is necessary only if the employer's certification is not required.

WIN/PSE CONTRACT MODIFICATION

(A) 8 | | | P | | | Contract #. Modification # (B) .
FY 9

(C) | | | | | | Effective Date.
10 MMDDYY 15

Employer: (D)

Area/WIN Office: (E)

The above numbered contract is modified as follows:

1. The number of weeks allowed is changed from _____ to _____.
2. The ending date is changed from _____ to

16 MMDDYY 21 .

3. Wage and fringe benefits. (Complete a-f only if change in reimbursement rate.)

a. Wages Remaining $ _____ (wages/hour) x _____ (hours remaining) = $ _____

b. Workers Compensation $ _____ (wages (3a)) x _____ (rate(%)) = $ _____

c. Unemployment Insurance $ _____ (wages (3a)) x _____ (rate(%)) = $ _____

d. FICA $ _____ (wages (3a)) x _____ (rate (%)) = $ _____

e. _____ (other) $ _____ x _____ = $ _____

f. _____ (other) $ _____ x _____ = $ _____

g. Total cost of hours remaining (add a-f or h x i) $ _____

h. Hours remaining _____

i. Reimbursement rate (g ÷ h or old rate) $ _____

4. Administrative costs are changed from $ _____ to $ _____.
5. Total cost of the contract is changed from $ _____ to

$		,			.		

22 28 .

6. Reimbursement rate is changed from $ _____ to $ _____.

29 S S N 37

7. Registrant _____
Name

			3			

38 44 STATE OFFICE USE

8. Other

9. Authorized Signatory

_____ is hereby authorized to execute bills/reports
Typed name of newly authorized Signatory pertaining to this contract.

_____
Signature of newly authorized Signatory

This modification is necessary because (F) _____

_____

_____

_____

Except as hereby modified, all terms and conditions of said contract (as heretofore modified) remain unchanged and in full force and effect.

Employer: (G)

By: _____
Signature

_____
Date

_____
Typed Name

_____
Title

Area/WIN Office:

By: _____
Area/WIN Manager

_____
Date

_____
Typed Name

INSTRUCTIONS FOR COMPLETING WIN/PSE CONTRACT
MODIFICATION, WIN-25

A. Same as C. 1. on PSE contract form (WIN-24).

B. Enter the cumulative number of modifications (WIN-25's), including the current one, which have been initiated on this contract.

C. The date (in MMDDYY format) this modification goes into effect. May not be earlier than the date all parties sign in item H.

D. Same as A. on PSE contract.

E. Same as listed in paragraph I. of PSE contract.

1. From: H. 1a. of contract. To: the new number of weeks allowed. May not exceed 52.

2. From: C4. of contract. To: the new ending date (in MMDDYY format). Must coincide to number of weeks allowed. The ending date of a PSE contract may not be modified if only to allow for expenditure of WIN funds remaining in the contract at the originally agreed to ending date.

3. Complete items a-f whenever modification involves a change in reimbursement rate, i.e. hourly wage and/or benefits.

3a. Total reimbursement allowed for wages during the modification period. Hours remaining equals the number of workdays between effective date (C) and ending date (2.) multiplied by the number of working hours per day.

3b. Total allowed for cost of workers compensation insurance during the period to be modified. Not allowed for self-insured employers.

3c. Total allowed for contributions into the State Unemployment Insurance Fund during the period under modification. Paid only on the first $7,000 of wages ($7,500 as of January 1, 1978, and $8,000 on January 1, 1979). Not allowed for employers who reimburse the UI Fund for actual expenditures.

3d. Total allowed for employer's Social Security contributions during the period under modification.

3e; f. Total reimbursement allowed for employer's cost of other fringe benefits, such as retirement funds, special allowances, etc., during the period under modification.

3g. Total cost of wages and fringe benefits during period under modification. Normally this is the sum of items 3a. through 3f., but may be the difference between $12,000 and reimbursement for wages and benefits already paid out, whichever is less, if wages per hour and benefit items (3a. through 3f.) are not being modified. This cost will be the product between the hours remaining (see 3a.) and the existing reimbursement rate.

3h. See 3a.

3i. The result of 3g. divided by 3h. If wages per hour and benefit items (3a. through 3f.) are not being modified, use the existing reimbursement rate.

4. Allowed only for Indian tribes on reservations. From: H.3. of contract form. To: The amount being allowed during the modification period plus the amount of administrative costs already paid out. Rate of reimbursement is fixed at $.25 per contract hour.

5. From: H.4. of the contract form. To: 3g. + 4 + total earned prior to modification. May not exceed $12,000 plus administrative costs. All seven spaces should have entries.

6. From: H.5. of contract. To: 3i.

7. This item is not subject to modification but must be completed and must be the same as item 8 on contract form.

8. Insert any other modifications or conditions that may be consequential to the contract.

9. If any person other than those shown for the employer on page 4 of the contract form is authorized to sign WIN/PSE invoices/reports, include his/her name and signature here.

F. Explain why this modification is being initiated.

G. The modification must be signed by persons authorized on the original contract. The Area/WIN Manager is the only authorized signatory for the Area/WIN office, unless a statement is on file at the State WIN office indicating other authorized signatories.

MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES
WORK INCENTIVE PROGRAM
GENERAL PROVISIONS
PUBLIC SERVICE EMPLOYMENT CONTRACT

The General Provisions of this contract consist of the following clauses:

1. Laws Applicable
The employer will perform contracted duties in accordance with Part C, Title IV of the Social Security Act, as amended, and the regulations, procedures, and standards promulgated thereunder. The employer will comply with all applicable Federal, State and local laws, rules, and regulations which deal with, or are related to, the performance of this contract. This contract in no way relieves the employer of responsibility for compliance with the provisions of the Fair Labor Standards Act, as amended.

2. Covenant Against Contingent Fees
The employer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or, at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

3. Nondiscrimination
The employer agrees that there will be no discrimination in this contract on the grounds of age, race, creed, color, sex, handicap or national origin. Civil rights disputes under this contract will be processed according to equal opportunity provisions established by the Department of Labor at 29 CFR Part 31 and by the Department of Health, Education and Welfare at 45 CFR Part 80, and to the extent applicable in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder;

4. Confidentiality
The employer agrees to maintain the confidentiality of any information regarding WIN registrants or their immediate families which may be obtained through employee forms, interviews, tests, reports from public agencies or counselors, or any other source. Without the permission of the registrant, such information shall be divulged only as necessary for purposes related to the performance or evaluation of the contract and to persons having responsibilities under the contract, including those furnishing services to the project under subcontract.

5. Employee Termination
Employees, while the contract is in force, will not be terminated without prior notice and reasonable opportunity for corrections or improvement of performance, as well as notification of the Area/WIN office by the employer;

6. Political Activity
No funds hereunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to this contract with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation

to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. In addition, it should be noted that employees of public bodies and community action agencies may be subject to limitations on their political activities under the Hatch Act (5 U.S.C. 1502(a), 18 U.S.C. 595).

7. PSE Worksite
No WIN registrant will be employed on work involving the construction, operation or maintenance of so much of any facility used or to be used for sectarian instruction or as a place for religious worship, or on any work which will release or free any other person for the performance or rendering of such duties.

8. Inspection and Monitoring
An authorized representative of the Agency shall be appointed and will be responsible for monitoring and evaluating performance under this Contract. In addition, the Secretary of Labor or his duly authorized representative shall have such access to the premises and records of the Public Service Employment employer as he deems necessary to determine whether such employer is carrying out his obligations under the Contract and the Act.

9. Audits and Records
   a. The employer shall maintain records sufficient to support all payments and, upon request of the contracting officer, shall make such reports available to the WIN sponsor and/or to the Federal Government.
   b. The employer shall preserve and make available records until the expiration of 3 years from the date of final payment under the PSE contract, or for such longer period, if any, as is required by applicable statute, or by other clauses of this contract. If the contract is partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final statement;

10. Invoicing and Payment
The employer shall submit certified invoices, monthly to the agency, in such form and reasonable detail as required by the Agency, with such invoice supported by a statement of costs incurred in the performance of this Contract, which are claimed to constitute allowable costs.

11. Limitation of Cost and Budget
In the performance of this Contract, the employer shall be reimbursed by the Agency for allowable costs in an amount not to exceed the total Agency's Share as shown on the budget included in this Contract.

12. Disclaimer of Liability
The Federal Government, represented by the U. S. Department of Labor, is not a party hereto and no legal liability on the part of the Government is implied under the terms and conditions of the Contract. Any liabilities, legal actions, or disputes as may arise under this Contract are between the parties hereto.

13. Registrant Selection
The Agency agrees that the employer as employing agency, shall have the right to select, from WIN registrants, individuals for participation in his Public Service Employment Program provided that such selection shall be made in accordance with the intent of the Act and its regulations, other statutes and regulations related to hiring practices, and requirements of any applicable collective bargaining agreement, and such selection takes into account the job requirements as related.

to registrant's capability in ensuring that the registrant will be provided optimum opportunities for successful participation and subsequent unsubsidized employment in the organization.

14. Safety and Health Conditions
In the performance of this Contract, the Employer agrees to establish and maintain appropriate standards of safety, health and work conditions for the particular work performed by registrants employed under this Contract. Where the work performed by such registrants comes within the purview of standards prescribed pursuant to Federal, State, or local law, such standards shall apply.

15. Registrant Wages
Wage rates for Public Service Employment registrants under the program shall not be lower than the applicable minimum wage rate for the particular work which is being performed. Where there is no applicable minimum wage, the wage rate will provide for comparable wages for comparable services performed in the same area.

16. Concurrence of Collective Bargaining Agent
The employer shall ensure that Public Service Employment assignments are made in accordance with the terms of any applicable collective bargaining agreement, and the appropriate union officials are notified of the entrance of registrants into Public Service Employment assignments in its organization.

17. Maintenance of Effort
Provision of WIN Public Service Employment opportunities and subsequent unsubsidized employment in the regular work force of the Public Service Employment employer --

a. will not result in the displacement of currently employed workers, including partial displacement such as a reduction of nonovertime hours in a normal work week, wages or employment benefits.
b. will not impair existing contracts for service or result in the substitution of Federal for other funds in connection with work which would otherwise be performed, except during the initial employment period.
c. will not substitute public service jobs for existing Federally assisted jobs.

18. Working Conditions
WIN Public Service Employment registrants shall have the same working conditions, have the same rights, and receive the same benefits as other employees of the employing agency.

19. Agency Obligation
The obligations of the Agency shall terminate upon termination of the contract or upon there being a lack of funds available to fulfill such obligation.

20. Workers Compensation
The employer agrees to provide appropriate workers compensation protection to all WIN/PSE registrants.

21. Termination
Notwithstanding any other provisions in this contract, the Agency shall have the right to terminate the contract on 30 days' written notice.

22. Modification
No modification of this contract shall be effective, unless reduced to writing and duly executed by the parties hereto.

Main Points of WIN/PSE

WIN/PSE (Work Incentive Program/Public Service Employment) provides for fully subsidized jobs in the:

1. public sector (units of government, public agencies, or institutions).

2. private nonprofit sector (e.g., social agencies, foundations, charitable organizations, etc.).

The WIN/PSE program will:

1. provide 100% funding for each job up to $12,000 of wages and fringe benefits.

2. fund each job for a period of time depending upon such factors as the skill level of the job and when the employer will be able to fund the position without WIN assistance.

The employer will:

1. provide permanent employment after WIN funding ends, unless circumstances beyond the control of the employer occur (e.g., registrant not performing satisfactorily on the job). This requires that there be a definite plan for funding the position from another source upon termination of the contract.

2. treat the PSE employee the same as any other employee. This includes providing the same working conditions and fringe benefits for the PSE employee.

3. pay the prevailing wage rate for the occupation.

4. follow any merit system regulations which may apply.

5. submit monthly invoices for payment.

The WIN Program will:

1. refer suitable persons to the employer considering both the employer's needs and the skills of the WIN registrant. The employer has the right to accept or reject any referral.

2. provide any necessary counseling or other supportive services.

For more detailed information you may contact:

WIN-32 (Rev. 8/26/77) MINNESOTA DEPARTMENT OF EMPLOYMENT SERVICES

11.4 Tax Credits

A. General. Two types of tax credits are available to employers of AFDC recipients: (1) the WIN Tax Credit; and (2) the Federal Welfare Recipient Employment Incentive Tax Credit, referred to as the Welfare Tax Credit.

Tax credits are job development tools intended to be used as incentive to employers to hire and retain WIN registrants. Informing an employer of the availability of the tax credit subsequent to the hire of a registrant, therefore, is justified only if further WIN hires are likely to be generated as a result. In no event is the AFDC status of an individual who was not placed by WIN to be revealed to an employer, unless the individual has given prior consent to the release of such information.

An employer who hires a WIN registrant may be eligible to claim either the WIN or the Welfare Tax Credit. Only one may be claimed: an employer may not claim both credits for wages paid in the same time period to the same employee.

The WIN credit is a permanent part of the tax laws with no expiration date. The welfare credit is presently in effect until January 1, 1980.

B. WIN Tax Credit.

1. Authority. Section 601 of the Revenue Act of 1971 and PL94-455, the Tax Reform Act of 1976, provide legislative authority for a WIN tax credit. Certain employers who hire individuals who have been registered in the Work Incentive Program are eligible to claim the credit.

2. Tax Credit Provisions.

a. The tax credit is 20% of the wages paid to an individual hired under the Work Incentive Program (WIN employee) for the first 12 months of his/her employment. These 12 months of employment need not be consecutive but must be within 24 calendar months from the date of employment.

b. Employers who hire through regular placement and/or OJT contracts are eligible for the tax credit.

c. The employer can claim the tax credit on the gross wages paid to the employee.

d. The wages paid to a WIN employee must qualify as a normal business expense, i.e., must be incurred in the employer's trade or business and must be deductible. Thus, wages paid to a WIN employee who is a domestic worker in a hotel or restaurant are eligible for the tax credit, but those paid to a WIN employee who is a domestic worker in a private home are not.

e. The employer cannot claim the tax credit if he is otherwise reimbursed for the WIN employee's wages. However, payments made under OJT contracts do not constitute reimbursement for wages.

(1) Under WIN/OJT contracts, the payments made to an employer for the hours an employee is in OJT are compensation for extra supervisory efforts and other training expenses. Even though the employer payments for OJT hours are based on the employee's wage rate, IRS considers the wage to be a factor in a formula for employer's compensation for extraordinary costs and not reimbursement for wages. Thus, for all WIN/OJT contracts, an employer can claim the tax credit on wages paid for the hours a WIN employee is in OJT.

(2) The other main component in a WIN/OJT contract is job-related education (JRE). Again, IRS considers the wage rate to be part of a formula to compensate the employer for providing JRE. As long as the employer incurs some costs other than wages in providing JRE, he can claim the credit on wages paid for the hours a WIN enrollee is in JRE. In most cases, therefore, an employer can claim the tax credit on all wages paid a WIN employee hired under a WIN/OJT contract. He can definitely claim the OJT hours and, if he incurs any costs in addition to wages in providing JRE, he can claim the JRE hours.

3. Amount of Credit

a. Up to $50,000 plus 50% of tax liability over $50,000 may be claimed per tax year. Two factors determine how much tax credit an employer can claim in a given tax year: the amount of credit earned, and the employer's total tax liability for that year. In no case can an employer claim in any year an amount of credit greater than his tax liability. If an employer earns less than $50,000 in credit (i.e., 20% of WIN wages), he can claim an amount up to or equal to his tax liability, no matter what his liability is. Any excess credit can be carried back and then forward to other tax years.

b. If a husband and wife file separate returns and both are entitled to the tax credit, the credit may not exceed $25,000 plus 50% of the excess on each return.

4. Job Standards

a. The employer usually cannot have relocated within the past two years. It is Department of Labor policy that an employer who has relocated his business within two years of his filing the Employer Eligibility Declaration Form is not eligible for the tax credit if the relocation resulted in unemployment in the original area. If an employer indicates that he has moved within the past two years, and if unemployment in the former area is attributable to the move, the request for tax credit certification should be denied. The employer should be notified that he can ask the U. S. Department of Labor to review the request. This request for review should be made through the State WIN office.

b. The WIN employee cannot displace any individual from employment. The law and the IRS regulations state that the WIN employee cannot displace any other individual from employment. The employer is asked to certify on the Employer Eligibility Declaration form that the vacancy offered the WIN employee is not the result of (1) a strike or lockout, (2) a lay off, with other employees waiting to be recalled, or (3) a reduction in nonovertime hours, wages or employment benefits of other workers who currently hold positions similar to the job vacancy. Use of the tax credit cannot conflict with any union bargaining agreement. If an employer indicates that the vacancy results from one of these conditions, tax credit certification is to be denied.

c. Wages must meet applicable Federal, State, or local minimum wage laws. An employer may pay less than the Federal minimum wage rate if a

perquisite is involved. A perquisite is a deduction from the employee's wages to cover the cost of such items as meals and uniforms. If in doubt, contact the Wage and Hour Division of the U. S. Department of Labor.

d. Wages must be comparable to those of other employees in similar jobs. If an employer pays a WIN employee lower wages than he pays other workers who perform comparable services, he cannot claim the tax credit on those wages. Further, if he has already claimed the credit, the IRS can "recapture" or have him repay the amount of credit he claimed on that employee's wages.

e. The WIN employee is entitled to the same employee benefits and rights as other employees in similar positions. This includes the same opportunities for training and advancement.

f. All provisions of applicable Federal, State, and local health, safety, child labor and work hour laws and regulations must be met.

g. All applicable Federal and State workers compensation laws and other laws pertaining to compensation for illness or injury must be complied with.

5. Standards for Hiring of Employees

a. The employee must be hired under the Work Incentive Program.

(1) An employer must hire a person "under a work incentive program established under Section 432 (b) (1) of the Social Security Act". This includes not only WIN registrants placed by WIN through direct placement or in OJT slots or jobs after training, but also registrants who find jobs on their own.

(2) WIN cannot retroactively register an AFDC recipient merely for tax credit purposes.

b. The employer cannot hire an individual who is a close relative of the employer, a dependent, major stockholder, etc. Questions about ineligible employees as described here will probably rarely occur. However, the limitations prescribed by IRS are included for reference in the event such questions arise.

(1) According to the Internal Revenue Code, a close relative is any of the following:

(a) child (including adopted children) and descendants;

(b) stepchild (but not descendants);

(c) brother, sister, half-brother, half-sister, stepbrother, stepsister;

(d) parent, grandparent or other direct ancestor (not foster parent);

(e) stepfather, stepmother;

(f) brother, sister of one's father or mother;

(g) son or daughter of a brother or sister;

(h) father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

(2) Besides close relatives, certain other individuals cannot qualify as WIN employees. First, any dependent individual, other than a spouse, who lives in and is a member of the employer's household, is ineligible. Second, any individual who owns, either directly or indirectly, more than 50% of the stock of a corporation which is claiming the tax credit is also ineligible.

6. Recapture

a. The employer must repay, or the IRS may recapture, any credit claimed if the employee is dismissed before the end of the first 90 days of employment (whether or not consecutive), or during the following 90 calendar days.

b. If there is an early termination for the reasons of voluntary quit, illness, or disability, or dismissal for good cause, the employer is allowed to claim the tax credit on the wages or salaries paid.

c. Recapture does not apply where termination of employment is due to a substantial reduction in the trade or business operations of the employer.

7. Records

a. Employer Eligibility Declaration form, MA 6-72 (See facsimile, 11.4 D., below).

(1) The employer, with the assistance of appropriate WIN staff, completes Part A of the employer Eligibility Declaration form.

(2) WIN completes Part B of the form certifying the employer's eligibility.

(a) WIN must certify that the WIN employee:

(i) was hired under the Work Incentive Program, and

(ii) did not displace any individual from employment

(3) Distribution:

(a) Original--Employer

(b) 1st Copy--Area/WIN office

(c) 2nd Copy--State WIN office

b. Personnel and Payroll Records. The employer maintains the usual personnel and payroll records. He must also be able to show termination records which would show that an employee quit voluntarily or that the employee was terminated for a good cause as defined by the State Unemployment Compensation Laws.

c. IRS Form 4874, Credit for Work Incentive (WIN) Program Expenses. The employer must complete IRS Form 4874 and file it with his normal tax

return. The required forms may be obtained from the nearest IRS office. A facsimile of this form is included in 11.4, D. below for informational purposes.

C. Welfare Tax Credit

1. Authority. The Tax Reduction Act of 1975 and the Tax Reform Act of 1976 provide a tax incentive to private employers who hire recipients of AFDC. This incentive is known as the Federal Welfare Recipient Employment Incentive Tax Credit or the Welfare Tax Credit.

2. Tax Credit Provisions

a. All private employers including those who provide employment for private household workers are eligible for the credit.

b. Qualified employees are AFDC recipients who:

(1) have received benefits for the 90 days preceding employment and remain employed for more than 30 consecutive days on substantially a full-time basis.

(2) have not displaced any other individuals from employment, and

(3) are not migrant workers.

c. The credit is 20% of eligible wages. There is a limit of $5,000 a year on the annual eligible wages for nonbusiness employees (e.g., domestics), $50,000 plus one-half the excess for business employees. See 11.4, B. 3., for further explanation of the $50,000 limit.

d. The local welfare agency certifies recipients as qualified.

e. The credit is based on the expenses paid or incurred for services rendered during the first 12 months of employment (whether or not consecutive).

f. The credit is in effect for hires made before January 1, 1980.

3. Job Standards. The same job standards apply for the Welfare Tax Credit as with the WIN Tax Credit, except that there is no restriction on relocated employers. See 11.4, B., 4. b-g.

4. Certification

a. To be qualified for the Welfare Tax Credit, county welfare departments must certify that an individual:

(1) is eligible for financial assistance under the AFDC provisions of Part A of Title IV of the Social Security Act, and

(2) has continuously received such financial assistance 90 days immediately preceding the date on which such individual is hired by the employer. Form DPW-1590, Certification Form, Welfare Recipient Employment Incentive Tax Credit is to be used for this purpose. (See facsimile, 11.4 D., below.)

b. County Welfare departments are to provide form DPW-1590 to employer-applicants upon request. The employer-applicant is to complete

Part A of the form and is responsible for securing the necessary release of information authorization from the recipient-employee (Part B). Upon receipt of this information from the employer-applicant, county welfare staff are to complete Part C of the form, if appropriate, returning the completed employer-applicant and recipient-employee copies to the employer, and forwarding DPW's copy to the Work and Training Section of DPW. The remaining copy is to be filed in the recipient's financial case record.

5. Claims. The employer must complete IRS Form 4874, Credit for Work Incentive (WIN) Program Expenses, to claim the Welfare Tax Credit. The form is filed with the employer's normal tax return and is obtainable from the nearest IRS office. (See form facsimile, 11.4 D., below.)

D. Forms. Facsimiles of tax credit forms MA 6-72, IRS 4874 and DPW-1590 follow. Instructions for their use may be found in paragraphs 11.4 B. 7. and 11.4 C. 4.

U.S. DEPARTMENT OF LABOR • MANPOWER ADMINISTRATION

ELIGIBILITY DECLARATION

IRS IDENTIFICATION NO.

PART A. (To be completed by Employer-Applicant)

NAME OF EMPLOYER *(Firm or Individual)*	NAME OF WIN PARTICIPANT *(First, Middle, Last)*
ADDRESS *(No., Street, City, State, ZIP Code)*	ADDRESS *(No., Street, City, State, ZIP Code)*
	PHONE NUMBER / SOCIAL SECURITY NO.

Has the above establishment been relocated within two years immediately preceding this date resulting in unemployment in the original area of the establishment? ☐ YES ☐ NO

I hereby declare that the above named WIN PARTICIPANT was hired by the above named employer on *(date)* ....., as *(job title or occupation)* ....., at *(wage rate)* $ ....., and that the wage paid to this WIN PARTICIPANT is not less than wages paid to other employees of this employer for similar jobs in this establishment, and that the employment of this WIN PARTICIPANT has not displaced any individual from employment, i.e.,

(1) That no reduction in non-overtime hours, wages or employment benefits has occurred or is expected to occur for workers currently employed by the above-named employer-applicant which can be related to the employment of the above-named WIN PARTICIPANT;

(2) That no employees are in layoff status awaiting recall for positions to be filled by the WIN PARTICIPANTS;

(3) That the vacancy to be filled by the WIN PARTICIPANT is not the result of a strike or lockout in the course of a labor dispute.

Furthermore, I CERTIFY that this employment meets and will continue to meet minimum standards as follows:

(1) The wage paid is no less than any applicable Federal, State or local minimum wage, or the wage paid to other employees of the employer for similar jobs, whichever is higher;

(2) All provisions of applicable Federal, State and local health, safety, child labor and work hours laws and regulations are met;

(3) The WIN PARTICIPANT will be afforded the same employee benefits including opportunities for training and advancement as others similarly employed in the same establishment;

(4) All applicable Federal and State workmen's compensation or other laws pertaining to compensation for illness or injury are complied with.

SIGNATURE AND TITLE *(Authorized Employer Representative)*	DATE

NOTE: It is a criminal offense, punishable by a penalty of not more than $10,000 or five years imprisonment, or both, to knowingly and willfully falsify a material fact in this application for Certification Form.

INSTRUCTION

One signed copy of ELIGIBILITY DECLARATION FORM is to be returned to Employer, one copy is to be sent to CRU's in the usual manner, and one copy is to be retained in the WIN project.

PART B. (To be completed by WIN Project)

WIN PROJECT NUMBER	ADDRESS *(No., Street, City, State, ZIP Code)*
TELEPHONE NUMBER	

I hereby declare that the above named individual was placed in the above described employment under a Work Incentive Program established under Section 432(b)(1) of the Social Security Act, and that this employment has not displaced any individual from employment.

SIGNATURE AND TITLE *(WIN Certification Officer)*	DATE

MA 6-72
Revised February 1974 (SN-24055)

Form **4874**
Department of the Treasury
Internal Revenue Service

Credit for Work Incentive (WIN) Program Expenses

▶ Attach to your tax return.

1976

Name | Identifying number as shown on page 1 of your tax return

Qualified Work Incentive Program Salaries and Wages and Federal Welfare Recipient Employment Incentive Expenses

1 WIN wages (including Federal welfare recipient employment incentive expenses other than expenses paid or incurred to employees hired after September 7, 1976 in connection with a child day care services program for the period of September 8, 1976 through September 30, 1977) paid or incurred to employees:

Note: *Nonbusiness Federal welfare recipient employment incentive expenses incurred by the taxpayer are limited to $5,000 per employee for the taxable year. Include your share of WIN wages paid or incurred to each employee by a partnership, estate, trust, or small business corporation.*

Name of employee	Social security number	Date employment began	Current year's WIN wages
(a)			
(b)			
(c)			

2 Total of lines 1(a) through (c) 2

3 Tentative credit (20% of line 2) 3

4 Carryback and carryover of unused WIN credits (see instruction for line 4—attach computation) . . . 4

5 Total—Add lines 3 and 4 5

6 Federal welfare recipient employment incentive expenses paid or incurred to employees hired after September 7, 1976 in connection with a child day care services program for the period of September 8, 1976 through September 30, 1977.

Note: *Federal welfare recipient employment incentive expenses paid or incurred to employees in connection with a child day care services program is limited to $5,000 for each employee.*

Name of employee	Social security number	Date employment began	Current year's WIN wages
(a)			
(b)			
(c)			

7 Total of lines 6(a) through (c) 7

8 Tentative credit (20% of line 7) 8

Limitation

9 (a) Individuals—Enter amount from line 18, page 1, Form 1040 9

(b) Estates and trusts—Enter amount from line 24 or 25, page 1, Form 1041 9

(c) Corporations—Enter amount from line 9, Schedule J, page 3, Form 1120 9

10 Less: (a) Credit for the elderly (individuals only) . . . . . 10(a)

(b) Foreign tax credit . . . . . 10(b)

(c) Investment credit . . . . . 10(c)

(d) Credit for contributions to candidates for public office (individuals only) . . 10(d)

(e) Tax on lump-sum distribution (see instruction for line 10(e)) . . . . . 10(e)

(f) Possession tax credit (corporations only) . . . . . 10(f)

11 Total—Add lines 10(a) through (f) 11

12 Line 9 less line 11 12

13 (a) If line 12 is $25,000 or less, enter line 12. (Married persons filing separately, controlled corporate groups, estates, and trusts, see instruction for line 13.) . . . . . 13(a)

(b) If line 12 is more than $25,000, enter the amount computed in accordance with the formula in instruction for line 13. (Married persons filing separately, controlled corporate groups, estates, and trusts, see instruction for line 13.) . . . . . 13(b)

14 WIN credit limitation for WIN wages other than Federal welfare recipient employment incentive employee wages paid or incurred in connection with a child day care services program—Enter amount from line 13(a) or (b) 14

15 Enter lesser of line 5 or line 14 15

16 Line 12 less line 15 16

17 WIN credit limitation for Federal welfare recipient employment incentive employee wages paid or incurred in connection with a child day care services program—Enter amount from line 8 or line 16, whichever is lesser 17

18 Total allowable WIN credit—Add lines 15 and 17 (enter here and on line 53, Form 1040; line 10(c), Schedule J, page 3, Form 1120; or the appropriate line on other returns) 18

Schedule A If any part of the above WIN wages (including Federal welfare recipient employment incentive expenses) was paid or incurred by a partnership, estate, trust, or small business corporation, complete the following:

Name and address (partnership, estate, trust, etc.)	Name of employee	Amount

Form **4874** (1976)

General Instructions

(References are to the Internal Revenue Code.)

Employers may claim an income tax credit of 20 percent of (1) the salaries and wages they paid for the first 12 months employment of a worker hired under a Work Incentive (WIN) Program plus (2) the amount of Federal welfare recipient employment incentive expenses paid or incurred after March 29, 1975 and before January 1, 1980, except that the WIN credit for Federal welfare recipient employment incentive expenses paid or incurred in connection with a child day care services program, is allowable for the period of September 8, 1976 through September 30, 1977. The child day care services program WIN credit is only for wages paid (up to $5,000 for each employee) to eligible employees hired after September 7, 1976. The credit does not effect an employer's deduction of the salaries and wages as a business expense. The credit is allowed and computed under sections 40, 50A and 50B.

A. Who Must File.—Any individual, estate, trust, or corporation claiming a tax credit for WIN wages must attach this form to its income tax return.

Small business corporations and partnerships are not required to file this form because the shareholders and partners claim the credit.

Small business corporations and partnerships must attach to their income tax return a statement showing the allocation to each shareholder or partner of its WIN wages with respect to each WIN employee and Federal welfare recipient employment incentive employee. This statement must also show each such employee's name, social security number, date employment began and the WIN wages paid or incurred.

An estate or trust that apportions the WIN wages between itself and the beneficiaries should, in addition to filing this form, attach a statement showing the allocation of the WIN wages for each employee between the estate or trust and each beneficiary.

For further details on the allocation of WIN wages see sections 1.50B–2, 3, and 4 of the regulations.

B. WIN Wages.—The term "WIN wages" means the sum of:

(A) the amount of wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

(1) having been placed in employment under a WIN program established under section 432 (b)(1) of the Social Security Act, and

(2) not having displaced any individual from employment, plus

(B) Effective after June 30, 1976, the amount of Federal welfare recipient employment incentive expenses paid or incurred by the taxpayer during the first 12 months of employment (whether or not consecutive) for services rendered to the taxpayer by an eligible employee. (Note: *Such expenses paid before July 1, 1976 are not limited to the 12-month period stated above.*)

An eligible employee for purposes of Federal welfare recipient employment incentive expenses is an individual—

(1) who has been certified by the Secretary of Labor or by an appropriate agency of State or local government as being eligible for financial assistance under Part A of title IV of the Social Security Act and as having continuously received such financial assistance during the 90-day period which immediately precedes the date on which such individual is hired by the taxpayer,

(2) who has been employed by the taxpayer for a period in excess of 30 consecutive days on a substantially full-time basis,

(3) who has not displaced any other individual from employment, and

(4) who is not a migrant worker.

An eligible employee includes an employee of the taxpayer whose services are not performed in connection with a trade or business of the taxpayer.

A migrant worker for purposes of Federal welfare recipient employment incentive expenses means an individual who is employed for services for which the customary period of employment by one employer is less than 30 days if the nature of such services requires that such individual travel from place to place over a short period of time.

WIN wages paid must be comparable to wages paid to non-WIN employees for comparable services.

The term "salaries and wages" means only cash remuneration (including amounts deducted and withheld).

C. Limitations.—

(1) The WIN wages of WIN employees must be incurred in a trade or business. However, Federal welfare recipient incentive employment expenses may be incurred for services that are not performed in connection with a trade or business.

(2) Expenses paid or incurred with respect to WIN employees cannot be taken into account with respect to Federal welfare recipient employment incentive employees. Expenses paid or incurred with respect to Federal welfare recipient employment incentive employees cannot be taken into account with respect to WIN employees.

(3) Nonbusiness Federal welfare recipient employment incentive expenses incurred by the taxpayer are limited to $5,000 per employee for the taxable year.

(4) The credit cannot be claimed on WIN wages for which the employer is reimbursed.

(5) The WIN employee and Federal welfare recipient employment incentive employee must work in the United States.

(6) No WIN wages may be taken into account after the end of the 24-month period beginning with the date of initial employment of the WIN employee.

The initial date of employment is the date the WIN employee and Federal welfare recipient employment incentive employee reported to the employer for work.

(7) The WIN employee and Federal welfare recipient employment incentive employee cannot be closely related to the employer as determined under section 152(a)(1) through (8), or a dependent of the employer as determined under section 152(a)(9).

If the employer is a corporation, such employee cannot be closely related to, or a dependent of, any individual who directly or indirectly owns more than 50% in value of the outstanding stock of the corporation as determined under section 267(c).

If the employer is an estate or trust, such employee cannot be a grantor, beneficiary, or fiduciary of the estate or trust, or closely related to, or a dependent of such grantor, beneficiary, or fiduciary.

D. Recapture of WIN Credit.—Effective for the period after October 3, 1976 (Note: For the period before October 4, 1976, substitute "12 months" for "90 calendar days" and "90 days" in the following.), the employer must repay any tax credit previously taken on the WIN wages paid or incurred with respect to a WIN employee, if:

(1) the WIN employee is dismissed before the end of the first 90 calendar days of employment (whether or not consecutive) or during the following 90 calendar days,

(2) the employer makes his working conditions so intolerable that he is compelled to quit, or

(3) the employer pays less than the wages paid to other employees performing comparable services.

The recaptured credit is added to the tax liability for the year the employee is dismissed (or the year comparable wages are not paid).

The recapture provisions do not apply with respect to a Federal welfare recipient employment incentive employee. They also do not apply to a WIN employee who:

(1) voluntarily quits work,

(2) was dismissed due to misconduct as determined under the applicable State unemployment compensation law, or

(3) becomes disabled and cannot return to work within the first 90 days of employment (whether or not consecutive) or during the following 90 calendar days, or

(4) was terminated after October 3, 1976 due to a substantial reduction in the trade or business operations of the taxpayer.

For further details see sections 1.50A–3 and 4 of the regulations.

Specific Instructions

Mutual savings institutions, regulated investment companies, real estate investment trusts, and cooperatives—see section 1.50B–5 of the regulations for special limitations.

☆ U.S. GOVERNMENT PRINTING OFFICE : 1976—O-216-168

Line 1.—Enter the amount of WIN wages paid or incurred to each employee other than eligible Federal welfare recipient employees whose services are performed in connection with a child day care services program. Nonbusiness Federal welfare recipient employment incentive expenses incurred by the taxpayer are limited to $5,000 per employee for the taxable year.

Estates and Trusts.—In the case of an estate or trust the WIN wages are apportioned between the estate or trust and the beneficiaries on the basis of the estate or trust income allocable to each.

Small Business Corporations and Partnerships.—In the case of a small business corporation or partnership, the WIN wages are prorated among the shareholders or partners.

A small business corporation must prorate the WIN wages among those who are shareholders on the last day of the corporation's taxable year.

Line 4. Priority of Application of Unused Credits.—The limitation is first absorbed by: (1) credit for WIN employee wages for the current year, and then by (2) unused WIN credits from taxable years beginning after 1971.

Line 10(e). Tax on Lump-Sum Distributions.—Enter the amount of partial tax included in line 9 by the recipients of lump-sum distributions from qualified employees' trusts or annuity plans.

Line 13. Limitation.—

Generally, if the tax liability (line 12) is $25,000 or less, the credit may not exceed the amount of the tax liability.

Effective after October 3, 1976, the limitation based on amount of the tax was increased. If your taxable year includes October 3, 1976 and if the tax liability (line 12) exceeds $25,000, the credit is limited to the amount computed in accordance with the following formula:

$$\left[\left(\$25{,}000 + \begin{array}{c}\text{50\% of amount by which}\\ \text{line 12 exceeds \$25,000}\end{array}\right) \times \frac{\text{Number of days in taxable year before 10/4/76}}{\text{Number of days in taxable year}}\right] + \left[\left(\begin{array}{c}\text{Lesser of line 12}\\ \text{or \$50,000}\end{array} + \begin{array}{c}\text{50\% of amount by which}\\ \text{line 12 exceeds \$50,000}\end{array}\right) \times \frac{\text{Number of days in taxable year after 10/3/76}}{\text{Number of days in taxable year}}\right]$$

Note: *Taxpayers with taxable years beginning after October 3, 1976, will not use the above formula. If their tax liability is $50,000 or less, the credit may not exceed the amount of the tax liability. If their tax liability exceeds $50,000, the credit limitation is $50,000 plus 50% of the excess. However, married individuals, controlled groups, and estates and trusts, see section 50A(a)(4), 50A(a)(5), and 50B(e), respectively.*

If a husband and wife file separate returns and both are entitled to the WIN credit, compute the limitation by substituting (1) $12,500 in the place of the $25,000 in line 13(a), (2) $12,500 in the place of $25,000 in the first half of the formula, and (3) $25,000 in the place of $50,000 in the second half of the formula.

Controlled corporate groups (see section 1563(a)) must apportion (1) the $25,000 contained in line 13(a), (2) the $25,000 in the first half of the formula, and (3) the $50,000 in the second half of the formula among all component members. A component member's consent to an apportionment plan is made by a statement signed by an authorized person stating that the member consents to the apportionment plan. The controlled group must file annually a consent to an apportionment plan.

For an estate or trust the $25,000 contained in line 13(a) and the $25,000 and $50,000 amounts in the formula must be reduced to (a) each such amount multiplied by (b) the qualified salaries and wages apportioned to the estate or trust, divided by (c) the aggregate qualified salaries and wages apportioned among the estate or trust and its beneficiaries.

Note: *The overall limitation discussed above does not apply to the WIN credit for Federal welfare recipient employees whose services are performed in connection with a child day care services program. The total WIN credit for wages paid to such employees is limited to the amount computed on line 17 of Form 4874.*

Unused Credit.—If the credit for the tax year is more than the allowable amount, the unused portion may be carried back three years (but not to years beginning before 1972) and then forward seven years from the year the unused credit originated.

DPW-1590
(9-76)

CERTIFICATION FORM

IRS IDENTIFICATION NO.

WELFARE RECIPIENT EMPLOYMENT INCENTIVE TAX CREDIT

TAX REDUCTION ACT OF 1975

PART A (TO BE COMPLETED BY EMPLOYER-APPLICANT)

NAME OF EMPLOYER (FIRM OR INDIVIDUAL)	NAME OF RECIPIENT-EMPLOYEE (FIRST, MIDDLE, LAST)
ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)	ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)
	SOCIAL SECURITY NO.

I hereby declare that the information concerning the above-named employee is required by me or my firm to apply for the Federal Welfare Recipient Employment Incentive Tax Credit under provisions of the Tax Reduction Act of 1975 and that the information requested on this form will not be used for any other purpose.

I further declare that the above-named employee was employed by me or my firm on (date)_____ as a (Job Title or Occupation)_____ at (Wage Rate) $_____, that the wage paid to this employee is not less than wages paid to other employees for similiar work, and that the employment of this person has not displaced any other employee.

SIGNATURE AND TITLE (AUTHORIZED EMPLOYER REPRESENTATIVE)	DATE

PART B (TO BE COMPLETED BY RECIPIENT-EMPLOYEE)

I hereby authorize the _____ County Welfare Agency to release to my employer the information requested below. I understand that this information will be used by my employer for the sole purpose of applying for the Federal Welfare Recipient Employment Incentive Tax Credit under provisions of the Tax Reduction Act of 1975.

SIGNATURE (RECIPIENT-EMPLOYEE)	DATE

PART C (TO BE COMPLETED BY COUNTY WELFARE AGENCY)

The above-named individual is hereby ☐ certified ☐ not certified as having been eligible for Aid to Families with Dependent Children (AFDC) under Title IV A of the Social Security Act immediately preceding the date of hire as well as having continuously received such financial assistance during the 90 days immediately preceding this date of hire.

SIGNATURE AND TITLE (AUTHORIZED AGENCY REPRESENTATIVE)	DATE

CHAPTER TWELVE

TRANSITION TO EMPLOYMENT, FOLLOW-UP AND DEREGISTRATION

Contents: This chapter deals with the need to prepare the registrant for the changes in life style inherent in returning to the world of work. It also emphasizes the role of follow-up in developing an effective program that offers support to registrants after job entry. The situations and reasons for deregistration are presented along with the agency responsibilities for WIN deregistration.

I. Preparation for Transition to Employment.

A. General. The E&T agency and the SAU have an obligation to assist registrants in understanding the changes in their day-to-day lives and the new decisions necessary as a result of being employed full-time. The IMU should assist the E&T agency, the SAU, and the client in understanding the eligibility standards for continued assistance, food stamps, and Title XIX and XX services.

1. Financial Concerns. Those areas of potential change affecting the registrant's finances should be discussed with the registrant. They include, but are not limited to:

a. The assistance check.

1) Termination of assistance; or

2) Change in the amount of the check, including an explanation of the $30 and 1/3 disregard, and work related expenses (e.g., child care).

b. Salary vs. actual take home paycheck, including an explanation of such payroll deductions as:

1) Taxes;

2) Uniforms or lunches;

3) Union dues;

4) Pension fund and/or Social Security; and

5) Hospitalization or health care plan.

c. Eligibility for Medicaid or medically needy program and/or need for hospitalization coverage.

d. Eligibility for food stamps and/or public housing;

e. Eligibility for Title XX services and an explanation, where appropriate, of sliding fee schedules.

f. Eligibility for Earned Income Tax Credit; and

g. Availability of assistance in developing personal budget.

2. Family Concerns. Patterns of behavior and life style may be changed as a result of full-time employment. Some of the changes, if made abruptly without assistance for the registrant in thinking through how the household can best meet these changes, may have the potential to cause later interruptions in the registrant's employment. The SAU and the E&T agency must be aware of such potential problem areas as listed below and discuss them with the client as appropriate.

a. Allocation of time.

1) Scheduling of clinic visits or visits to other social service agencies;

2) Times for shopping, laundry, and other home-making chores; and

3) Time for housework and possible delegation of responsibilities or chores to children or other family members.

b. Separation from family. Reassurance for children, or a sick or disabled spouse as well as personal attention after the registrant's absence all day.

c. Role redefinition. Preparation of family members for the new role of registrant and the concomitant possible rearrangement of roles within the family.

d. Emergency child care arrangements.

3. Access to community services. Registrants must know if agencies and organizations presently providing service or assistance to them will continue such provision after employment. They must be made aware of appropriate resources in the community that will be available to them to help them achieve self-sufficiency. The E&T agency and the SAU have a responsibility to provide information on:

a. Child care arrangements:

1) Continuation of present arrangements by Title XX or another social service agency;

2) Inclusion of costs in a supplemental welfare grant; and

3) Need for new arrangements.

b. Transportation to employment:

1) Carpool possibilities;

2) Public transportation routes and schedules; and

3) Possible purchase or repair of a car as personal funds become available.

c. Additional educational and/or training opportunities to provide for future upward mobility.

d. Other community resources available to assure that ongoing and future service needs may be met to the maximum extent possible.

4. Anticipation of Work Adjustment Problems.

a. Work place expectations. If the registrant has not been involved in a component or other program which would provide information about general employer expectations (i.e., promptness, grooming, notification of absence) such topics should be discussed with the registrant as deemed appropriate by WIN workers.

b. Previous pattern of work adjustment problems. Any problems of past work adjustment should be reviewed by the E&T worker and/or the SAU workers to determine if similarities exist in the new job assignment. Any anticipated areas of concern should be discussed with the registrant.

c. Work-group tension. If the registrant is being placed in a nontraditional job or in any situation where work group relations may be difficult or problems more likely to develop, the registrant should be informed of these possibilities and reassured that counseling help will be available.

5. Employment-Related Decisions. Immediately upon entry into a number of jobs, the individual is called upon to make decisions which may have serious long range consequences. To the extent possible, WIN staff should inform the registrant ahead of time about the need to make such decisions and provide any positive and/or negative feedback regarding the consequences of such decisions. Some employment-related decisions are:

a. Waiver of eligibility to employer's health and medical plan.

1) How soon, if ever, can the registrant reconsider his/her decision?

2) Does the registrant need additional coverage or will s/he retain medicaid eligibility?

3) To what extent are any children with special needs covered?

b. Waiver of eligibility for employer's life insurance or disability insurance.

c. Possible union membership.

d. Shift selection and pay differential.

B. Determining a Contact Person. During this transitional phase, the E&T agency and the SAU should determine an appropriate contact person for any problems that may occur after employment has begun. The registrant should also be informed regarding the availability of the 30-day emergency child care assistance.

II. Follow-up.

A. Purpose. Follow-up contacts are critical links in program efforts to ensure retention after entry into employment or successful completion of a training program. These contacts:

1. Permit the verification of employment status. The program's credibility as an employment effort providing further services as necessary is enhanced by these employer contacts;

2. Allow workers to determine if social services are in place and satisfactory as well as to reassure registrants of the availability of further help should it be needed; and

3. Provide an opportunity for the registrants to report any problems related to their new status.

B. WIN Staff Responsibilities. Both the WIN E&T agency and the SAU staff have a responsibility not only to prepare the registrant to move successfully into an employment or training setting but also to follow-up with the registrant after entry into a job or training program.

C. Content of the Follow-Up Contacts. The follow-up contacts should, as appropriate to the registrant's circumstances, include the following information:

1. Verification of employment status: employer's name and address, salary, and hours of work;

2. Determination that social services are/are not being provided in a timely and satisfactory manner;

3. Reassurance to the registrant of the availability of project staff if later difficulties occur in relation to retaining employment. Special mention should be made of emergency child care services and/or funds;

4. Assessment of the family's adjustment to the registrant's new role and his/her absence from the home during working hours;

5. An inquiry as to any job-related problems or additional social service needs;

6. Determination that any steps the registrant must take to assure continued eligibility for services have been accomplished; and

7. A reminder to the working registrant that while s/he remains on welfare, receiving a supplemental assistance payment, any changes in income due to salary increases or decreases or additional payroll deductions must be reported to the IMU.

D. Follow-Up Procedures.

1. Establishing Procedures.

a. In order to avoid duplicative follow-up efforts, procedures should be specified in the LOP identifying the circumstances under which the E&T agency or the SAU will have the primary follow-up responsibility for the client.

b. While responsibility may be divided by whether or not the registrant is certified, or whether the registrant has had any agency contact or by any other method, all appropriate areas of concern noted in the follow-up content should be covered by the agency responsible for the follow-up.

2. Modes of Follow-Up. Follow-up contacts may be made by telephone. Face-to-face interviews at the job site, in the SAU office or in the home are even more preferable methods of contact as they allow the WIN staff member to assess the registrant's situation more broadly. Such face-to-face interviews do not necessarily have to take place during working hours but may take place before or after working hours.

3. Registrant Confidentiality. It is important to remember that some employers may react adversely to learning of a registrant/employee's welfare status. When WIN staff contact an employer who may not know s/he has hired a welfare recipient, staff may not disclose the recipient's status unless the registrant has indicated the employer may be told of his/her status. Section 402 (a)(9) of the Social Security Act provides for confidentiality safeguards regarding disclosure of information concerning welfare recipients, and states have issued clarification policies and procedures elaborating on this law.

4. The Timing of Follow-Up Contacts.

a. An initial contact with the registrant must be made within a week of placement on a job, receipt of information that the registrant has entered employment, or assignment to a component.

b. The responsibility to determine if further social or employment services are needed is the responsibility of the agency making the contact.

c. Follow-up contacts with both the registrant and the employer or trainer are recommended to provide an adequate perspective of how job adjustment or training is progressing.

d. Follow-through. The follow-through contact for reporting purposes on the WIN Status Change Notice (WIN-20) shall occur 30 days after the registrant enters unsubsidized employment. (For further clarification regarding reporting procedures see Chapter XV.)

e. Additional follow-up contacts are recommended in the following instances:

1) When the employed registrants are removed from the welfare roles and are living on only their earned salaries; and

2) When WIN services are terminated after 30, 60 or 90 days.

f. A long term follow-up contact at some established time period (at least 90 days after job entry) is an excellent indicator of retention.

g. Where SAU funds are used for child care, remedial medical treatment or other social service requiring referral to another provider, the SAU has a responsibility to follow-up with the provider to assure the registrant's adjustment to the service or to discover any problems which have arisen.

E. Additional WIN Social Services After Job Entry. Additional WIN social services may be provided after job entry to ensure the registrant remains employed. Other community resources should also be sought out to aid in this movement towards self-sufficiency.

F. Transfer of Case to Other Social Service Agencies. The SAU should establish a time frame within which it will begin the transfer of a case to the Title XX agency where continuity of a social service such as child care or homemaker is essential to the registrant remaining on the job. Where Title XX eligibility requirements preclude employed former WIN recipients, other social service resources should be contacted in anticipation of needed services.

G. Counseling. Frequently staff members engaged in follow-up contact will find some counseling is necessary to deal with immediate problems the registrant reports. Generally this counseling can be done at the time of the contact; however, in some cases additional counseling may be helpful before or after work or on the registrant's lunch time.

H. Reimbursement. Where it is anticipated that follow-up activities will be especially intense and time-consuming for the employer, a reimbursement may be offered to the employer. This intensive job follow-up reimbursement is funded with WIN OJT monies. (See Chapter VIII).

I. When the Follow-Up Contact Finds the Individual Is No Longer Employed.

1. A procedure to deal with those registrants who are no longer working at the time of the contact must be developed by the local E&T agency and the SAU.

2. Frequently a reassessment of the EP may be necessary to determine if it is appropriate, and where in the WIN system the registrant should be assigned.

3. Information regarding why the registrant is not working should be analyzed to determine if:

a. a pattern of difficulty in retaining employment exists;

b. de facto refusal to participate exists;

c. preparation for employment was adequate;

d. the job was not appropriate to the individual's skill level;

e. any other reason.

4. Office managers may choose to conduct local surveys of reasons for registrants not remaining employed for a specified period of time to determine if any programmatic adjustments are necessary.

III. Deregistration.

A. Definition. Deregistration is the removal of an individual from the WIN program and termination of the person's WIN registration.

B. Agency Responsibilities.

1. WIN E&T Agency. The WIN E&T agency is responsible for all WIN deregistrations.

a. Deregistration will be accomplished by completing field 46 on the WIN Status Change Notice (WIN-20). At the same time, the ES staff person initiating the WIN Status Change Notice (WIN-20) will prepare the Notice of Deregistration (WIN-6), to be sent to the registrant. This must be done for all deregistrations, since it is the E&T agency's responsibility to inform the registrant that s/he has been deregistered.

b. An additional copy of the WIN Status Change Notice (WIN-20), or 1 copy of the WIN Status Change Notice (WIN-20B) is to be prepared and sent to the State WIN Office for all cases where an individual is leaving "H," "N," or "C," (field 43). This is to be done even though the individual is not being deregistered. It is no longer necessary to prepare a Notice of Deregistration (WIN-6) for the State Office for a sanctioned individual.

c. The action in "a," above, must be completed and the appropriate notification sent to the IMU within 3 days following the deregistration.

2. IMU. The IMU has 2 basic responsibilites that relate to WIN deregistration. In carrying out its responsibilities, the IMU must:

a. Notify the WIN E&T agency of any change in an individual's employment, AFDC eligibility, or exemption status which may result in deregistration; and

b. Make any required adjustment to the family's assistance payment and AFDC status as soon as notified by the WIN E&T agency that an individual has been deregistered.

3. SAU. When in the course of its contact with the registrant, the SAU:

a. Identifies a medical condition it believes would exempt the registrant from further participation in the program it should notify the E&T agency and the IMU of its finding and request an exemption determination by the IMU. All pertinent medical information should be forwarded to the IMU staff making the exemption determination;

b. Discovers the registrant is employed, it should notify the E&T agency and the IMU so that a determination of continued welfare eligibility can be made;

c. Provides counseling for failure or refusal to participate as part of the adjudication process and determines the registrant is not accepting counseling, or the counseling time period is fulfilled and the registrant has refused to return to WIN, the SAU should notify the E&T agency of the registrant's continued refusal to participate. (See Chapter VII, Sixty-Day Counseling.)

C. Deregistration Requirements. The WIN E&T agency shall deregister an individual for any of the reasons listed below. Deregistration shall be effective at the time specified.

1. Employed After Registration, Off AFDC. Deregistration takes effect immediately upon notice from the IMU that the registrant's AFDC case has been closed as a result of employment, unless the individual is still engaged in OJT or PSE, or is employed and still receiving WIN-funded services. In such cases, deregistration shall be delayed until such WIN involvement is completed, even though the AFDC case has been closed.

2. Employed Volunteer, Not Off AFDC. An employed voluntary registrant is deregistered at the end of the authorized period of WIN-funded social services (usually 30 days) provided:

a. The job was obtained after registration; and

b. Supplemental AFDC assistance will continue; and

c. The individual no longer wishes to remain registered or, in the opinion of the E&T agency, the individual can no longer benefit from the WIN program.

3. Applicant Not Eligible for AFDC. An applicant who registers for the WIN program and later is found by the IMU to be ineligible for AFDC is deregistered by the E&T agency upon notice of ineligibility from the IMU, unless such individual is still participating in a WIN-approved work or training activity which is outlined in the EP.

4. Exempt. An individual is deregistered as exempt in any of the following cases:

a. The IMU notifies the E&T agency that an AFDC recipient's status has changed from nonexempt to exempt and the individual does not volunteer for WIN. Deregistration occurs at the time the individual chooses to leave the WIN program;

b. A voluntary registrant wishes to withdraw from the program. Deregistration as exempt is effective as of the time the individual communicates this choice to the WIN E&T agency;

c. If the IMU fails to respond (as required in Chapter V, Section I.C.4.) within 30 days to a request for redetermination of an individual's nonexempt status, deregistration as exempt should go into effect on the 31st day; and

d. The IMU notifies the E&T agency that a registrant/recipient has been determined to be medically incapacitated or that the registrant is needed to be a caretaker of some other family member in the household.

5. Failure or Refusal to Participate.

a. Any mandatory registrant who has been found to have failed to appear for appraisal without good cause or to have refused to participate without good cause and to whom sanctions are to be applied shall be deregistered from WIN and removed from AFDC for failure to participate. Deregistration shall be effective on the fifth business day following the determination that an individual has failed to appear for appraisal, or has otherwise refused to participate, if s/he is not eligible for 60-day counseling. Sixty-day counseling will not be offered to an uncertified registrant, or to one who has received 60-day counseling previously during the same period of registration.

b. A voluntary registrant who has been found to have failed or refused to participate after Notice of Deregistration or an adverse hearing decision, if a hearing is requested, shall be deregistered as sanctioned. The AFDC grant, however, shall not be affected.

c. A certified registrant shall be offered up to 60 days of counseling and shall be deregistered at the earlier of the following:

1) The SAU terminates counseling when it is evident that the individual is not accepting it; or

2) The individual has accepted counseling for the entire 60 days and refuses to return to WIN by the end of that time.

d. The IMU is required to adjust the assistance payment by removing the mandatory registrant's needs from the assistance payment when it receives the deregistration notice. In the case of UP registrants, the entire family's grant will be terminated.

e. When a WIN registrant requests a hearing and is eligible for 60-day counseling, deregistration does not take place until 60-day counseling is unsuccessful. Further appeals, however, do not stay deregistration action. When a registrant does not request a hearing, deregistration shall take place on the fifth day following notification of unsuccessful 60-day counseling.

f. If the individual is not eligible for 60-day counseling, s/he shall be deregistered for refusal to participate in WIN on the fifth day following the expiration of the 10-day appeal period.

6. Off AFDC - Other. The individual is deregistered immediately upon notice from the IMU that the registrant's AFDC case has been closed for any reason not mentioned above. This code is not to be used in the case of an individual who is employed after registration, but off AFDC; nor may it be used for an individual who has received a Notice of Intended Deregistration (WIN-2), even if such individual has gone off the grant subsequent to receipt of the Notice.

IV. Form and Instructions. A facsimile of the Notice of Deregistration (WIN-6) and applicable instructions follow.

IV. Form and Instructions - Continued.

A. Notice of Deregistration (WIN-6).

1. Facsimile Form WIN-6.

Work Incentive Program

NOTICE OF DEREGISTRATION

Registrant's Name _____ Date _____

Social Security Number _____

This is a formal notice that you have been deregistered from the Work Incentive Program (WIN), effective _____. Your county welfare agency will be notified of this action.

You were deregistered because:

☐ You were employed after reg. - off AFDC

☐ You are exempt

☐ You are an employed volunteer - not off AFDC

☐ You are off welfare - other reason

☐ Your grant was not opened

Comments:

☐ You have been sanctioned. Because you have been deregistered as sanctioned, you must remain deregistered for a period of _____ days. The reason for this action is:

_____ _____

ES/WIN Representative Address

_____ _____

Phone Number City, State, ZIP Code

Distribution:

Original - Registrant
1 copy - Case File
1 copy - SAU
1 copy - IMU

WIN-6 (4/80) (ES-26006-02) MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

2. Instructions for Completing the Notice of Deregistration (WIN-6). This form is to prepared by the determination specialist or case manager.

a. Registrant's Name: self-explanatory.

b. Date: date form is prepared.

c. Social Security Number: self-explanatory.

d. First paragraph: Insert effective date of deregistration.

e. "You were deregistered because": Check only 1 of the 6 blocks. If "employed volunteer," "exempt," or "left welfare - other reason," are checked, some comment may be appropriate. If "sanctioned" is checked, the person preparing this form is to insert the number of days indicated on the Notice of Intended Deregistration (WIN-2), or the number of days as determined by the hearing officer in his decision. The reason for deregistration must be given, and should agree with what is stated on the Notice of Intended Deregistration (WIN-2). An extra copy of the WIN Status Change Notice (WIN-20) must be prepared and sent to the State WIN Office.

f. ES/WIN Representative: Case manager, determination specialist, or Area/WIN manager.

g. Address, Phone Number: self-explanatory.

XIII TAX CREDIT

CHAPTER THIRTEEN

TAX CREDIT

Content: This chapter describes the tax credit available to employers of AFDC recipients and WIN registrants.

I. General. The Revenue Act of 1971 and the Tax Reduction Act of 1975 provide financial incentives to employers who hire WIN registrants and/or AFDC recipients. The Job Development Tax Credit of 1971, known as the WIN tax credit, and the Federal Welfare Recipient Employment Incentive Tax Credit of 1975, known as the Welfare tax credit have been combined into the revised WIN/welfare credit by the Revenue Act of 1978.

A. Fast Write-Off Provision. In addition to the tax credit, the Revenue Act of 1971 as amended permits employers a 5-year write-off of costs related to buying, building, rebuilding, or rehabilitating facilities for child care for children of their workers until 1982.

B. Targeted Jobs Tax Credit (TJTC). The Revenue Act of 1978 implemented a tax credit similar to the WIN/Welfare credit to provide employers with incentives to hire members of seven targeted groups.

II. Eligibility Requirements.

A. Basic Requirements. To qualify an employer for the WIN/Welfare tax credit, an "eligible employee" must be an AFDC applicant or recipient who is a WIN registrant for whom a tax credit Eligibility Declaration Form has been completed by the WIN E&T agency; or an individual who has been certified by an appropriate state or local welfare agency or WIN E&T agency, as being eligible for AFDC and as having received AFDC continuously during the 90 day period immediately preceding the date of hire.

B. Additional Requirements. The following additional conditions of employment must be met for an employee to qualify an employer for the WIN/Welfare tax credit:

1. The employment must be retained for at least 30 consecutive days on a substantially full-time basis (i.e., the employee's work schedule must contain a minimum of three-fourths the normal work week or 22.5 hours, whichever is greater);

2. The employee must not have displaced any other individual from employment; and

3. The employee must not be a migrant worker (that is, be employed for services for which the usual period of employment by an employer is less than 30 days if these services require that the employee travel over a short period of time).

C. Layoffs and Breaks in Employment. Layoffs and other breaks in employment do not end a registrant's tax credit eligibility unless the employee is removed from personnel rolls or there is other evidence of intent to dismiss permanently. Scheduled shut-downs, natural disasters, or similar situations in which the employee will return to work after a temporary break are not considered termination. Individuals who are temporarily sick or disabled and in a nonpay status will not be considered to have had their employment terminated. Thus, the employer would still be eligible to receive the tax credit if he/she offers resumption of employment to such individuals within the first two years of hire.

III. Tax Credit Provisions.

A. Trade or Business Provisions.

1. Amount of Credit. The tax credit is 50% of the first $6000 paid to an eligible employee during the first year of employment and 25% of the first $6000 paid to such an employee in the second year of employment. The first year begins on the day the eligible employee begins work for the taxpayer and the second year begins on the day after the last day of the one year period described above.

2. Limitation on Credit. In a given tax year the total amount an employer may claim in WIN/Welfare tax credit is limited only by the amount of tax liability incurred. Excess credit in a given year may be first carried back 3 years and then carried forward 7 years.

3. Covered Wages. Covered wages are the gross cash wages or salary paid to an employee. The employer cannot claim credit for any part of those wages for which he/she is directly reimbursed. However, payments to employers made under WIN and CETA OJT contracts cover the extraordinary costs of training and are not a reimbursement of wages. Accordingly, an employer may claim a WIN/Welfare tax credit on wages paid under a WIN OJT contract or a CETA OJT contract and receive advantages from two programs. The tax credit can be claimed only on wages paid for services performed within the 50 States and the District of

Columbia.

4. Job Standards. The following conditions of employment must be met for an employer to obtain a tax credit:

a. The employer cannot have relocated his/her business within the past 2 years if the relocation resulted in unemployment in the original location;

b. The WIN employee cannot displace any individual from employment. The employer is asked to certify on the employer Eligibility Declaration (MA 6-72) that the vacancy offered the WIN employee is not the result of (1) a strike or lockout, (2) a layoff, with other employees waiting to be recalled, or (3) a reduction in regular hours, wages, or employment benefits of other workers who currently hold positions similar to the job vacancy;

c. All provisions of applicable federal, state, and local health, safety, child labor, and wage-hour laws and regulations must be met;

d. All applicable federal and state workers' compensation laws and other laws pertaining to compensation for illness or injury must be complied with.

5. Hiring Standard. The employer cannot hire an individual who is a close relative, a dependent, or a major stockholder for purposes of receiving a WIN/Welfare tax credit. The Internal Revenue Service defines a close relative as any of the following: a child (including adopted children and descendents); stepchild (but not a dependent); brother, sister, half-brother, half-sister; parent, grandparent or other direct ancestor (not a foster parent); stepfather, stepmother; father-in-law, mother-in-law, sister-in-law, brother-in-law. Also, any dependent individual, other than a spouse, who lives in and is a member of the employer's household is ineligible. A "major stockholder" is defined as any individual who owns, either directly or indirectly, more than 50 percent of the stock of the corporation for which the tax credit is being claimed.

6. Record-Keeping.

a. WIN Tax Credit (see facsimile of the Eligibility Declaration (MA 6-72) at the end of this chapter).

1) The employer, with the assistance of appropriate WIN staff, completes Part A of the employer Eligibility Declaration (MA 6-72).

2) WIN staff completes Part B of the form certifying the employer's eligibility.

3) Distribution:

a) Original--Employer

b) 1st Copy--Area/WIN Office

c) 2nd Copy--State WIN Office

b. Welfare Tax Credit (See facsimile of the Certification Form (DPW-1590) at the end of this chapter).

County welfare departments are to provide the Certification Form (DPW-1590) to employer-applicants upon request. The employer-applicant is to complete Part A of the form and is responsible for securing the necessary release of information authorization from the recipient-employee (Part B). Upon receipt of this information from the employer-applicant, county welfare staff are to complete Part C of the form, if appropriate. The completed employer-applicant and recipient-employee copies are then to be returned to the employer and DPW's copy forwarded to the Work and Training Section of DPW. The remaining copy is to be filed in the recipient's financial case record.

c. Personnel and Payroll Records. The employer must maintain personnel and payroll records relating to eligible employment.

d. Credit for Work Incentive (WIN) Program Expenses (IRS-4874).

The employer must complete a Credit for Work Incentive (WIN) Program Expenses (IRS-4874) and file it with his regular tax return. This form may be obtained from the IRS. A facsimile is included at the end of this chapter.

7. Confidentiality. WIN is authorized to release to potential employers information regarding individual WIN registrants to help them in finding employment. Therefore, employers may be advised that the WIN/Welfare Tax Credit applies to a particular registrant if it is to help the registrant secure employment. The release of such information for any other reason is prohibited without the registrant's expressed consent.

8. Tax Credit Savings. Following is a sample calculation of the type of savings employers can realize. Employers cannot claim a business deduction on the amount of the credit. If an employer hires a WIN registrant for $7,000/year and retains him/her for a full 2 years:

With the Tax Credit in the first year of employment:
- -amount of credit = 50% of $6000 = $3000
- -business deduction on $4000 (total wages-amount of credit)
  = $560-$2800 depending on the employer's tax bracket which may range from 14% to 70%
  = total savings of $3560-$5800
  The higher the tax bracket, the greater the savings.
- -in the second year of employment
  credit = 25% of $6000 = $1500
- -business deduction on $5500 = $700-$5350
- -total savings for the 2 years = $5830-$11,150

With no Tax Credit:
- -1st year deduction on $7000 = $980-$4900
- -2nd year deduction on $7000 = $980-$4900
- -total savings =$1960-$9800

Real savings with the Tax Credit=$3870-$1350

It is not meant that WIN workers should compute employer's tax credit. This is only given as an example of potential savings.

B. Nonbusiness Employment. All provisions are the same for nonbusiness employees (primarily private household) as they are for employees engaged in a trade or business except for the amount of credit and the limitation on credit.

1. Amount of Credit. The tax credit is 35% of the gross cash wages of up to $6000 paid to an eligible WIN employee engaged in nonbusiness employment during the one-year period beginning on the day the eligible employee begins work for the tax payer. There is no second year credit for nonbusiness wages.

2. Limitation on Credit. Credit may be claimed for no more than $12,000 in wages per household.

IV. Fast Write-Off Provisions of Revenue Act. The Revenue Act of 1971 also permits employers to write off their costs at a faster-than-normal rate when they buy, build, rebuild, or rehabilitate facilities for child care for the children of their workers. The law allows a 5-year amortization period on the building costs for these facilities, compared with the normal 40 years. Equipment costs can also be written off over 5 years, rather than the usual 10.

V. Targeted Jobs Tax Credit

A. General. The Revenue Act of 1978 enacted the TJTC to provide financial incentives to employers who hire members of certain specified groups.

B. Eligible Population. To qualify an employer for the TJTC an individual must be employed in a trade or business and 1 of the following:

1. A recipient of Supplemental Security Income payments;

2. A handicapped individual or disabled veteran who has completed or is undergoing rehabilitative services pursuant to programs under the Rehabilitation Act of 1973 or Chapter 21 of Title 38, United States Code;

3. A youth, aged 18 through 24 who is a member of an economically disadvantaged family (defined as a family with income during the preceding 6 months which, on an annual basis, was less than 70 percent of the Bureau of Labor Statistics lower living standard);

4. A Vietnam-era veteran under age 35 who is a member of an economically disadvantaged family;

5. A recipient of general assistance (money payments) for 30 or more days;

6. A youth, aged 16 through 18, who is a participant in a qualified cooperative education program;

7. An ex-convict (felon) who is a member of an economically disadvantaged family, hired within 5 years of release from prison or conviction.

[Continued on the next page]

C. Provisions of the TJTC.

1. The TJTC is equal to 50 percent of first-year wages up to $6,000 and 25 percent of such wages during the second year.

2. Qualified first-year wages during a taxable year cannot exceed 30 percent of aggregate FUTA wages (wages on which UI taxes are paid).

3. The employer's deduction for wages paid is reduced by the amount of the credit.

4. The credit is limited to 90 percent of tax liability after this liability is reduced by other applicable credits.

5. The credit is elective.

6. An employer cannot claim a tax credit on wages of employees during the time he/she is receiving federally funded on-the-job training payments for them.

7. The credit applies to wage costs incurred by firms between Jan. 1, 1979 and Dec. 31, 1980 for certified employees hired after Sept. 26, 1978.

D. Relationship to WIN/Welfare Tax Credit. Not all WIN registrants and/or welfare recipients are eligible for TJTC. To be eligible a WIN registrant and/or welfare recipient must meet one of the seven eligibility criteria. An employer may claim either the WIN/Welfare tax credit or TJTC on a given employee but not both. Since the WIN/Welfare tax credit has fewer limitations and a broader applicability to the WIN population, in cases of dual eligibility the WIN/Welfare tax credit should be claimed. In addition, the TJTC cannot be claimed during an OJT contract and the level of benefits is the same for TJTC and the WIN/Welfare tax credit.

VI. Administering the Tax Credit.

A. Information Campaign. Prospective employers should be sent information about the tax credits. All employers who respond to the direct mail campaign should be contacted by a job developer. Employers who have not responded to the campaign, but who are good prospects, should also be called. A record should be kept on all employers who request an Employer's Tax Credit Information kit or indicate an interest in the program. Whenever possible WIN should coordinate with publicity for the targeted jobs tax credit. Employers should see the credits as complementary and not competitive.

B. Selling the Credits. The employment tax credits have not been self-implementing. In order to stimulate the use of tax credits, job developers must convince employers of the value of the program. Employers' attitudes toward the tax credits and the WIN program generally will probably range from very receptive, to somewhat skeptical, to very negative.

One way to prepare yourself is to anticipate the possible objections which employers will offer. Employers' comments reflect the following concerns:

1. Objections to Hiring Persons on Welfare:

a. People on welfare have poor work attitudes.

b. People on welfare are poorly qualified.

c. People on welfare are poorly trained.

d. People on welfare don't stay on the job.

The above objections are difficult to handle because they may reveal prejudicies or opinions based on one bad experience. You might point out that the employer may have welfare recipients currently on the payroll who are valuable employees and who could qualify him/her for an immediate tax credit. Try to depersonalize the issue with examples of success stories you may have, or documentation which refutes his/her objections.

e. People on welfare are hard to identify. Encourage registrants to give potential employers a tax credit pamphlet to identify themselves.

2. Objections to the Tax Credit.

a. Provisions of the credit. Stress that the tax credit has been made more attractive to employers. The amount of credit has been increased; recoupment provisions have been eliminated; the required retention period has been decreased; and the ceiling has been raised.

b. Tax credits are no incentive. In a large firm the person who hires may not be the same individual who will realize a profit from the tax credit. You may have to help coordinate the different company officers.

c. This is another federal boondoggle. You might point out the assumption behind tax credits is that some problems may be handled better by the private sector than by the

federal government. Further, tax credits are intended to get people off the federal payroll (welfare).

d. The program is to hard to understand and involves to much paperwork. Use this as an opportunity to demonstrate how simple it is to claim an employment tax credit.

e. We don't want to attract an IRS audit or recapture. Claiming an employment tax credit is not a reason for audit.

C. Relations with IMU. Local IMU staff should be kept informed about the tax credits so they can handle inquiries and can certify non-WIN welfare recipients. IMU should refer potential tax credit users to the WIN office for job development.

D. Inquiries. WIN staff may be helpful in explaining the tax credit certification process and providing basic eligibility information. Frequently, however, it will be necessary to refer employers to the local offices of the Internal Revenue Service since it is the agency with the expertise and legal authority to answer tax inquiries. When a tax credit inquiry to the WIN state or regional office raises an issue of general interest a formal opinion will be requested by the Solicitor of Labor from the Assistant IRS Commissioner (Technical). Accordingly, inquiries received from employers regarding the employment tax credits which RCC's feel warrant a formal opinion from the IRS should be referred to the WIN National Office for appropriate action.

VII. Forms and Instructions. Facsimiles of tax credit forms MA 6-72, DPW-1590, IRS-4874 and instructions for form IRS-4874 follow. Instructions for MA 6-72 and DPW-1590 are found in section III of this chapter.

VII. Forms and Instructions - Continued.

A. Eligibility Declaration (MA 6-72).

1. Facsimile Form MA 6-72.

U.S. DEPARTMENT OF LABOR • MANPOWER ADMINISTRATION

ELIGIBILITY DECLARATION

IRS IDENTIFICATION NO.

PART A. (To be completed by Employer-Applicant)

NAME OF EMPLOYER *(Firm or Individual)*	NAME OF WIN PARTICIPANT *(First, Middle, Last)*
ADDRESS *(No., Street, City, State, ZIP Code)*	ADDRESS *(No., Street, City, State, ZIP Code)*
	PHONE NUMBER / SOCIAL SECURITY NO.

Has the above establishment been relocated within two years immediately preceding this date resulting in unemployment in the original area of the establishment? ☐ YES ☐ NO

I hereby declare that the above named WIN PARTICIPANT was hired by the above named employer on *(date)* ....., as *(job title or occupation)* ..... at *(wage rate)* $ ....., and that the wage paid to this WIN PARTICIPANT is not less than wages paid to other employees of this employer for similar jobs in this establishment, and that the employment of this WIN PARTICIPANT has not displaced any individual from employment, i.e.,

(1) That no reduction in non-overtime hours, wages or employment benefits has occurred or is expected to occur for workers currently employed by the above-named employer-applicant which can be related to the employment of the above-named WIN PARTICIPANT;

(2) That no employees are in layoff status awaiting recall for positions to be filled by the WIN PARTICIPANTS;

(3) That the vacancy to be filled by the WIN PARTICIPANT is not the result of a strike or lockout in the course of a labor dispute.

Furthermore, I CERTIFY that this employment meets and will continue to meet minimum standards as follows:

(1) The wage paid is no less than any applicable Federal, State or local minimum wage, or the wage paid to other employees of the employer for similar jobs, whichever is higher;

(2) All provisions of applicable Federal, State and local health, safety, child labor and work hours laws and regulations are met;

(3) The WIN PARTICIPANT will be afforded the same employee benefits including opportunities for training and advancement as others similarly employed in the same establishment;

(4) All applicable Federal and State workmen's compensation or other laws pertaining to compensation for illness or injury are complied with.

SIGNATURE AND TITLE *(Authorized Employer Representative)*	DATE

NOTE: It is a criminal offense, punishable by a penalty of not more than $10,000 or five years imprisonment, or both, to knowingly and willfully falsify a material fact in this application for Certification Form.

INSTRUCTION

One signed copy of ELIGIBILITY DECLARATION FORM is to be returned to Employer, one copy is to be sent to CRU's in the usual manner, and one copy is to be retained in the WIN project.

PART B. (To be completed by WIN Project)

WIN PROJECT NUMBER	ADDRESS *(No., Street, City, State, ZIP Code)*
TELEPHONE NUMBER	

I hereby declare that the above named individual was placed in the above described employment under a Work Incentive Program established under Section 432(b)(1) of the Social Security Act, and that this employment has not displaced any individual from employment.

SIGNATURE AND TITLE *(WIN Certification Officer)*	DATE

MA 6-72
Revised February 1974 (SN-24055)

EMPLOYER FILE

B. Certification Form (DPW-1590).

1. Facsimile Form DPW-1590.

DPW-1590
(9-75)

CERTIFICATION FORM

IRS IDENTIFICATION NO.

WELFARE RECIPIENT EMPLOYMENT INCENTIVE TAX CREDIT

TAX REDUCTION ACT OF 1975

PART A (TO BE COMPLETED BY EMPLOYER-APPLICANT)

NAME OF EMPLOYER (FIRM OR INDIVIDUAL)	NAME OF RECIPIENT-EMPLOYEE (FIRST, MIDDLE, LAST)
ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)	ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)
	SOCIAL SECURITY NO.

I hereby declare that the information concerning the above-named employee is required by me or my firm to apply for the Federal Welfare Recipient Employment Incentive Tax Credit under provisions of the Tax Reduction Act of 1975 and that the information requested on this form will not be used for any other purpose.

I further declare that the above-named employee was employed by me or my firm on (date)_____ as a (Job Title or Occupation)_____ at (Wage Rate) $_____, that the wage paid to this employee is not less than wages paid to other employees for similiar work, and that the employment of this person has not displaced any other employee.

SIGNATURE AND TITLE (AUTHORIZED EMPLOYER REPRESENTATIVE)	DATE

PART B (TO BE COMPLETED BY RECIPIENT-EMPLOYEE)

I hereby authorize the _____County Welfare Agency to release to my employer the information requested below. I understand that this information will be used by my employer for the sole purpose of applying for the Federal Welfare Recipient Employment Incentive Tax Credit under provisions of the Tax Reduction Act of 1975.

SIGNATURE (RECIPIENT-EMPLOYEE)	DATE

PART C (TO BE COMPLETED BY COUNTY WELFARE AGENCY)

The above-named individual is hereby ☐ certified ☐ not certified as having been eligible for Aid to Families with Dependent Children (AFDC) under Title IV A of the Social Security Act immediately preceding the date of hire as well as having continuously received such financial assistance during the 90 days immediately preceding this date of hire.

SIGNATURE AND TITLE (AUTHORIZED AGENCY REPRESENTATIVE)	DATE

EMPLOYER — APPLICANT

C. Credit For Work Incentive (WIN) Program Expenses (IRS-4874).

1. Facsimile Form IRS-4874.

Form **4874** — Department of the Treasury, Internal Revenue Service

Credit for Work Incentive (WIN) Program Expenses

▶ Attach to your tax return.

1979

Name | Identifying number as shown on page 1 of your tax return

Important.—You must reduce your wage and salary deduction by the WIN credit on line 11. See instruction E for details.

Note: *Include your share of WIN program expenses paid or incurred by a partnership, estate, trust, or small business corporation.*

1 Enter first-year WIN program expenses paid or incurred during the tax year to business employees for services rendered during each employee's first one-year period of employment. See instruction G and instruction for line 1.

Name of employee	Social security number	Date employment began	WIN program expenses
(a)			
(b)			
(c)			
(d)			
(e)			

2 Total (add lines 1(a) through (e)—see instruction F for special limits) . . . . . .

3 Tentative credit (enter 50% of line 2) . . . . . .

4 Enter second-year WIN program expenses paid or incurred during the tax year to business employees hired after September 26, 1978 for services rendered during each employee's second one-year period of employment. See instruction H and instruction for line 4.

Note: *Business employees hired before September 27, 1978, and nonbusiness employees (regardless of when hired) do not qualify for the WIN credit for second-year WIN program expenses.*

Name of employee	Social security number	Date employment began	WIN program expenses
(a)			
(b)			
(c)			
(d)			
(e)			

5 Total (add lines 4(a) through (e)—see instruction F for special limits) . . . . . .

6 Tentative credit (enter 25% of line 5) . . . . . .

7 Enter first-year WIN program expenses paid or incurred during the tax year to nonbusiness employees for services rendered during each employee's first one-year period of employment. See instruction G and instruction for line 7.

Name of employee	Social security number	Date employment began	WIN program expenses
(a)			
(b)			
(c)			
(d)			
(e)			

8 Total (add lines 7(a) through (e)—see instruction F for special limits) . . . . . .

9 Enter the smaller of line 8 or $12,000 . . . . . .

10 Tentative credit (enter 35% of line 9) . . . . . .

11 Add lines 3, 6, and 10. Enter here and include on Schedule C (Form 1040), line 31c; Form 1120, line 13b, page 1; or the corresponding line on other forms; or the appropriate line(s) of Schedule E (Form 1040) .

12 Patron's WIN credit—Enter credit allocated from cooperative (see instruction J) . . . . . .

13 Carryback and carryover of unused WIN credits (see instruction I—attach computation) . . . . . .

14 Total allowable WIN credit—Add lines 11, 12 and 13 . . . . . .

Form **4874** (1979)

1. Facsimile Form IRS-4874 - Continued.

Form 4874 (1979) Page 2

Limitation

15 (a) Individuals—Enter amount from Form 1040, line 37, page 2		
(b) Estates and trusts—Enter amount from Form 1041, line 27, page 1		
(c) Corporations—Enter amount from Schedule J (Form 1120), line 3, page 3		
16 (a) Credit for the elderly (individuals only)		
(b) Foreign tax credit		
(c) Investment credit		
(d) Credit for contributions to candidates for public office (individuals only) .		
(e) Tax on lump-sum distribution (from Form 4972 and Form 5544) . . .		
(f) Possessions corporation credit (corporations only)		
(g) Section 72(m)(5) penalty tax (individuals only)		
17 Total (add lines 16(a) through (g))		
18 Tax liability limitation—Subtract line 17 from line 15		
19 Total allowed WIN credit. Enter the smaller of line 14 or line 18. Enter here and on Form 1040, line 43; Schedule J (Form 1120), line 4(c), page 3; or the appropriate line on other returns		

Schedule A **If Any Part of the Above WIN Program Expenses was Paid or Incurred by a Partnership, Estate, Trust, or Small Business Corporation, Complete the Following**

Name and address (partnership, estate, trust, etc.)	Name of employee	Amount	
		First-year wages	Second-year wages

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D. Instructions For Form 4874.

1. Facsimile.

1979 Department of the Treasury Internal Revenue Service

Instructions for Form 4874

Credit for Work Incentive (WIN) Program Expenses

(References are to the Internal Revenue Code)

General Instructions

1. As an employer, a taxpayer may claim an income tax credit equal to the sum of:

(a) 50% of the first-year WIN program expenses paid or incurred during the tax year for each eligible business employee's first year of work,

(b) 25% of the second-year WIN program expenses paid or incurred during the tax year for each eligible business employee's second year of work (the credit for second-year wages applies only to employees first hired after 9–26–78), and

(c) 35% of the first-year WIN program expenses paid or incurred during the tax year for each eligible nonbusiness employee's first year of work.

(See instructions G and H for definitions of first-year and second-year WIN program expenses.)

2. The total WIN credit above is limited to your income tax liability as defined in section 50A(a)(2). If the WIN credit is more than your tax liability, the excess WIN credit may be carried back 3 years and forward 7 years.

3. Your salary and wage expense deduction for the tax year must be reduced by the amount of the allowable WIN credit. (See instruction E.)

A. Who Must File.—Any individual, estate, trust, or corporation claiming a tax credit for WIN program wages must attach this form to its income tax return.

Small business corporations and partnerships do not file this form because individual shareholders and partners claim the credit. However, these entities must attach to their income tax return a statement showing the amount of WIN program wages apportioned to each shareholder or partner. This statement must also show the name, social security number, date employment began, and the wages paid or incurred for each WIN program employee.

An estate or trust that divides the WIN program wages between itself and the beneficiaries should, in addition to filing this form, attach a statement showing the apportionment of the WIN program wages for each employee between the estate or trust and each beneficiary.

For further details on apportionment of the WIN program wages by small business corporations, partnerships, estates, and trusts, see sections 1.50B–2, 3, and 4 of the regulations.

B. Eligible Employee.—For purposes of the WIN credit, an eligible employee is an individual—

(a) who has been certified by the Secretary of Labor or by the appropriate agency of State or local government as:

(1) being eligible for financial assistance under part A of title IV of the Social Security Act (eligible for Aid to Families with Dependent Children—AFDC payments) and as having continually received such financial assistance during the 90-day period which immediately precedes the date on which such individual is first hired by the employer, or

having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act,

(2) who has been employed by the taxpayer for a period in excess of 30 consecutive days on a substantially full-time basis,

(3) who has not displaced any other individual from employment by the taxpayer, and

(4) who is not a migrant worker.

A migrant worker means an individual who is employed for services for which the customary period of employment by one employer is less than 30 days if the nature of such services requires that such individual travel from place to place over a short period of time.

An eligible employee includes a business or nonbusiness employee. A nonbusiness employee is an individual whose services are not performed in connection with a trade or business of the taxpayer, such as a domestic employee in the taxpayer's home.

C. Special Rules and Limitations.—

(1) Employees Hired Before September 27, 1978.—The WIN credit is allowable only for first-year wages for all eligible employees hired before September 27, 1978.

(2) Business Employees First Hired After September 26, 1978.—The WIN credit is allowable for first-year and second-year wages for eligible business employees first hired after September 26, 1978.

(3) Nonbusiness Employees.—The WIN credit for all eligible nonbusiness employees is allowable only for first-year wages.

(4) $12,000 Limitation.—First-year wages for nonbusiness employees are limited to a total of $12,000 for the tax year. If a husband and wife file separate returns, the $12,000 limitation must be reduced to $6,000 each. This does not apply if one spouse does not have nonbusiness employee first-year wages for the tax year.

(5) United States Employee.—All eligible employees must work in the United States.

(6) Reimbursed Expenses.—The WIN credit is not allowed for any reimbursed WIN program wages.

(7) Cost-Sharing Payments.—Qualified WIN program expenses do not include wage expenditures made with the use of "cost-sharing payments" from grants made after September 30, 1979 under any program listed in section 126(a),

(8) Relationship Requirement.—WIN program employees cannot be related to you (see section 152(a) (1) through (8)) or be a dependent of yours (see section 152 (a)(9)).

If the employer is a corporation, WIN program employees of the corporation cannot be closely related to, or a dependent of, an individual who directly or indirectly owns more than 50% in value of the outstanding stock of the corporation as determined under section 267(c).

WIN program employees of an estate or trust can't be a grantor, beneficiary, or fiduciary of the estate or trust, or closely related to, or a dependent of such grantor, beneficiary, or fiduciary.

(9) Controlled Groups.—For purposes of wages paid after December 31, 1978, all employees of a controlled group of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer. In any such case, the credit (if any) allowable by section 40 to each such member shall be its proportionate share of the WIN program expenses giving rise to such credit. See section 508(g).

(10) Estates and Trusts.—In the case of an estate or trust, apportion the WIN program wages between the estate or trust and the beneficiaries on the basis of the estate or trust income allocable to each.

(11) Small Business Corporations and Partnerships.—In the case of a small business corporation or partnership, prorate the WIN program wages among the shareholders or partners.

A small business corporation must prorate the WIN program wages among those who are shareholders on the last day of the corporation's tax year.

(12) Section 44A Credit Not Allowed.—The credit for child and dependent care expenses (section 44A) is not allowed for expenses for which a taxpayer is allowed a WIN credit under section 40. See section 50A(a)(4)(B).

D. Recapture of Pre-1979 WIN Credit.—Generally, a pre-1979 WIN credit (credit claimed for wages paid prior to 1–1–79) must be repaid if the employee to whom the wages were paid is dismissed before the end of the first 90 days of employment (whether or not consecutive) or during the following 90 days. See section 50A(c) for exceptions to this rule. The recapture provisions do not apply to the WIN credit for wages paid or incurred after December 31, 1978.

E. Employer's Deduction for Salaries and Wages.—Effective for tax years beginning after December 31, 1978, no deduction is allowed to an employer for the part of salaries and wages paid or incurred for the tax year equal to the allowable WIN credit (line 11), regardless of whether the credit is claimed.

The salary and wage deduction must be reduced even though the WIN credit is not used for the current tax year. For example, an employer would be entitled to a $20,000 credit on line 11 but has tax liability of only $18,000. The employer must reduce

the salary and wage deduction by $20,000 even though the allowed WIN credit (line 19) is only $18,000. The unused credit of $2,000 may be used for carryback and carryforward purposes.

An employer that is a member of a group of trades or businesses under common control must reduce its salary and wage deduction by the amount of WIN credit (line 11) apportioned to it from the group.

When salaries and wages are capitalized for depreciation, the amount subject to depreciation must be reduced by the part of the WIN credit that applies to the salaries and wages being capitalized. For example, if the allowable WIN credit on line 11 of Form 4874 is $1,000 and $100 of this credit is attributable to salaries and wages being capitalized (which represents 10% of total wages), the amount subject to depreciation would be reduced by $100. The $900 balance ($1,000 less $100) would be entered on the appropriate salary and wage deduction line of your tax return (Form 1120, line 13b, page 1; Schedule C (Form 1040), line 31c; etc.). See section 280C.

The WIN program wages of a small business corporation, partnership, and the beneficiaries' portion of WIN program wages of an estate or trust are distributed to the shareholders, partners and beneficiaries. Each individual shareholder, partner, or beneficiary computes his or her WIN credit on a separate Form 4874 and is required to make the salary and wage expense reduction on the Schedule E (Form 1040) filed with his or her tax return for the year. The reduction is made by adjusting the income or loss that is passed through to the shareholders, partners, or beneficiaries. For example, a partnership distributes first-year WIN wages of $1,000 and partnership income of $3,000 to one of its partners. The partner's allowable WIN credit is $500 ($1,000 × 50%) for the wages. In addition to claiming the credit, the partner must increase the partnership income reported on Schedule E (Form 1040) to $3,500 ($3,000 + $500) and enter in the margin "WIN credit $500."

Note: *Attach a schedule to Form 4874 to reconcile any differences for cases in which the reduction of the appropriate salary and wage deduction is less than the WIN credit on line 11 of Form 4874.*

F. Mutual Savings Institutions, Regulated Investment Companies and Real Estate Investment Trusts.—These institutions are not allowed the full WIN credit. See section 50B(f) and related regulations.

G. First-year WIN Program Expenses.—First-year WIN program expenses are qualified wages, limited to $6,000 for each employee, paid or incurred during the tax year that are attributable to services rendered by an eligible employee during his or her first one-year period of employment. For employees hired before September 27, 1978, the first one-year period of employment begins on the day the employee begins work for the employer. For employees hired after September 26, 1978, the first one-year period of employment begins on January 1, 1979, or the day the employee begins work for the employer, whichever is later.

H. Second-year WIN Program Expenses.—Second-year WIN program expenses are qualified wages, limited to $6,000 for each employee, paid or incurred during the tax year that are attributable to services rendered by an eligible employee during his or her second one-year period of employment. The second one-year of employment begins the day after the last day of the first one-year period of employment. The WIN credit for second-year WIN program expenses is not allowed for any employee hired before September 27, 1978, and all nonbusiness employees, regardless of when hired.

I. Carryback and Carryover of Unused Credits.—If you cannot use part of a WIN credit because the credit is more than the tax liability limitation on line 18, you may carry the unused portion back 3 years and then forward 7 years. You may use the credit to the extent allowable within the limitations applicable in those years.

Carryback and Carryover For Tax Year In Which the Alternative Minimum Tax Applies.—If the alternative minimum tax applies, you may not receive the full tax benefit for the WIN credit you claimed during the tax year. If so, the amount of the WIN credit tax benefit you lose is eligible for carryback and carryover as an unused credit. See section 55(c)(3)(B) for details.

J. Cooperatives.—Cooperative organizations described in section 1381(a) may claim the WIN credit to the same extent it is available to taxpayers in general. In addition, if the cooperative cannot use any WIN credit (other than unused credits attributable to tax years ending before November 1, 1978) because of the tax liability limitation, the excess or unused credit must be allocated to the patrons of the cooperative.

The cooperative is required to reduce its salary and wage deduction by the total WIN credit on line 11 of the Form 4874 it completes even though part or all of the credit is required to be allocated to its patrons.

Specific Instructions

Line 1.—Enter first-year WIN program wages paid or incurred to eligible business employees. Generally, these wages are limited to $6,000 for each employee. (See Instruction G for a definition of first-year WIN program wages.)

If a WIN credit was claimed in a prior year for first-year wages paid an individual in a prior year, the $6,000 limit must be reduced by these prior year wages.

For example, if first-year wages of $2,000 were paid an employee in the taxpayer's 1978–79 tax year, the first-year wages for this employee is limited to $4,000 ($6,000 limit less $2,000 wages paid in 1978–79 tax year) for the taxpayer's 1979–80 tax year.

Line 4.—Enter second-year WIN program wages paid or incurred to eligible business employees hired after September 26, 1978. Generally, these wages are limited to $6,000 for each employee. (See Instruction H for a definition of second-year WIN program wages.)

If a WIN credit was claimed for second-year wages paid in a prior year, reduce the $6,000 limit by these prior year wages.

Line 7.—Enter first-year WIN program wages paid to eligible nonbusiness employees. Generally, these wages are limited to $6,000 for each employee and $12,000 for all employees.

If a WIN credit was claimed for first-year wages paid in a prior year, see instruction for line 1 concerning the $6,000 limitation.

If a husband and wife file separate tax returns, the $12,000 limitation for total wages paid to nonbusiness employees may be reduced to $6,000. See Instruction C(4) for details.

Line 17. Priority of Application of Unused Credits.—The tax liability limitation is first used by:

(a) Credit for WIN Program employee wages for the current year, and then by

(b) Unused WIN credits from tax years beginning after 1971.

Line 18. Limitation on Credit.—The allowed WIN credit is limited to your income tax liability for the tax year or the allowable WIN credit on line 14 whichever is smaller.

Publication 906.—For more detailed information on the WIN credit, please get Publication 906, Targeted Jobs Tax Credit and WIN Credit.

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CHAPTER FOURTEEN

EFFECTS OF WIN PARTICIPATION ON THE AFDC ASSISTANCE PAYMENT

Contents: This chapter notes the impact of various provisions of WIN on the AFDC assistance payment. It also discusses the application of the "$30 and 1/3" income disregard and the "work-related expenses" provisions of AFDC to WIN payments and income.

I. Computation of the Individual's AFDC Assistance Payment.

A. Earned Income and the Standard of Need in Determining Income Eligibility for AFDC.

1. The state is required to specify "standard of need" for various family sizes. Minnesota, unlike most states, however, pays the recipient 100 percent of the predetermined standard of need, rather than paying a percentage of the need standard. The higher the state standard of need, the more families eligible for AFDC, and the higher the income necessary for the recipient to become self-supporting again.

2. The individual's eligibility for AFDC is determined in part by comparing income and resources to the state's standard of need. In those cases where the standard of need exceeds the applicant's income and resources, s/he meets the income eligibility criteria for AFDC.

3. In Minnesota, the AFDC definition of "earned income" encompasses the cash earnings of a needy individual through receipt of wages, salary, commissions, or profit from activities in which s/he is engaged as a self-employed individual or as an employee. It also includes wages for on-the-job training, public service employment, and work experience under the JTPA program or any other employment and training program.

B. Computation of the Assistance Payment.

1. Computation of the amount of an applicant's AFDC assistance payment is based primarily on the number of dependents in the family. In Minnesota, which is a "flat grant" state, there are preestablished assistance payment standards for specified numbers of eligible dependents and caretakers regardless of living expenses. The family Allowance Schedule follows.

of living expenses. The Family Allowance Schedule follows:

AFDC Family Allowance Table
(& 185% Values)
July 1, 1986

Number of Children in Grant	Children Only	Plus One Adult	Plus Two Adults	Children Only Where Special Children Standard Applies
1	$250 (463)	$437 (809)	$510 (944)	$337 (623)
2	345 (638)	532 (984)	605 (1119)	437 (809)
3	434 (803)	621 (1149)	694 (1284)	532 (976)
4	510 (944)	697 (1290)	770 (1425)	621 (1149)
5	586 (1084)	773 (1430)	846 (1565)	697 (1290)
6	663 (1227)	850 (1573)	923 (1708)	773 (1430)
7	729 (1349)	916 (1695)	989 (1830)	850 (1573)
8	793 (1467)	980 (1813)	1053 (1948)	916 (1695)
9	848 (1569)	1035 (1915)	1108 (2050)	980 (1813)
10	902 (1669)	1089 (2015)	1162 (2150)	1035 (1915)
Each additional child add	+53	+53	+53	+53

First Adult Standard: $187 (346)
Second Adult Standard: $ 73 (135)
One Child Only Special Standard: $337 (623)
Special Adult Standard: $250 (463)

In other states, various allowances are added to a base assistance payment for a given number of dependents. These allowances might include such items as rental allowance or special dietary needs allowance. The total amount of an AFDC recipient's assistance payment in such a state is related to individual family circumstances.

2. In determining an applicant's eligibility, work expenses (i.e., "expenses reasonable attributable to the earning of income,") are not considered as earned income.

3. The following are recognized by the AFDC program as employment expenses and shall be deducted from gross income:

a. State and federal income tax obligation and FICA;

b. Child care costs;

c. Other employment expenses, either itemized or by using the flat rate computation.

1) A flat rate of 10% of gross earned income up to $60 maximum, is available to all clients with earned income.

2) An applicant/recipient may choose to claim actual employment expenses instead of accepting the flat rate for personal expenses of employment. Expenses must be necessary and reasonable for work or employment. Employment expenses are listed here. None of these expenses may be allowed separately if the flat rate is accepted.

a) Transportation cost to and from work, based on the actual mode of transportation used, which is the client's choice.

i) Actual cost of public transportation or car pool.

ii) 13¢ per mile for the actual number of miles driven, not to exceed 100 miles per day of employment (unless the client can establish higher costs that are both necessary and reasonable).

iii) Transportation to and from child care is considered part of the work transportation expense. It is not considered part of the child care expense.

NOTE: The costs of no-fault insurance, auto maintenance and parking are included in the 13¢ per mile rate.

b) Allowance for meals during working hours: One dollar per day must be allowed, unless the client can establish higher costs that are both necessary and reasonable. This amount is to be allowed for each day a client eats a meal at work or has a break for a meal during working hours. It makes no difference whether the client pays for the meal or not, whether the client brings a meal or goes home to eat and returns, or whether or not the client actually eats a meal.

c) Uniforms (including shoes if required) needed for work.

d) Tools and equipment required by the job.

e) Health insurance premiums (but not dental or other insurance).

NOTE: Allowable whether purchased through place of employment or carried individually by client.

f) Union dues.

g) Professional association dues if required for employment.

h) Public liability insurance required by the employer when an automobile is used in employment and cost is not paid by employer.

i) Other insurance required by employer as a condition of employment. For example, malpractice insurance.

j) Mandatory retirement fund contributions except FICA, as follows:

i) Contributions made in addition to paying FICA are allowed in their entirety.

ii) Contributions made instead of paying FICA are allowed to the extent that the contribution exceeds the current FICA rate. (An amount at the current FICA rate is allowed automatically by use of the tax obligation tables.)

NOTE: FICA is not allowed as a personal work expense. It is always allowed as part of the tax obligation.

4. The following are not allowable expenses of employment:

a. Fees paid to employment agencies.

b. Tax return preparation fees.

II. The Impact of WIN Program Participation on the AFDC Grant.

A. WIN Allowances. The WIN incentive allowance and training related expenses (TRE) are excluded from the definition of income (Section 402(a)(19)(D) of the Act) and therefore are not taken into consideration in the "needs" eligibility determination and the calculation of the assistance payment. There is no reduction in the assistance payment because of the receipt of these allowances by an AFDC recipient.

B. Suspense to CETA Training and Education Components. The $30-per-week CETA incentive allowance to recipients of AFDC in a CETA education or training activity for which no wages are payable is treated in the same way as WIN allowances. It is not considered as income for the purpose of the needs determination

or calculation of the AFDC assistance payment. There is no reduction in the assistance payment because of the receipt of these allowances by an AFDC recipient.

C. WIN Salaried Components.

1. Income earned as salary while in an OJT component is subject to the $30 and 1/3 earned income disregard discussed in the following section dealing with the impact of employment on the AFDC assistance payment.

2. Only work expenses may be deducted from the salary earned in a WIN PSE component. WIN PSE is specifically excluded from application of the $30 and 1/3 earned income disregard in determining and calculating the AFDC assistance payment (Section 403 (a)(8)). This means that the work expenses will first be deducted from the monthly WIN PSE salary. The amount remaining is applied in determining need and the amount of the assistance payment.

D. Suspense to CETA Salaried Components. Salaries from CETA PSE and CETA OJT are treated like income from employment and are subject to the $30 and 1/3 earned income disregard as described in Section III.

III. The Impact of Employment on the AFDC Grant.

A. To provide incentives to AFDC recipients to enter employment, Congress provided certain disregards for those individuals already receiving AFDC who find employment. Primary among these is the "$30 and 1/3" earned income disregard.

B. In redetermining eligibility and recomputing the assistance payment of an AFDC recipient who becomes employed, the first $30 total monthly gross earned income of the AFDC public assistance unit (the AFDC family unit) plus 1/3 of the remainder (gross earned income minus $30) will be disregarded (i.e., deducted). Work expenses will then be disregarded before a comparison is made of the income earned with the state standard of need.

C. Frequently, eligibility for other in-kind benefits is related to the individual's AFDC status, e.g., school free-lunch programs, food stamps, public housing, and Medicaid. Thus, the incentive provided by the $30 and 1/3 earned income disregard may in part be negated by the loss or diminished level of these in-kind benefits. The impact of the loss of in-kind benefits should be overlooked in salary considerations of job development efforts.

IV. Unemployed Parents. Notwithstanding the earned income disregard provision, in a family receiving support under the unemployed parent provision of the Social Security Act where the qualified unemployed parent obtains steady, regular employment of 100 hours or more per month, the family is not eligible for AFDC assistance.

V. WIN Sanctions. A mandatory WIN registrant who is determined to have refused to participate in the WIN program without good cause (see Chapter XI) is subject to the following sanctions:

A. If certified and receiving pre-deregistration counseling, the AFDC payments to the rest of the family must be in the form of protective or vendor payments while the counseling is in progress.

B. If counseling is not accepted or is terminated as unsuccessful in less than 60 days, or if the individual still refuses to participate after such counseling, s/he is deregistered from the WIN program.

C. The following applies when a mandatory WIN registrant is deregistered for refusal without good cause to participate in WIN:

1. If a recipient unit contains no adults eligible for AFDC because the caretaker fails to cooperate with WIN, (including those adults who voluntarily withdraw from the recipient unit to avoid participation in WIN, or choose not to apply as a part of the recipient unit in order to avoid WIN or IV-D participation), the assistance standards shall be as follows:

a. If the caretaker has net available income less than $138, the assistance standards are as specified above for SSI caretaker cases.

b. If the caretaker has net available income of $138 or more, the Children Standard is followed as usual.

NOTE: The usual method of allocation is used. Allocation is based on the difference between the payment standard being used in the case and the amount which the standard would be, if the excluded person were included.

Example: A caretaker with 1 eligible child has $80 net available income. The payment standard used is $247. If the caretaker were included, the standard would be $321. $74 ($321 minus $247) is allocated to the caretaker's needs.

Example: A caretaker with 1 eligible child has $140 net available income. The payment standard used is $183. If the caretaker were included the standard would be $321. $138 ($321 minus $183) is allocated to the caretaker's needs.

2. If the individual is 1 of several dependent children, the welfare agency shall not take his/her needs into account in determining the family's need for assistance; and

3. If the individual is the only dependent child in the family, no further assistance may be provided the family.

CHAPTER SIXTEEN

WIN FINANCIAL REPORTING SYSTEMS AND REQUIREMENTS

Content: The purpose of this chapter is threefold. It provides the WIN manager with a delineation of WIN financial management roles and responsibilities. It discusses the most important fiscal requirements and guidelines impacting the WIN program. Finally, it describes the reporting systems, reports, and forms that provide the means for monitoring fiscal activity within the WIN program.

I. General. Effective management of the WIN program requires that the manager be continually aware of both the availability and the application of program funds. Specifically, WIN managers --both SAU and the WIN E&T agency--at the State and local levels must plan, control, and monitor the expenditure of allocated funds, so that programs operate in the most cost-effective manner while accomplishing program goals and objectives.

A. Financial Management Responsibilities. Financial management responsibilities of the WIN manager exist within each of the components of the WIN management cycle: planning, operations, and monitoring/evaluation. These responsibilities include:

1. Coordinating State/local WIN E&T agency and SAU operations for the accomplishment of program objectives.

2. Developing State/local WIN plans and budgets that specify the manner, including financial resource application, in which the program will accomplish its goals and objectives.

3. Distributing allocated funds, objectives, and activity levels for operating levels and establishing performance standards.

4. Monitoring, on a regular basis, program expenditures against allocated funds and legislative requirements.

5. Periodically evaluating, through the use of financial reports, program status against the specific objectives and program levels delineated in the WIN plan.

B. Conforming to Fiscal Requirements and Guidelines.

1. While WIN managers have flexibility in the development and operation of a program to meet the needs of the client population, both the WIN E&T agency and the SAU must also ensure that the fiscal operation of the program conforms to specified fiscal requirements and guidelines as contained in the enabling legislation or as mandated by the parent agencies--ETA and OHDS. These requirements and guidelines exist to ensure that federal funds are:

a. Used in conformance with the intent of the Act;

b. Used in the most efficient manner consistent with program guidelines; and

c. Accounted for in such a way as to ensure uniformity across programs.

The major fiscal requirements and concepts that have a bearing on the WIN program are discussed in Section II (Fiscal Requirements and Guidelines) of this chapter.

2. The WIN manager's need for fiscal data for the control and monitoring of program operations is supported by the separate fiscal information systems of ETA and OHDS. Fiscal information on WIN E&T agency activities is reported through the nationwide SESA Accounting System. Information on the provision of WIN social services is reported by the state welfare agency's SAU as mandated by the reporting requirements promulated by OHDS. An overview of the SESA Accounting System and the OHDS fiscal reports is contained in Section III (Fiscal Information Systems) of this chapter.

3. In order for the parent agencies to carry out their monitoring and evaluation responsibilities, both ETA and OHDS require that the WIN E&T agency and SAU, respectively, submit periodic reports on the fiscal status of their WIN program. The last section of this chapter, WIN Fiscal Reporting Requirements, provides a discussion of the procedures and requirements for submitting these reports.

II. Fiscal Requirements and Guidelines. The WIN manager must ensure not only that resources are used in the most effective

manner possible, but also that program operations conform to mandated fiscal requirements and guidelines. Specifically, the WIN legislation, regulations, and Handbook provide for a delineation of certain requirements that have a direct bearing on WIN fiscal operations. In addition to these WIN-specific requirements, the program manager must also ensure that the program adheres to certain fiscal concepts or guidelines established by the NCC, RCC, or the parent agencies, ETA and OHDS. The subsections that follow discuss both WIN fiscal requirements and concepts. Where a requirement or concept is unique to either the WIN E&T agency or SAU fiscal activities, this is so indicated.

A. Fiscal Requirements. The requirements described below represent only those which are specific to WIN and do not include other fiscal requirements impacting the WIN E&T agency or SAU by virtue of State law or other federal regulations or policies. For example, this section does not discuss general fiscal policy directives for State Employment Security Agencies as contained in other ETA publications. If questions arise about fiscal issues not addressed herein, the WIN manager should seek assistance and clarification from the cognizant fiscal staff at either the State or the federal level.

1. PSE/OJT Spending Level (WIN E&T Agency). Of the funds expended on WIN by the Department of Labor through the WIN E&T agency, the Congress has mandated that not less than 33 1/3 percent shall be expended for carrying out the programs of PSE and OJT that meet the criteria specified in this Handbook. OJT and PSE expenditures that qualify for consideration in meeting this requirement include:

a. Subcontracted costs, including subcontract administration;

b. Costs of intake services that are related to the PSE and OJT components; and

c. Referral to non-WIN PSE/OJT. The percentage requirements applies to the life of the WIN grant at the State level.

In order to meet this requirement, the NCC annually establishes a percent guideline for OJT and PSE expenditures. Because a portion of total WIN funds is expended at the national and regional levels on administration, research and development, the level of OJT/PSE spending by the States must be increased to the point where the national average OJT/PSE spending is 33 1/3 percent of all federal WIN funds. The administratively established expenditure level (which in the past has centered around 37 percent of total federal WIN expenditures) may vary

from year to year based on anticipated national and regional office WIN charges. Adherence to this rate by each State will ensure that the 33 1/3 percent legislative requirement is met.

2. PSE Salary and Average Person-Year Costs (WIN E&T Agency).

a. Regulations state that federal funds may not be used to reimburse WIN PSE employers for salaries and fringe benefits exceeding $12,000 per participant per year. Additionally, the average subcontracted person-year cost (salaries and fringe benefits) for PSE, throughout the total program in any State, shall not exceed $7,500 per annum (federal funds).

b. The conformance of PSE contracts with the average cost per person-year requirement can be monitored through combining "on-board enrollment" data from ESARS with PSE wage and fringe benefit costs to provide an average cost per person-year. Additionally, to ensure compliance with the wage and fringe benefit ceiling, individual contracts should be monitored to ensure that no PSE slot is written for more than $12,000 (federally reimbursed salaries and fringe benefits) per participant per year.

c. The general formula for determining the average PSE person-year cost is:

$$\text{Average Total PSE Person-Year Cost} = \frac{\text{Total PSE Wages and Fringe Benefit Expenditures}}{\text{Number of Person-Years Provided}}$$

A "person-year" is the full-time equivalent of providing PSE training to one participant for one year; that is, the equivalent of two participants in PSE for six months each, or four participants for three months each. Person-years can be calculated by totaling the PSE participants "on hand at the end of the period" from ESARS Table 32 (Data Cell 32065I) for each month in the current fiscal year, and dividing the result by 12.

d. Average PSE person-year costs should be calculated on a regular basis for the State as a whole. If the average person-year cost limits are exceeded at the State level, it may be necessary to calculate these costs for each project to disclose compliance problems at the local level.

3. Allowable Costs.

a. For WIN program costs to be allowable for federal funding, they must meet both the general requirements of Subpart 1-15.7 of Title 41 of the Code of Federal Regulations ("Principles

for Determining Costs Applicable to Grants and Contracts") and the conditions for use of federal funds as specified in the HHS Regulations for "Work Incentive Programs for AFDC Recipients" (Section 1398.15). These regulations are summarized below.

1) Title 41 of the Code of Federal Regulations delineates the factors affecting the allowability of costs; defines and explains direct costs, indirect costs, and cost allocation plans; and establishes specific costs as allowable, allowable with approval of grantor agency, or unallowable.

2) HHS Regulations, "Work Incentive Programs for AFDC Recipients" expand on CFR Title 41 by providing qualifications on the types of costs that can be federally funded. Specifically, the regulations delineate the 90/10 funding requirements as they pertain to both WIN E&T agency and SAU costs; indicate those circumstances under which payments can be made to employers for work time spent by WIN participants; and establish fiscal penalties for failure to meet mandatory registrant requirements.

Further discussion of allowable WIN E&T agency payments to WIN registrants is provided in Chapter IX of this handbook (WIN E&T Agency Payments).

b. If questions arise as to the allowability of certain types of WIN costs, the WIN manager should consult the state fiscal/contracts staff or cognizant federal agency.

4. State Matching Requirement.

a. The WIN program is financed with 90 percent federal funds and 10 percent nonfederal funds. Responsibility for collection of the "nonfederal contribution of 12 per centum of the costs (both HHS and DOL) of the work incentive programs" lies with the Secretary of Health and Human Services, who has sanctions at his/her disposal "because of (any) state's failure to comply substantially . . ." in providing its nonfederal contribution (Section 443, Part C, Social Security Act).

b. Section 435, Part C of the Act permits WIN E&T agencies to generate their portion of the 10 percent for DOL through either cash payments or the identification of in-kind contributions. However, since the legislation does not specifically permit in-kind matching for welfare agency social services, long-standing HHS policy requires its match to be in cash.

c. Minnesota has elected to generate its 10 percent match solely through cash payments for both the SAU and the WIN E&T agency.

5. Record Retention and Custodial Requirements. Financial records, supporting documents, statistical records, and all other records required to substantiate WIN program expenditures shall be retained for a period of 3 years, with the following qualifications:

a. The records shall be retained beyond the 3-year period if audit findings have not been resolved;

b. Records for nonexpendable property which was acquired with federal funds shall be retained for 3 years after the final disposition of the property;

c. When grant records are transferred to or maintained by another federal agency, the 3-year retention requirement is not applicable to the grantee.

The retention period starts from the date of the submission of the final expenditure report, or for grants which are renewed annually, from the date of the submission of the annual expenditure report.

State and local governments can be authorized, by the federal grantor agency, if they so desire, to substitute microfilm copies for original records.

The head of the federal grantor agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the state and local governments and/or subgrantees that are pertinent to a specific grant program for

[continued on the next page]

the purpose of making audits, examinations, excerpts, and transcripts. For a more detailed discussion of record retention requirements, refer to 45 CFR 74.

B. Fiscal Guidelines. In addition to specific WIN fiscal requirements, the WIN manager must be aware of certain fiscal guidelines for both effective program operations and meaningful use of data from the fiscal systems that support the WIN program. The major fiscal guidelines of interest to the WIN manager are detailed below. This discussion is not designed to be all-inclusive, but rather presents the most important fiscal issues that should receive the attention of the WIN manager.

1. Accounting System Basis.

a. Two Methods for Recording Expenditures and Reporting Fiscal Activity. The WIN E&T agency and the SAU use two different methods for recording expenditures and reporting fiscal activity to the appropriate federal agency. The WIN E&T agency is required to record and report fiscal activity on an accrued expenditure basis. This means that the WIN E&T agency considers a good or service to be an expenditure at the time it is received, whether or not the item has been paid. For example, if a service was received from a subcontractor in the first quarter, but the invoice for the service was not paid until the second quarter, the amount of the invoice would be considered a first quarter expenditure. Conversely, the SAU reports its fiscal activity on a cash basis; that is, an expenditure is reflected at the time cash is disbursed, regardless of when the goods or services are received. In our example, the SAU would have recorded this service as a second quarter expenditure since the invoice for service was paid in that quarter.

b. Impact of the Differing Accounting Systems. The use of differing accounting bases has impact on the WIN manager from two perspectives. First, it must be considered in estimating future expenditures. Specifically, the SAU, when projecting expenditures, must consider not only additional goods and services to be purchased, but also those items which, while received, have not yet been paid. Second, the SAU must also consider the accounting basis used when attempting to derive unit or average cost for services or certifications within a given period. For example, while the manager may have an accurate count of children receiving child care in the first quarter, the average cost of child care may be distorted by the fact that not all of this child care was paid for in the first quarter. To minimize the impact of this distortion, such unit or average cost estimates should be derived and compared over a number of periods (months, quarters, etc.).

2. Obligation Control.

a. The Manager's Responsibilities. The continuous control of obligations represents a most basic financial management function necessary for administering the resources of the WIN program. Stated simply, the primary role of the manager is to manage limited resources in such a way as to maximize services delivered while staying within the approved operating budget. From the manager's point of view, obligation control should represent a primary day-to-day mechanism for maximizing resource utilization and maintaining an effective level of financial management and control over program operations.

b. Special Emphasis in the Planning and Budgeting Part of the Program Cycle. Obligation control begins in the planning and budgeting part of the program cycle. In order to ensure that the WIN plan and budget represent a viable mechanism for monitoring obligation utilization, special emphasis should be given to developing plans that will:

1) Improve the effectiveness and efficiency of program operations while achieving program goals and objectives;

2) Provide a means of measuring performance in terms of established program indicators; and

3) Accurately reflect the costs the State anticipates incurring during the forthcoming fiscal year based on cost experience data from the SESA Accounting System and OHDS reporting mechanisms.

c. Receipt of Federal Funds for State WIN Programs. State WIN plans, once approved, become a commitment on the part of the Federal government to provide the funds necessary to support program operations. However, because of either legislative or administrative restrictions, States may not, in fact, receive all federal funds at one time. Specifically, to the extent that Congress has not passed an appropriation and the program is to be funded by a continuing resolution, the WIN E&T agency may receive obligational authority on an intermittent basis. Similarly, the SAU receives award authority (authority to obligate funds) on a quarterly basis as a result of the grant award process (see Chapter Three). As a result, while the WIN manager knows the full amount of resources available during the year for funding program operations, day-to-day operations may have to be conducted, at least initially, utilizing a substantially smaller amount of available funds.

d. Exceeding Approved Levels of Obligational Authority Issues. The WIN E&T agency and SAU should not exceed the approved levels of obligational authority issued. For the WIN E&T agency this means that the sum of accrued expenditures and resources on order (orders placed for goods or services not yet received) should not exceed available obligational authority. Similarly for the SAU, cash disbursements should not exceed cumulative award authority received through grant award letters issued in any fiscal year. Because of the potential for intermittent funding, it is incumbent on the WIN manager to develop annual and quarterly expenditure plans at the beginning of the year, and to update these plans on a continuing basis to reflect the planned use of available obligational authority.

e. Forecasting Procedures for Controlling Obligations. As a means of controlling obligations, the WIN manager is strongly encouraged to institute procedures for monthly or, at a minimum, quarterly forecasting of anticipated levels of obligations to be incurred. In this way, the manager can project the status of fund utilization and take corrective action where necessary. Forecasting of obligations requires the recognition of both future expenditures and commitments to expend, or resources on order.

f. Forecasting Considerations. Accordingly, costs should be recognized as expenses in the period in which the goods or services are to be used, regardless of when payment is made. Similarly, forecasting anticipated obligations to be incurred requires the consideration of encumbrances resulting from the creation of resources on order in addition to expenditures for staff. Since a resource on order is created when the WIN E&T agency lets a contract or makes a major supplies purchase, there is an encumbrance of obligational authority at the time the contract is signed or purchase made. Forecasts based solely on accrued expenditures, though they would allow for the accurate accrual of costs for such items as contracts or major supplies, would not accurately recognize the obligations incurred by the creation of a resource on order when a contract is initially signed or major supplies ordered. Thus, forecasts based on projected levels of accrued expenditures alone may not permit adequate control of total obligations incurred, and forecasts based on both expenditures (actual and accrued) and resources on order are necessary.

g. SAU Expenditure Forecasts. SAU expenditure forecasts should be based on the anticipated level of cash disbursements for the forecast period. These would normally include both staff costs and the cost of purchased services. In developing these forecasts, special attention should be directed to costs of purchased services since invoices for these contracted costs

may be received on an irregular basis. To the extent that providers of services have not submitted invoices for previous periods, care should be taken to estimate the potential cash disbursement required if such invoices are received in the next period. Special note should be made of the tendency for certain contract expenditure levels to vary on a seasonal basis; for example, child care services delivered during the summer months.

3. Accruing WIN Expenditures (WIN E&T Agency). As indicated previously, all WIN E&T agency costs incurred are required to be reported on an accrual basis. The SESA Accounting System automatically accrues the personal services costs of WIN staff. However, nonpersonal services (communications, travel, etc.) and subcontracted services (PSE, OJT, Institutional Training, WE) costs are not automatically reported on an accrual basis. Therefore, when invoices are not received in time for processing in the month to which these expenditures apply, it is necessary to accrue these costs by closely approximating the costs of goods used or services received during the accounting period. Although the process of entering accruals into the SESA Accounting System is the responsibility of the SESA fiscal staff, the WIN manager should ensure that the accruals are both realistic and made on a regular basis. This is especially important because of the substantial amount of subcontracted services in WIN.

The following situations will necessitate accruing expenditures for nonpersonal and subcontracted services.

a. Goods and Services Received, But Not Yet Invoiced. If goods and services are received and consumed during the accounting period, their cost is to be accrued, despite the fact that they may not be invoiced. If the invoice has not been received by the end of the accounting period, the accrued costs are to be estimated based on available documentation, e.g., purchase order or subcontract. If less than the total amount of goods and services received is consumed, the remaining costs are to be deferred to a future period. For example, if an OJT contract is signed for $1,500 for one 6-month slot, the first month accrued expenditures should reflect one-sixth of the total commitment, or $250, even though the employer's invoice has not yet been received for that amount.

b. Invoices Received, But Not Yet Paid. Frequently, invoices for goods and services are received, but not until after the monthly cut-off date for payment. Consequently, they are not paid until the following month. If these invoices reflect the cost of goods and services consumed during the accounting month, this cost or that portion of the total cost that reflects the amount consumed during the accounting month is to be charged

as an expenditure for that month. Using the previous example, if the State's billing period cut-off date was the 5th of the month, yet the invoice was not received until the 6th, then the same accrued expenditure of $250 for the month should be entered.

The failure to accrue costs accurately can have an impact on the WIN agency program in a number of ways:

1) Underestimation of Cash Needs. If projected costs for an outstanding invoice are not considered in estimating cash requirements for future periods, the amount requested may be inadequate to meet all needs.

2) Distortion of Unit and Average Cost Estimates. By failing to match costs incurred with participants served during a period, unit and average cost estimates may be over- or under-stated.

3) Overstatement of Carry-Out. At the end of the fiscal year, the WIN E&T agency's unused obligational authority, plus the remaining funds committed for subcontracts (resources on order), are considered the agency's "carry-out." Failure to reduce this amount by costs incurred against these subcontracts will result in an overestimation of carry-out resources on order.

4. Time Distribution (WIN E&T Agency).

a. Importance of Time Distribution. Because plans for achieving program goals and objectives are based largely on the specific distribution of staff time in various activities, only an accurate system of time reporting will allow the WIN manager to monitor staff activity required to achieve those objectives. For example, the plan is developed on the basis of accomplishing a given level of participation in the OJT component, with a specific number of staff positions (full-time equivalents) to support that level of activity, through OJT job development, selection and referral. Time distribution reports, plus analysis of trends in staff required for future planning, will allow the manager to measure the actual amount of time (and money) spent on the OJT component, to produce the desired level of OJT participation. For the WIN E&T agency, this need is addressed through the SESA Accounting System.

b. Data Maintained. The system maintains complete and up-to-date information on each employee; collects time spent on specific activities by each employee; and converts that time into activity (e.g., intake, placement), project (a WIN project), and program (a State WIN program) costs. These data are then used to produce management reports to aid in controlling program

operations. Most of these management reports require an accurate accounting of the various work activities in which employees are involved. The SESA Accounting System, therefore, not only records the time-related cost of each employee, but also the work activity associated with the time reported.

c. Two Basic Functions. Accounting for personal services and benefits requires two basic functions. First, an up-to-date record of specific employee data, including salary rate, and second, an accurate account of each employee's time and work activity. Each WIN manager should maintain strict controls to ensure the accuracy of time charges reported by his/her personnel. If time charges do not accurately reflect the work actually performed on particular functions, then activity costs will be distorted and possibly improperly charged to appropriations. Under these circumstances, the WIN manager can neither adequately control costs nor make effective management use of output reports for comparison of actual and planned performance.

d. WIN Manager Responsibilities. Accordingly, the WIN manager must ensure that: all time charges are based on actual work performance rather than on previously planned personnel assignments or the availability of funds for a particular project; alterations to completed time sheets are not made other than to correct errors; missing time sheets are not completed arbitrarily; and every effort is made to identify the correct time charges.

5. Allocation of Indirect Costs. The cost of conducting WIN program operations is comprised of two elements. The first, direct costs, are those directly identifiable with the program, e.g., the salary costs of SAU staff. The second, indirect costs, are those that benefit a number of activities or programs, including WIN, e.g., ADP processing costs within a State agency. These indirect costs must be allocated to benefiting programs and activities and become part of the total cost of operating the program. The procedures to be employed by the WIN E&T agency and the SAU in allocating indirect costs are discussed below.

a. WIN E&T Agency (SESA).

1) The SESA Accounting System uses functional activities (e.g., intake and counseling) as the basis for aggregating program costs. The system is designed so that a substantial number of costs, particularly personal services and nonpersonal services, can be directly charged to activities. However, there are some costs that cannot be identified to an activity and must be allocated. These include annual and sick leave taken, personnel benefits, certain nonpersonal services, and

central office administration. The SESA Accounting System collects time worked on activities reported by each employee and converts the time into costs based on salary and wage rates. These costs then provide the basis for allocating the indirect costs to activities and appropriations.

2) The allocation of indirect costs is a three-step process:

a) The SESA Accounting System allocates personnel benefits and other personal services (annual and sick leave taken) based on the percent of direct personal service dollars spent on each activity, to total direct personal service dollars accumulated in each local office.

b) The system allocates nonpersonal services to activities, based on the percent of positions charged on each activity, to the total positions accumulated in the local office.

c) The SESA Accounting System allocates central office administration (AS&T) to all the programs conducted within the SESA that can legally share in the allocation of AS&T. This allocation is based on the percentage of direct personal service dollars accumulated for each project to the total personal service dollars accumulated in the State. No direct charged AS&T is used in the allocation base.

b. SAU.

1) "Cost Principles and Procedures for Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Federal Government" (U.S. OHEW, December, 1976) identifies the information necessary for documenting and justifying a State welfare agency's method of allocating indirect costs among programs, within programs, and between activities that have different federal sharing rates. Generally, there is an approved statewide cost allocation plan that lists the anticipated central office agency costs to be charged to the department and provides the basis for allocating indirect costs to the programs conducted in the department. Indirect costs applicable to such services can be included for federal sharing only if the department providing such services has an indirect cost rate proposal approved by the cognizant federal agency and if the amounts are in accordance with such approved methods.

2) Costs that can be readily identified with services or income maintenance activities must be directly charged. Costs that benefit several functions, but cannot be readily identified with specific functions, must be allocated on an equitable basis, such as the ratio of staff in social services

in income maintenance, time studies, or other equitable bases. The distribution of costs based solely on salaries may be inequitable, since salaries of service staff are generally higher than salaries of income maintenance staff.

3) Because public agency organizational structures and program components vary, it is the responsibility of the public agency to select the cost allocation method that will result in the equitable allocation or distribution of indirect costs among its programs.

6. Use of WIN and Title XX Funds for the Provision of Social Services to WIN Registrants (SAU).

a. In accordance with the provisions of Title IV-A of the Social Security Act, the costs of social services provided by the WIN program to certified registrants shall be matched at a federal financial participation (FFP) rate of 90 percent. Counseling and other services provided directly by the SAU to certified registrants, or to applicant/registrants and uncertified registrant/recipients (as discussed in Chapter Seven) shall also be claimed at 90 percent FFP.

b. The Act further encourages the use of services funded through other sources, for example, Title XX (also discussed in Chapter Seven and Ten). Such a provision in the State's services plan would enable the SAU to refer WIN registrants to the Title XX agency for services, just as it might refer them to the vocational rehabilitation agency for rehabilitation services. In this case, federal funding of these services would be at the appropriate non-WIN FFP, if such services had been available to these persons even though they were not WIN registrants.

c. Thus, when WIN registrants are referred to the Title XX agency for services for which they are eligible under the State's services plan, FFP may be claimed at the appropriate Title XX rate. However, certain service and administrative costs that are incurred only under the WIN program for WIN registrants must be matched at the WIN FFP rate, such as staff time to:

1) Develop the State and local WIN plans;

2) Conduct WIN appraisal interviews;

3) Develop WIN registrants' employability plans;

4) Provide or arrange for employment-related services for WIN registrants;

5) Certify that WIN registrants have necessary services arranged or provided to enable them to enter employment or training;

6) Provide 60-day counseling for certified registrants who have failed to participate without good cause; and

7) Administrative costs that are directly attributable to those services deemed unique to WIN.

d. Costs unique to the WIN program are incurred on a continuous basis. Services and resources available from other appropriations and at a non-WIN FFP rate would be used concurrently with WIN-funded services and resources.

e. Section IV of this chapter outlines procedures for completing and submitting OJDS fiscal accounting reports. Additionally, Chapter XV of this handbook provides instructions for completing and submitting WIN social service provision and cost data under the SSRR. In using data generated through these reporting requirements, the WIN manager should be aware that the data pertain only to WIN-funded services. Where a state's CASP allows for Title XX services to be provided to WIN registrants, federally required WIN reports of recipients and total costs do not include these services. Individual states may have their own management information systems that track WIN registrants receiving all social services (regardless of funding source); but the federally required reports do not include a separate breakout for WIN registrants receiving Title XX services. Similarly, SSRR Title XX reports permit no distinction for services provided solely to WIN registrants.

7. Managing Resources on Order (WIN E&T Agency).

a. General. Resources on order (ROO) are the dollar amount of orders placed for goods and services that have not yet been delivered by the vendor. As such, ROO reflect an obligation on the part of the program that eventaully will become expenditures when the goods/services are delivered, and will be charged as an accrued expenditure. For WIN, the most significant ROO are those for subcontracted work and training services, including PSE, OJT, Institutional Training, and Work Experience. Other ROO will most likely accrue in the area of nonpersonal services, where items such as supplies have been ordered but not yet received.

b. WIN Manager Responsibilities. Given the substantial amount of obligations that first enter the SESA Accounting

System as ROO, program managers must exercise control over these items to ensure effective use of program resources. First, ROO should be established only for firm orders (nonpersonal services) or contractual obligations (capital expenditures and subcontracted services). Additionally, managers should be able to identify and control ROO by expense classification; e.g., supplies and PSE subcontracted services. Finally, it is incumbent on the manager to ensure that, once ROO are established, they are promptly reflected as accrued expenditures when goods and services are delivered.

c. Managing ROO under Continuing Resolution. A particular problem in the management of ROO arises when the program is operating under a continuing resolution. Specifically, there is often a need to enter into subcontracts early in the fiscal year to enhance the potential for meeting program placement goals. However, because of less than full funding, obligational authority received to date is sometimes inadequate to support the required level of subcontracting. In such cases, the WIN manager should work with the State fiscal staff to arrive at the most effective manner of dealing with this situation. One possibility would be to enter as ROO only that amount of the subcontracts that is expected to be expended prior to the receipt of additional obligational authority. If this is done, however, the WIN manager must inform subcontractors that full funding of the subcontract is contingent upon the receipt of additional federal funds.

d. Implications of Inadequate Management of ROO. Failure to manage ROO adequately can have serious financial implications for the WIN program in terms of both understated and overstated ROO. Clearly, understated ROO distort the program's balance of unused obligational authority, making it appear that more exists than is actually available. Under these circumstances, the program may unknowingly overobligate. When ROO are overstated, the program is not accruing expenditures properly, which can affect carry-in and, subsequently, reduce new obligational authority.

8. Determination of Carry-Out (WIN E&T Agency).

a. General. Most WIN grants have been in effect for a number of years and have received additional funds each year from a new WIN appropriation. In the WIN program, WIN E&T agency funds not expended in one year can be carried forward to the next year. Thus, the total amount of funds available during the year against which federal obligations can be incurred consists of (a) new federal obligational authority received (commonly referred to as NOA), and (b) the carry-in of unexpended federal obligational authority from the prior year (carry-out). These items

jointly represent the total availability in the grant for the current fiscal year. Specifically, carry-out consists of two parts:

1) Unused Obligational Authority (O/A). Amount of O/A received last year against which no obligations were incurred (uncommitted);

2) Resources On Order. The amount of O/A committed last year that will not be expended until some time in the future (committed).

b. WIN Manager Responsibilities in Determining Carry-Out Estimates. As part of the WIN plan development process, the manager is asked to estimate projected carry-out for both intake and subcontracted services, and to identify the amount of carry-out that will be comprised of unused obligational authority and carry-over ROO. In order to estimate these amounts accurately, the WIN manager must forecast program expenditures for the remainder of the year and subtract this amount from total availability. In forecasting expenditures, the manager should use historical expenditure data--including salary, non-personal services, and subcontracted services costs--to arrive at the most realistic estimate possible.

c. Importance of Accuracy of Carry-Out Estimate. The accuracy of the carry-out estimate has a potential impact on the amount of new obligational authority that will be received by the State at the beginning of the new fiscal year. To the extent that carry-in estimates made during the planning process differ substantially from the actual amount of carry-in, over- or underutilization of funds may result during the early part of program year operations. If this occurs, expenditure plans may have to be revised and program emphasis adjusted.

d. Adequacy of Level of Unused Obligational Authority. It is important that the WIN manager ensure that, consistent with NCC and RCC planning guidelines, the level of unused obligational authority is adequate to provide the program maximum flexibility in fund application. Specifically, if carry-over subcontracted resources on order will not be liquidated by the end of subcontract period, they should be reduced to the level necessary to support subcontracted activities. In turn, this will increase the amount of unused obligational authority.

9. Control of Cash Needs.

a. Guidelines for Obtaining Funds. ETA and OHDS policy provides for advance payments to state agencies in strict

accordance with the policy of the U. S. Treasury Department, as stated in Treasury Circular 1075, Revised, and the procedures set forth in FMC 74-7. The mechanism used by the WIN E&T agency to obtain advance payments is the Regional Disbursing Office (RDO) Letter-of-Credit System. Similarly, the SAU receives advance payment by means of the Letter-of-Credit System operated through the Federal Reserve Bank. Generally, each state agency will be issued one letter of credit for all activities it conducts, regardless of the number of appropriations funding the activities. This letter of credit will be used to drawdown (obtain) funds for paying for all program operations; however, once drawndown, WIN funds must be accounted for and controlled separately by both the WIN E&T agency and SAU. U. S. Treasury guidelines call for drawdowns to be limited to an amount necessary to cover immediate cash needs--usually 3 days of disbursements. Requests for funds substantially in excess of this amount will normally be rejected.

b. Control of Letter-of-Credit Drawdowns. Control of letter-of-credit drawdowns is the responsibility of the fiscal office in the appropriate state agency. In estimating cash needs, the fiscal office will generally use historical expenditure patterns as the basis for its estimates. This method of estimating has proven to be "accurate" because such a large portion of disbursements is for personal services and personnel benefits. This, however, is not the case for the WIN program--in fact, subcontract costs account for approximately 40 percent of program expenditures.

c. Subcontractor Invoices. When the fiscal office bases each cash request for WIN on an average monthly subcontract expenditure rate, the potential exists for the accumulation of substantial amounts of cash, if subcontractors do not invoice on a regular basis. Thus, it is incumbent on the WIN program manager to encourage the timely and periodic submission of subcontractor invoices not only to provide an accurate picture of program expenditures but also to ensure that cash in excess of immediate needs is not allowed to build up at the state level.

III. Fiscal Information Systems. This section presents a description of the fiscal information systems that are available for use in monitoring the fiscal aspects of the WIN program. Systems discussed herein include the SESA Accounting System and reporting requirements imposed on the SAU by OHDS.

A. The SESA Accounting System. The SESA Accounting System is a state-operated financial management information system providing uniform accountability for all administrative funds used by state agencies for the administration and delivery of

labor market and human resource development services. Included within the coverage of the system are all WIN E&T agency costs. As such, reports produced by the system are particularly essential to WIN financial management.

1. Steps Involved in Collecting and Aggregating Costs. For the WIN program, the SESA Accounting System collects and agregates costs in the two program areas administered by the WIN E&T Intake/Services and Subcontracted Services. For Intake/Services, costs are collected and aggregated by standard ES functions (activities), e.g., intake, counseling, and placement, and subsequently converted to WIN Intake/Services functions, e.g., intake and adjudication. The collection and aggregation of Intake/Services costs takes place in four steps:

a. The time worked on activities and reported by each employee is collected by the system and converted into direct personal service costs based on the salary or wage rate of each individual;

b. The costs of personnel benefits and other personal services, such as annual and sick leave taken, are calculated by the system and distributed to different activities based on the amount of direct personal service costs accumulated in each activity;

c. WIN nonpersonal service costs, such as supplies, communication, travel, and rent, are gathered by the system and distributed to activities based on the amount of time spent on each activity; and

d. Indirect costs at both the cost center (WIN project) and State level are allocated to activities described in the preceding section of this chapter.

2. Subcontracted Services. For subcontracted services, the SESA Accounting System collects the costs incurred by subcontractors for WIN PSE, OJT, Institutional Training, and WE, including wages and benefits where appropriate, as well as the cost of allowance payments made to WIN registrants in Institutional Training and WE activities. Subcontracted services costs are identified by category including training, payments to employees, participant wages and benefits, and subcontract administration.

3. Information Generated by the SESA Accounting System. Using the data collected, the SESA Accounting System generates, on a monthly basis, approximately 40 different management information reports. These reports display information supportive of

the overall management function of the State agency, including planning and budgeting, program and financial management operations, and program monitoring and evaluation. The chart below provides a summary description of a subset of the available system output reports that are particularly useful in the administration of the WIN program. These reports are organized by type into four distinct groups: (a) Time Distribution, (b) Activity and Expense, (c) Project Reports, and (d) Appropriation (Program).

B. WIN/SESA Accounting System Report Summary.

Report Type	Report Number	Report Name	Primary Purposes and Use	WIN Relevance
Time Distribution	02 A,B,C	State Time Distribution Reports	To provide a means of monitoring and evaluating statewide actual hours worked, positions worked, and direct personnal service charges by project, function, and activity.	Displays monthly, quarterly, and year-to-date position utilization data for each WIN project at the activity level and the function levels.
	03 A,B (C,D)	Cost Center (District) Time Distribution Reports	To provide a means of determining the degree of program emphasis within a cost center.	Displays monthly, quarterly, and year-to-date position utilization data for each WIN project at the activity level and the function levels.
	04	Personal Services/ Benefit Cost Report	To provide a record as well as a means to monitor and review individual employee time charges and leave balances.	Displays current month listing of the activities performed by individual employees. Used to determine cost of services for specific individuals.
Activity and Expenses	82 (83)	Cost Center (State) Detail Cost Reports	To review and monitor current costs by detailed expense classification.	Displays cost of all employment and training services by cost center and statewide. Particularly useful in evaluating expenses by month, quarter, and year-to-date.
	84	Cost Center Activity Report	To compare the cost center's planned and actual positions worked, utilization by activity, and review costs by activity, and reviewing unit cost and unit time.	Displays positions and costs for each activity performed in a cost center. Data are displayed at function levels to monitor cost center performance. Unit cost data are useful in negotiating future service contracts and evaluating performance between programs. Performance trends can be developed using the monthly, quarterly, and year-to-date data.
	85	State Activity Report	To compare State's planned and actual positions worked, utilization by activity for the month, quarter, and year-to-date for selected projects.	Displays statewide positions worked and costs for each program activity. Selected program level Report 85's provide a summary of project performance when WIN services are provided in more than one cost center for different projects.

Report Type	Report Number	Report Name	Primary Purpose and Use	WIN Relevance
Activity and Expense (continued)	92 (95)	Monthly (YTD) Activity Costs and Positions by Project Reports	To review and monitor personal services, personnel benefits, nonpersonal services, and paid positions by activity within each project for the month (year-to-date).	Displays monthly (YTD) costs for administration and direct services which were provided by the SESA for each WIN project. Identifies specific activities performed by SESA staff as well as related paid positions and nonpersonal services costs. The annualized cost per position data is useful in WIN contract budgeting and program evaluation.
	96	Positions Paid by Project	Provides a summary of the paid positions funded for each WIN project for the reporting month, quarter-to-date, and year-to-date.	This report can be used by cost center and area WIN managers to evaluate the emphasis that has been placed on a particular project, currently and overtime.
Project	61	Status of Obligational Authority	To monitor and review encumbrances of obligational authority, current and noncurrent obligations incurred, and unused O/A in total and by expense classification for each project.	Displays monthly and cumulative expenditures by WIN project. Is used to forecast WIN expenditures for the program period and compare actual fiscal performance against approved program budget levels. Displays paid positions useful in budget preparation.
	67	WIN Project Activity Report	To ensure that PSE and OJT expenditures are in accordance with current legislative requirements and to monitor WIN project expenditures against the approved budget.	Displays WIN expenditures in the federally required WIN Grant/Budget format for Intake/Services and Subcontracted Services for the current month and cumulative to date for each active WIN project. This report is particularly useful when combined with program data from ESARS tables or similar reporting mechanisms.
	92A	Fund Ledger Allocation Report	To review and monitor direct charged and allocated costs by expense classification for the WIN program.	Displays current month and cumulative personal services, personal benefit and nonpersonal service costs for each contract or area jurisdiction. Information is used to review the distribution of AS&T cost to the WIN program and provides detail necessary to determine WIN overhead costs.
Appropriation (Program)	60	Summary Status of Obligational Authority	To monitor and review encumbrances of total obligational authority, current and noncurrent obligations incurred, resources on order, and unused O/A by expense classification for the total WIN program in the State.	Displays monthly and cumulative expenditures for the total State WIN program. It contains the central office AS&T as well as all project expenditures and is used to forecast WIN expenditures for the program period and compare fiscal performance against approved budget levels.
	67	Summary WIN Project Activity Report	To monitor the total State WIN project expenditures against the approved WIN Grant/Budget proposal and to ensure that the State PSE and OJT expenditures are in accordance with current legislative requirements.	Displays the total WIN State expenditures for the current month and cumulative to date to be compared against the statewide planned activity levels. This report is particularly useful in budget preparation.

C. OHDS Financial Reporting Requirements. The OHDS reporting requirements provide the mechanism for reporting and monitoring the disbursement of WIN SAU monies expended for the provision of social services. The forms on which SAU expenditure information is reported have been standardized and are uniform throughout the various States and reporting juridictions. However, the systems that collect, assemble, and aggregate the data have been

left to the discretion of the individual states. As a result, Minnesota has developed a separate system for collecting WIN SAU expenditures. Form completion and submission instructions for the 2 forms which comprise this system, WIN/WEP SAU Activity Log (DPW-2298) and Quarterly Statement of Expenditures (DPW-430), are presented in the next section of this chapter.

The OHDS reports that provide a summary of WIN-funded SAU expenditures are prepared at the state level and forwarded directly to the central (national) office of OHDS. SAU financial activity is reported through the use of 2 reports:

1. Quarterly Estimate of Expenditures (HDS-APS-65). This report provides an estimate of the total sum of WIN funds to be expended by the SAU in the ensuing quarter and is prepared in conjunction with provisions of the state's approved plan and Limits of Entitlement. The report represents the state's request for a grant award of federal funds.

2. Financial Status Report (Standard Form 269). On this report each state welfare agency submits its record of the actual quarterly expenditure of funds for the provision of contracted child care, other contractual services, staff costs, administration, and WIN's "cost allocation plan" share. The format of this form is prescribed by the Office of Management and Budget. The column headings, however, are a function of agency requirements for breakouts of financial reporting in support of planning and management at the state and federal levels.

IV. Forms and Instructions. Facsimiles of the WIN/WEP SAU Activity Log (DPW-2298) and the Quarterly Statement of Expenditures (DPW-430) follow.

IV. Forms and Instructions - Continued.

A. WIN/WEP SAU Activity Log (DPW-2298).

1. Facsimile Form DPW-2298.

PZ-02298-02
DPW-2298 (8-79)

WIN/WEP SAU ACTIVITY LOG

County _____ Quarter Ending _____ 19___

Worker _____ Part Time ☐ Full Time ☐

Date	Client	WIN Hours	WEP Hours	Activity Code	Date	Client	WIN Hours	WEP Hours	Activi Code

1. Facsimile Form DPW-2298 - Continued.

INSTRUCTIONS FOR WIN/WEP SAU ACTIVITY LOG

Date of Implementation: July 1, 1978

This form must be completed by the following county SAU workers:

- all WIN SAU workers (both full-time and part-time)
- full or part-time WIN SAU workers who are serving WEP clients (demonstration counties only)
- full or part-time WEP SAU workers
- supervisors of WIN/WEP SAU workers

The worker should complete three copies. One must be submitted to the Accounting Officer at the end of each quarter. (This copy must be retained for audit purposes.) The second copy must be submitted to the Work and Training Unit, Department of Public Welfare, St. Paul, Minnesota, 55155, Attention: Thyrza Tyrrell, no later than the 7th of the month following the end of the reporting quarter. The third copy should be retained by the SAU. Information should be entered on a daily basis.

The worker should complete one copy checking the full-time box and inserting only the total hours worked in the appropriate box. This should be submitted to the Work and Training Unit, Department of Public Welfare, St. Paul, Minnesota, 55155, Attention: Thyrza Tyrrell, no later than the 7th of the month following the end of the reporting quarter.

ITEM INSTRUCTIONS

Enter name of county, worker, last day of month for reporting quarter in space provided, and check appropriate box for part-time or full-time involvement with WIN or WEP.

Date: Enter date on which activity occurred.

Client: Enter client case number or other identifying code.

WIN Hours: Indicate number of hours (or portion thereof) spent on WIN client or effort; include preparation and travel time. Minimum time recorded should be 1/4 hour. Counties only with WEP program should not use this column.

Activity Code: Enter the code which best describes the activity. Using codes in lower right hand corner.

Total WIN Hours: Enter total of WIN hours spent for the quarter. That is the total which will be charged to the WIN program for that particular worker.

Total WEP Hours: Enter total of WEP hours spent for the quarter. This is the total which will be charged to WEP for that particular worker.

B. Quarterly Statement of Expenditures (DPW-430).

1. Facsimile Form DPW-430.

DPW-430
(6-77)

QUARTERLY STATEMENT OF EXPENDITURES FOR
THE WORK INCENTIVE (WIN) PROGRAM

County _____ Quarter Ended _____ 19 ____

SECTION A - AGENCY SAU STAFF COMPLIMENT

1. Total Number of Full-Time SAU Staff

2. Total Number of Part-Time SAU Staff

2a. Equivalent in Full-Time Employees

SECTION B - PURCHASED SERVICE COSTS

3. Purchased Child Care ... (Acct. #8104 + 10% County Share)

4. Other Purchased Services ... (Acct. #8580)

SECTION C - DIRECT SERVICE COSTS

5. Costs of SAU Social Work and Supervisory Staff Providing Direct Supportive Services

Acct. #8521 ...

6. Costs of Other SAU Staff Providing Administrative and Case Management

Acct. #8522

7. Direct Expenses Other Than SAU Staff Costs Related to SAU Administration

Acct. #8538 ...
Acct. #8539 ...
Acct. #8551 ...
Acct. #8552 ...

NOTE: INDIRECT COSTS attributable to WIN are computed by the Division of Financial Management, Department of Public Welfare and included in county claims for reimbursement

I certify that the information contained in this statement and the supporting schedules is correct to the best of my knowledge and belief.

_____ Date _____ 19 ____
Executive Officer, County Agency

Person to be Contacted Regarding This Report

Name _____ Telephone # _____
(Area Code and No.)

1. Facsimile Form DPW-430 - Continued.

INSTRUCTIONS FOR FORM DPW-430

The Quarterly Statement of Expenditures for the Work Incentive (WIN) Program should include the number of agency Separate Administrative Unit (SAU) staff, purchased service costs, and direct service costs related to administration of the WIN Program.

ITEM INSTRUCTIONS

COUNTY - Enter the name of reporting county.

Quarter Ended - Enter last day of month of report quarter.

SECTION A - AGENCY STAFF COMPLIMENT

1) Enter total number of full-time social work, supervisory, and clerical SAU staff.

2) Enter total number of part-time social work, supervisory, and clerical SAU staff.

2. a. Convert #2 to full-time staff (40 hours per week).

SECTION B - PURCHASED SERVICE COSTS

3) Purchased child care - 100% of cost from account number 8104 (plus the 10% county share if posted in account number 8101).

4) Other WIN purchased services from account number 8580.

SECTION C - DIRECT SERVICE COSTS

5) Cost of SAU social worker and supervisory staff time used for providing direct supportive services. These costs are arrived at by keeping a log of the time spent on appraisals and removing barriers to employment or training. The salary costs of service for barrier removal shall be adjusted from account number 8501 to account number 8521.

6) Costs of the SAU staff providing administration and case management. Adjust as in item 5.

7) Direct expense such as travel and insurance benefits, etc. shall be adjusted from original accounts to accounts 8538, 8539, 8551, as in item 5. Enter the total amounts of these accounts in this box.

SIGNATURE - Agency director or designated representative responsible for administration of the WIN Program.

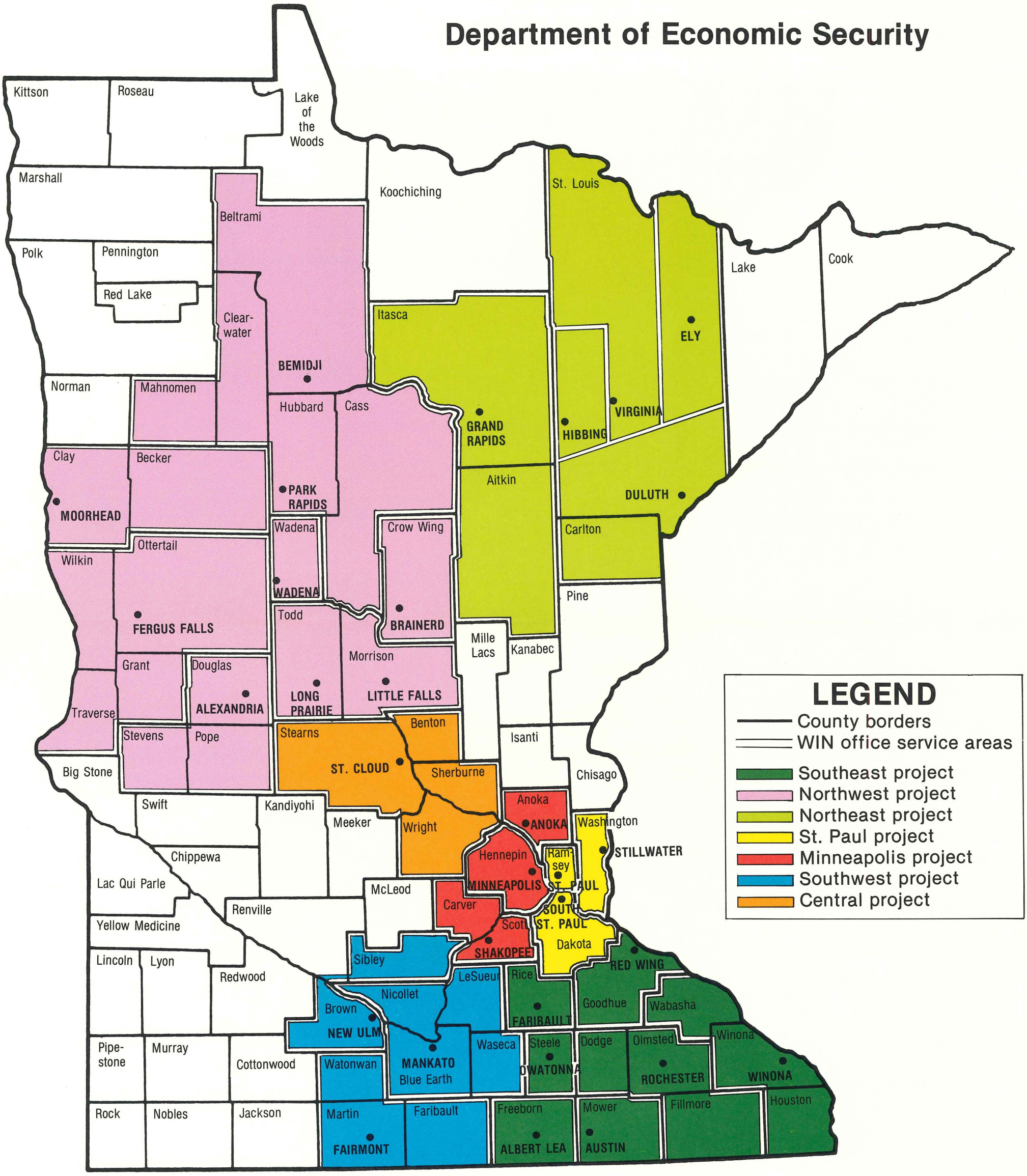
CONTACT PERSON - Individual completing report and telephone number.

GENERAL INSTRUCTIONS

Original copy of this report is to be submitted to the Social Service Reimbursement Section, Division of Financial Management, of the Department of Public Welfare by the fifteenth of the month following the end of the quarter.

MINNESOTA WIN PROJECTS

Department of Economic Security



LEGEND

- County borders
- WIN office service areas
- Southeast project
- Northwest project
- Northeast project
- St. Paul project
- Minneapolis project
- Southwest project
- Central project

WIN-63 (10/80) (ES-26063-01)

Appendix A

TRAINING OF SEWING MACHINE OPERATORS UNDER WIN OJT AND/OR INSTITUTIONAL TRAINING

1. Purpose.

a. To establish procedures to be followed by WIN Employment and Training agencies in the development and provision of training of sewing machine operators (SMO's) in the garment industry.

b. To provide clarification regarding procedures to be followed for SMO training in non-apparel industries.

c. To clarify which apparel industries are subject to the review process.

2. Local E&T Agency Procedures. All Sewing Machine Operator training must be consistent with WIN legislation, regulations and Handbook policies regarding institutional training and/or OJT and labor organization consultation or concurrence as well as the procedures outlined below.

a. Documentation. Prior to initiating any SMO training, WIN E&T agencies must submit through State WIN to the RCC full documentation on any proposed training and be notified of approval. The documentation will consist of a training plan, information on the firm, and evidence that the occupation is not of a high turnover nature.

1) Training Plan. The training plan must identify each job title for which training is proposed and describe for each:

a) The wages to be paid during the training period, including any distinctions for wages to be paid at the start of training, any planned increases during the training, and the wages to be paid at the end of training. If solely a classroom activity, note WIN allowance and TRE here. The amount of compensation during the training period includes guaranteed compensation only, not additional compensation based on piece rate.

b) A description of the training to be provided including a distinction as to whether the training is classroom, OJT, or both.

c) The length of training in terms of the number of weeks and the number of hours.

d) The prospects for employment.

2) Information on the Firm.

a) A list of all products produced by the firm.

b) The straight-time average hourly wage rate of sewing machine operators employed by the employer.

c) The fringe benefits that apply to sewing machine operators. (List and give dollar value.)

d) The ratio of fringe benefits costs, excluding those mandated by law (e.g., social security, workers' compensation, unemployment insurance), to the gross payroll.

e) The number of production workers employed by the employer.

f) A narrative statement describing the firm's previous experience with formal training programs; the disposition, if any, of its application for subcontractor status to any CETA-funded training program for SMO occupations; and other information that provides evidence of a technical capacity to manage a training program.

g) For each job title for which training is proposed, indicate the number of employees currently employed in each such job title and their straight-time average hourly rates, and provide evidence that the job titles are not newly created for the purposes of securing approval of the proposed training.

h) A description of the growth, stability or diminution of the firm's employment over the past 3 years.

When a training organization is to provide SMO training, items a), c), d), e), g) and h) are not applicable. Information regarding previous training experience required in item f) should be submitted. If the proposal contains commitments to hire from specific firms, information requested in item b) should also be submitted.

3) Turnover Rate. The E&T agency must also document that the rate of turnover for the occupation, within the garment industry, does not substantially exceed the rate of labor turnover in other industries in the same area. Here, as a general consideration, "substantially exceed" means "exceed by more than 30 percent." The rate of labor turnover in the garment industry shall mean the separation rate per 100 employees in the garment industry as computed by the Bureau of Labor Statistics or a state employment security agency. The rate of labor turnover in the other industries shall mean the separation rate per 100 employees as computed by the Bureau of Labor Statistics or state employment security agency for all manufacturing. Area means the local market area in which the firm or training organization is located or, in the absence of data for the area, the state in which the firm or training organization is located or, in the absence of data for the state, the United States.

The rate of turnover should be calculated on an annual, or even longer period. An annual calculation is acceptable but a longer period such as 3 years, is necessarily more representative of the turnover rate over the long term for an occupation, and is therefore preferred.

b. Review Benchmarks. The following elements represent the review benchmarks generally to be applied in determining the acceptability of SMO training:

1) The training should be with a firm in which SMO earnings, including piece rate earnings, average at least $4.25 an hour, except in the men's and boy's suit coat industry where earnings should average at least $4.50 an hour.

2) The wage paid during the training period should be at least 30 cents higher than the federal minimum wage. This includes guaranteed compensation only, not additional compensation based on piece rate.

3) The firm's fringe benefits costs, exclusive of those mandated by law, should represent at least 20 percent of gross payroll.

4) The firm should have experienced either growth or relative stability of employment over the past 3 years.

5) The firm or training organization should demonstrate the technical capability to manage a training program competently.

6) The job titles for which training is proposed are job classifications customarily used by the employer and the length of training proposed is commensurate with the task to be learned. No training in any SMO occupation should be for longer than 490 hours or 17 weeks (excluding vacation weeks), whichever comes first.

c. Exceptions. When SMO institutional training will be provided through an organization or firm which will not subsequently hire the trainees, several of the items included in the training plan and as review benchmarks are not applicable. Listed below are adjustments that should be made to the plan requirements and benchmarks when reviewing proposals of this type:

1) Documentation.

a) Training Plan. All items should be included.

b) Information on Firm. All items are not applicable except item f) which addresses the firm's previous training experience. However, if a proposal contains commitments to hire from specific firms, all information requested in this category should be submitted on the hiring firms.

2) Review Benchmarks. Review elements applicable are items b), e), and the length of training guideline in f). If a classroom training proposal contains commitments to hire from specifi[illegible] firms, all review benchmarks would be applicable to the information submitted on these firms.

d. Union Concurrence. Where a collective bargaining agreement exists between the employing firm and the employees or their representatives and is applicable to SMOs, any WIN contract shall have the written concurrence of the bargaining agent with regard to such relevant aspects as suitability of wages and fringe benefits during the training period. A period of 30 days is to be allowed for the purpose of obtaining concurrence.

In order to expedite the entire review process for SMO proposals, E&T agencies may submit a proposal to the region prior to receipt of the bargaining agent's concurrence. The E&T agency should indicate the status of the bargaining agent review in a letter of transmittal, accompanying the SMO proposal. Included in the status report should be a statement that:

1) Written concurrence was received, the name of the bargaining agent, and the date of the written concurrence; or

2) Written concurrence is being sought, the last date which the bargaining agent has to provide such concurrence; the name of the bargaining agent; problems anticipated in obtaining concurrence, if any; or

3) No appropriate bargaining agent exists for the occupation in the firm.

The RCC will forward all SMO proposals to the NCC within 7 days, regardless of the status of the E&T agency's receipt of written concurrence.

If a proposal is submitted to the NCC prior to receipt of written concurrence, the Department (DOL) will withhold approval until the Department (DOL) ascertains that written concurrence was either received by or was not provided to the E&T agency within the period allowed bargaining agents for concurrence.

3. Apparel vs. Non-Apparel Status.

a. Policy Definition. In determining what items are to be considered apparel items, the standard industrial classification (SIC) should be used as a guide. Generally, industries producing items listed under SIC 23 in subgroups 231 through 238, are to be considered apparel. Although there are a few apparel industries in subgroup 2396 (e.g., lining for hats, collars, findings, shoulder straps for women's underwear), industries producing items under subgroup 239 of SIC 23 are for the most part non-apparel.

In addition to industries producing items under SIC 23 as described above, some leather industries classified under SIC 22, are also to be considered apparel. Under SIC 31, the four digit subgroup 3151, leather gloves and mittens, is comprised of apparel items produced by SMOs and subgroup 2259 contains some apparel (as well as non-apparel) items (e.g., gloves, mittens, girdles).

b. Applicability of Review Process.

1) Any classroom training proposal to provide SMO training, whether in apparel or non-apparel industries, must be submitted through State WIN to the Regional Office for review. All proposals which are clearly apparel will follow the entire review process outlined here, i.e., review and recommendations to the NCC for a final decision. Any SMO classroom training proposal which demonstrates that the training curriculum is clearly non-apparel and which contains evidence of commitments from non-apparel industries to hire WIN registrants upon completion of the training program will not be submitted to the NCC for review, nor will it be subject to the review criteria listed herein. The RCC will determine if classroom training proposals meet these specifications. If they do not, the RCC will make a recommendation for approval or disapproval and forward it to the NCC for final review. This procedure is intended to ensure that registrants are not placed in an unreviewed non-apparel training program and upon completion placed in jobs in apparel firms.

2) Any proposal (OJT or institutional training) to provide SMO training submitted by an E&T agency on behalf of a firm in the SMSA which manufacturers both apparel and non-apparel needle trade items, must be submitted through State WIN to the RCC for review. If such a proposal demonstrates that the SMO training curriculum is clearly non-apparel and the registrants will be placed in non-apparel jobs upon completion of the training, it will not be submitted to the NCC for review, nor will it be subject to the review criteria in this RCC Issuance. The RCC will determine if proposals from such firms meet these specifications. If they do not, the RCC will make a recommendation for approval or disapproval and forward it to the National Office for final review.

3) OJT proposals to train SMOs in clearly non-apparel industries and which do not fall under the purview of item 2) above, need not be submitted to the RCC and are not subject to the special review criteria.

4. RCC Review Process: Regional offices will review the SMO training proposal to ascertain if it adequately addresses the items required above. If additional information is needed, the RCC will immediately request the local E&T agency through State WIN to submit whatever extra detail is necessary. Within approximately 7 days of receipt of the additional information, the RCC will:

a. Review the proposal in terms of the review benchmarks;

b. Complete a review checklist sheet transmittal form; and

c. Transmit 3 copies of the proposal and checklist to the NCC.

5. NCC Review Process: The SMO proposals received by the NCC will be reviewed by WIN Program Design staff. A recommendation will be forwarded to the Deputy Assistant Secretary for ETA final decision. Notification of approval or disapproval will be forwarded to the RCC within approximately 3 weeks of receipt. The RCC will in turn notify the local E&T agency through State WIN.

6. Action Required: Local WIN E&T agencies are to follow the procedures outlined in this memorandum for submittal of all requests for approval of Sewing Machine Operator training proposals.

JOB SERVICE MEMO

Subject: WIN Reports: FY '83 Monthly Report (March)

Date: April 28, 1983

Action Required: Yes _____ No X

Due Date: NA

References: Job Service Memo: WIN Reports: November 29, 1982

Attached is a nearly-complete WIN Monthly Report for March, 1983. The "Month" columns could not be completed, because ESARS included both February and March data in the March run.

Several offices have changed their WIN allocations in the last month; changes to their Entered Employment goals are listed below.

	Revised EE Goal
Rochester	145
Duluth	303
Virginia	174

Attach.

Rescissions: None	Expiration Date: December 31, 1983
Contact Person: Pati Maier	Phone Number: (612) 296-3691

JOB SERVICE DIVISION MINNESOTA DEPARTMENT OF ECONOMIC SECURITY

FY '83 WIN Monthly Report

Month: March, 1983

% of Year Elapsed: 50.0

Project/Location		Registrations			Deregistrations		Entered Employments			
		Month	Cum	On Board	Total	Due to Employ	Mo	Cum	% of Goal	From LME
Southeast	9252		687	1644	282	74		102	34.3	6
Albert Lea	8200		95	164				0	0	0
Austin	8240		127	281				27	39.7	1
Rochester	8700		246	479				51	35.2	4
Winona	8840		96	318				23	46.0	2
Northwest	9253		1126	2480	567	155		163	39.8	22
Bemidji	8260		195	609				39	38.6	4
Brainerd	8280		314	646				35	28.7	9
Little Falls	8500		199	435				38	46.3	6
Moorhead	8580		284	549				52	49.5	2
Northeast	9254		1846	3782	800	132		191	29.8	10
Duluth	8120		663	1941				105	34.7	4
Grand Rapids	8420		237	591				45	36.0	1
Hibbing	8440		209	369				9	23.7	1
Virginia	8780		594	973				29	16.7	5
St. Paul Area	9255		2792	6203	1833	654		573	36.3	17
Ramsey	8180		1654	4531				396	32.3	14
Washington	8193		318	586				107	82.3	6
Dakota	8195		411	1172				77	34.2	2
Minneapolis Area	9256		3730	8220	2247	338		464	29.2	44
Minneapolis	8150		2574	6623				244	19.1	21
Anoka	8476		731	1416				129	56.6	11
Shakopee	8477		160	266				84	98.8	10
Southwest	9257		429	861	212	54		90	47.9	4
Mankato	8520		356	678				90	47.9	4
Central	9260		420	1086	229	60		60	21.8	5
St. Cloud	8720		370	1074				64	23.3	7
State Total			11,068	24,675	6,183	1,472		1643	33.0	108

FY '83 WIN Monthly Report

Month: March, 1983 % of Year Elapsed: 50.0

Project/Location		Retained Employment				Avg Wage	SYP Utilization		
		Potential	Contacted	Employed	Rate		Alloc	YTD	EEmp SYP
Southeast	9252	107	95	100	87.9		5.01	4.89	41.7
Albert Lea	8200	0	0	0	0		1.90	1.57	34.4
Austin	8240	30	29	29	96.7				
Rochester	8700	54	45	45	81.5		2.90	2.24	45.5
Winona	8840	23	23	26	100.0		1.00	1.06	43.4
Northwest	9253	170	165	159	91.8		8.29	6.91	47.2
Bemidji	8260	38	42	41	107.9		2.02	1.80	43.3
Brainerd	8280	37	36	31	83.8		2.43	1.54	45.5
Little Falls	8500	44	42	40	90.9		1.64	1.33	57.1
Moorhead	8580	52	51	51	96.2		2.10	2.13	48.8
Northeast	9254	207	187	181	86.5		12.52	10.92	35.0
Duluth (066)	8120	120	111	104	86.7		6.06	5.56	37.8
Grand Rapids	8420	45	34	34	75.6		2.50	2.04	44.1
Hibbing	8440	8	7	7	87.5		.75	.51	35.3
Virginia	8780	33	33	35	97.0		2.90	2.59	22.4
St. Paul Area	9255	575	515	490	84.0		31.90	30.84	37.2
Ramsey	8180	398	350	323	79.9		24.50	23.07	34.3
Washington	8193	105	100	99	93.3		2.60	2.71	79.0
Dakota	8195	78	71	73	91.0		4.50	4.45	34.6
Minneapolis Area	9256	465	406	414	85.6		31.80	28.20	32.9
Minneapolis	8150	243	214	209	84.0				
Anoka	8476	134	122	128	88.8				
Shakopee	8477	81	73	75	90.1				
Southwest	9257	91	89	89	96.7		3.79	2.57	70.0
Mankato	8520	91	89	89	96.7		3.75	2.37	75.9
Central	9260	61	59	55	90.2		4.60	3.85	31.2
St. Cloud	8720	65	64	62	92.3		4.50	3.77	34.0
Field Subtotal							97.91	88.22	37.2
State Central	9251						16.40	13.85	
State Total		1,678	1,519	1,491	86.8	5.03	114.31	102.07	

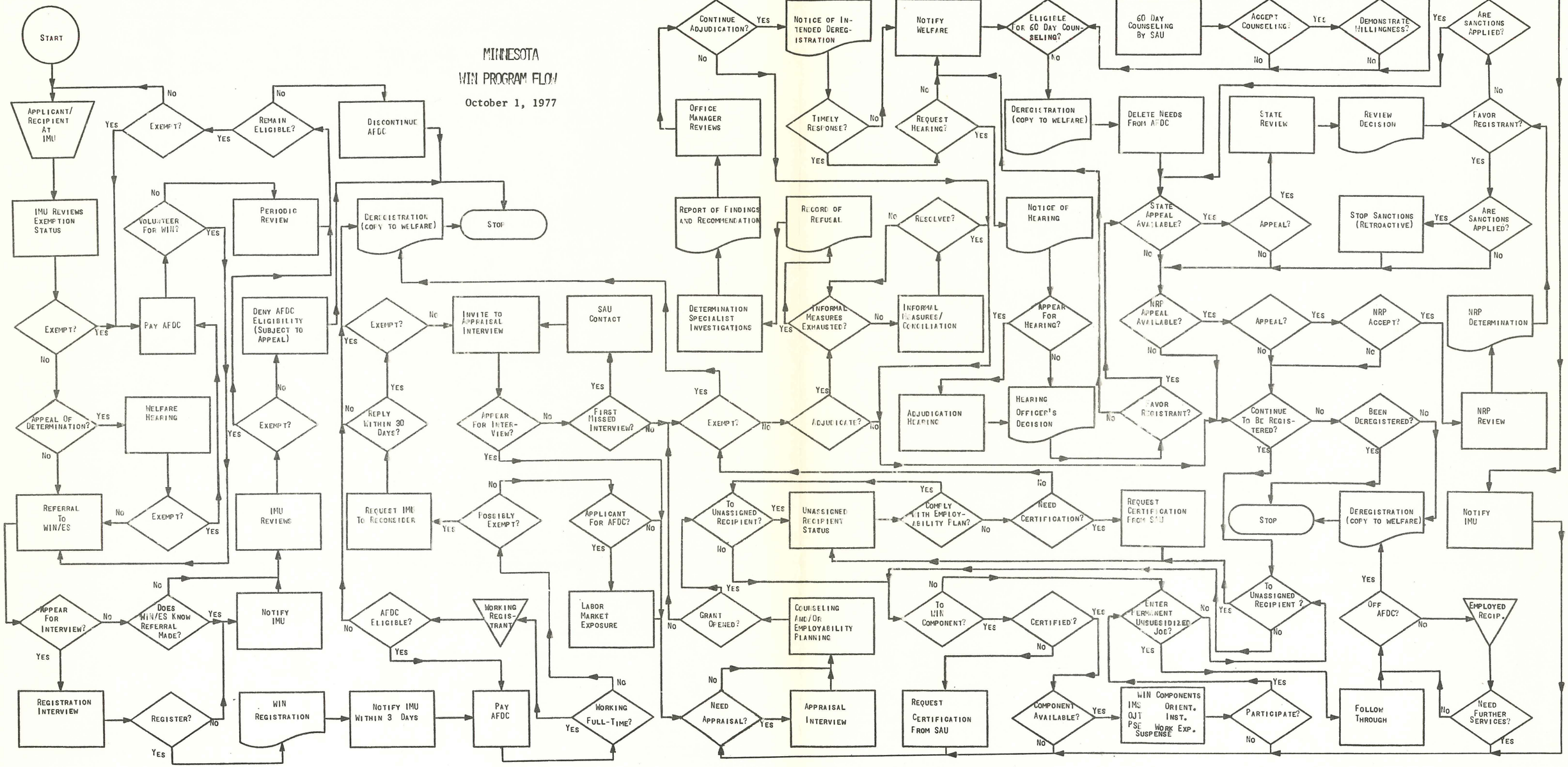
FY '83 WIN Monthly Report

Month: March, 1983

% of Year Elapsed: 50.0

Project/Location		Financial Summary									
			Expenditures								
		Allocation	Staff	OJT Contracts	PSE Contracts	Inst. Contracts	Inst. Allow.	Other Allows & Benefits	Total	% Expend	Resources On Order
Southeast	9252	262,075	72,908	1,841	0	4,493	0	2,406	81,649	31.2	6,973
Albert Lea/Austin	200	102,181	22,079	183	0	4,023	0	783	27,068	26.5	2,971
Rochester	700	110,215	32,523	1,658	0	5	0	0	34,186	31.0	4,002
Winona	840	47,699	17,404	0	0	465	0	1,625	19,494	40.9	0
Northwest	9253	447,055	102,508	3,859	2,483	1,296	0	4,366	114,512	25.6	7,138
Bemidji	260	93,588	27,918	0	1,400	319	0	260	29,897	31.9	2,799
Brainerd	280	125,405	23,664	2,653	0	598	0	423	27,338	21.8	640
Little Falls	500	111,205	18,697	489	1,083	240	0	3,545	24,054	21.6	2,266
Moorhead	580	113,557	30,448	716	0	139	0	138	31,441	27.7	1,433
Northeast	9254	543,612	156,137	2,426	1,144	5,937	2,646	15,083	183,373	33.7	9,313
Duluth	066	234,388	80,605	2,429	0	1,426	0	714	85,174	36.3	413
Grand Rapids	420	121,894	27,548	0	1,144	429	260	511	29,892	24.5	7,578
Hibbing	440	56,300	7,985	0	0	1,384	364	2,988	12,721	22.6	919
Virginia	780	127,730	35,479	0	0	2,713	2,022	10,872	51,086	40.0	264
St. Paul Area	9255	1,127,094	433,895	6,832	0	6,781	9	45,448	492,965	43.7	6,324
Ramsey	926	816,333	326,261	6,835	0	6,580	0	43,233	382,909	46.9	6,288
Washington	183	108,815	38,950	0	0	208	9	2,215	41,382	38.0	0
Dakota	195	192,046	61,548	0	0	0	0	0	61,548	32.0	0
Minneapolis	9256	1,411,425	409,411	6,559	0	7,896	2,996	29,857	456,719	32.4	15,079
Southwest	9257	193,614	34,190	0	0	4,505	218	936	39,849	20.6	1,618
Mankato	520	192,294	31,699	0	0	4,505	218	936	37,358	19.4	1,618
Central	9260	186,965	51,908	624	0	90	48	233	52,903	28.3	416
St. Cloud	720	183,665	49,953	624	0	90	48	233	50,948	27.7	416
Field Subtotal		4,171,840	1,260,957						1,421,970	34.1	46,861
State Central	9251	521,520	274,438						274,438	52.6	1,100
State Total		4,693,360	1,535,395	22,141	3,627	30,998	5,917	98,330	1,696,408	36.1	47,961

MINNESOTA
WIN PROGRAM FLOW
October 1, 1977



Current WIN Forms

WIN No.	Stock No.	Title
WIN-1	SN-26014	WIN Rules
WIN-2		Notice of Intended Deregistration
WIN-4		Request for Hearing
WIN-6		Notice of Deregistration
WIN-8		Record of IMS Activities
WIN-9		Intensive Manpower Services Agreement
WIN-11	SN-26015	WIN Employability Plan
WIN-12		WIN OJT Supplemental Agreement
WIN-14		Record of Refusal or Other Action
WIN-15		Report of Findings
WIN-16		OJT/PSE Contract Service Report
WIN-18		Training Waiver Request
WIN-20	SN-26020	WIN Status Change Notice (Snap-out)
WIN-20A		WIN Status Change Delete
WIN-20B	SN-26021	WIN Status Change Notice (Single sheet)
WIN-24		Public Service Employment Contract
WIN-25		WIN PSE Contract Modification
WIN-26		General Provisions Public Service Employment Contract
WIN-27		Signature Card-Authority to Certify. . .
WIN-29	SN-26022	Progress Notes
WIN-31	SN-26027	WIN Certification Record
WIN-32		Main Points of WIN/PSE
WIN-35		Work Incentive/On-the-Job Training Program Negotiated Fixed Price Subcontract

Current WIN Forms (continued)

WIN No.	Stock No.	Title
WIN-36		Work Experience Agreement
WIN-36A		Work Experience Assignment
WIN-37		Work Experience Progress Report
WIN-39	SN-26023	WIN Registration
WIN-41	SN-26024	WIN Authorization for Non-Recurring Payments (Snap-out)
WIN-41A		WIN Authorization for Non-Recurring Payments (Single-sheet, work sheet)
WIN-42		Intensive Follow-Up Agreement
WIN-43		Intensive Follow-Up Agreement Certification of Completion/Invoice
WIN-44		Main Points of WIN/OJT
WIN-45	SN-26028	WIN Payment Questionnaire
WIN-46	SN-26025	WIN Pay Card
WIN-47	SN-26026	WIN OJT/PSE Monthly Progress Report/Invoice
WIN-47A		Instructions for WIN Form 47
WIN-48		Preemployment Interview
WIN-49		WIN Request for Relocation Assistance
WIN-50		Information on Work Incentive Payments
WIN-54		General Provisions for Negotiated Fixed Price Subcontracts (WIN OJT)

GLOSSARY

Act. The Social Security Act.

Adjudication System. The formal process, initiated by a request for a WIN hearing, for resolving nonsanctionable WIN-related complaints and grievances and for deciding sanctionable issues arising subsequent to WIN registration.

AFDC (Aid to Families with Dependent Children). A program authorized by Title IV-A of the Social Security Act to provide financial assistance and social services to needy families with dependent children.

Applicant or AFDC Applicant. A person who applies to the state or local welfare agency for AFDC benefits.

Applicant-Registrant. A registrant who has applied for AFDC and who, as yet, has not been determined eligible for AFDC.

Appraisal. The interview of a WIN registrant by WIN E&T agency staff and separate administrative unit staff to determine employability potential, to determine the need for employment, training and social services, and to develop an employability plan.

Appropriate Work or Training Criteria. Those criteria delineating standards for wages, hours, working conditions, and availability of services which must be met before a registrant can be required to accept an assignment to work or training.

Assistance Payment. The money payment that is paid to or on behalf of an AFDC family by the IMU.

Case File. The record maintained for each registrant during the course of his/her participation in the WIN program.

Certification. A written notice from the SAU that necessary social services have been arranged or are available to enable a WIN registrant to accept employment and training services, or that no social services are needed and that the individual is at that time ready for employment or training.

Commuting Time. The total daily commuting time to and from home to a work or training site, not including the time required to transport a child to and from a child care facility.

Complaints. See "Grievance."

Component. A structured, regularly scheduled program activity for certified registrants.

Conciliation. The informal process for resolving a registrant's complaint, grievance, or dispute at the project level prior to formal adjudication.

Deregistration. The removal of an individual from the WIN program.

DHEW (also HEW). The U.S. Department of Health, Education and Welfare--now called the Department of Health and Human Services (DHHS or HHS). Both designations appear in the text.

DHHS (also HHS). The U.S. Department of Health and Human services--formerly called the Department of Health, Education and Welfare (DHEW or HEW). Both designations appear in the text.

DOL. The U.S. Department of Labor.

Employability Plan (EP). A written plan for a WIN registrant that sets forth the actions necessary to assist the registrant to identify a vocational goal and find employment. It includes the employment and training and social services necessary for him/her to reach that goal.

Employment and Training Services. The full range of services provided by the WIN E&T agency, designed to improve the work skills of an individual and aid him/her to find employment.

Exempt. An AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC.

Follow-through Contact. A contact made with the registrant or employer 30 days after the registrant has entered unsubsidized employment of an anticipated duration of 30 days or more.

Full-Time Employment. A 40-hour work week, except where fewer hours are normal to the occupation, but on no account less than 30 hours per week.

Good Cause. A finding by the WIN E&T agency or WIN hearing officer that a registrant had an acceptable reason for refusing to participate in employment and training or social services.

Grievance. An ajudicable issue initiated by a WIN registrant which does not involve the threat of WIN sanction. Grievances may include, but are not limited to, disputes over assignments where the registrant is not refusing the assignment, alleged discrimination, and complaints about eligibility for or amounts of WIN allowances.

Hearing Officer. The hearing officer designated in the State WIN Plan by the Department of Economic Security to hear and decide issues involving WIN registrants.

Incentive Allowance. Cash payment of up to $30 per month, paid to a WIN registrant in a WIN component for which such payments are authorized.

Income Disregard. The first $30 and 1/3 of the balance (after $30 is subtracted) of a wage that is disregarded for certain recipients in the computation of the amount of the AFDC assistance payment.

Income Maintenance Unit (IMU). The unit of the state or local welfare agency which accepts applications and determines an individual's eligibility for AFDC.

Institutional Training. Vocational or other classroom training conducted by an instructor in a nonworksite (or classroom) setting.

Intensive Employability Service Component (IES). A structured component, in either a group or individual format, in which certified WIN registrants are assisted, and learn how to assist themselves, in obtaining and maintaining unsubsidized employment.

Intensive Job Follow-Up. A simplified type of on-the-job training intended to provide reimbursement to employers for supervision of WIN employees during the initial eight weeks of employment. Intended for use primarily with DOT skill levels in the 21-23 range.

Job Bank. A computerized system which provides listings of current job openings in the area, on a regular basis, for distribution to ES and WIN offices and to cooperating agencies.

Job Corps. A voluntary, national training program for economically disadvantaged young men and women (age 16 through 21) who are out of school, out of work, and live in impoverished surroundings.

Job Development. The process of soliciting a public or private employer's job opening for a specific individual for whom a WIN E&T agency has no suitable opening currently on file.

Job Ready. An individual who has no physical, mental, or job skill barriers to employment and whose social service needs have been met.

Labor Market Exposure. Information provided at the time of registration to AFDC applicants about the job market which could include possible referral to jobs.

Local WIN Plan. The plan developed annually by local WIN E&T agency and SAU staff which describes the operation of the WIN program for a specific local area.

Mandatory or Nonexempt Registrant. An AFDC applicant or recipient who is required by the Act to register for employment or training services, or employment as a condition of eligibilty for AFDC.

National Coordination Committee (NCC). A committee established by the Act to administer the WIN program consisting of the Assistant Secretary for Employment and Training (DOL) and the Assistant Secretary for Human Development Services (DHHS).

National Review Panel (NRP). The final level of administrative review in the WIN adjudication process which is comprised of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

Nonexempt. See "Mandatory or Nonexempt Registrant."

On-the-Job Training (OJT). Training in the public or private sector given to an individual, who has been hired first by the employer, while s/he is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job.

Other WIN Non-Component Activity. This status includes all activites dealing with job development, counseling, and informal adjudication and/or reassessment wherein the WIN staff maintains periodic contact (at least monthly) with the registrant. It includes: receipt of employment assistance such as job development, referrals and counseling; informal adjudication and 30-day counseling; reassessment and testing; registrants engaged in non-WIN funded education or training activites who are not assigned to the suspense component but whose activities are part of the EP; registrants awaiting assignment to a component or non-WIN educational or training activity; registrants awaiting availability of SAU services certified as arranged; or registrants awaiting resolution of a non-WIN related matter within a short time period.

Part-Time Employment. Employment in which a worker is regularly scheduled to work less than 30 hours a week.

Public Service Employment (PSE). A WIN-sponsored component which provides subsidized employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient. An individual who has been determined eligible for, and who is receiving AFDC.

Regional Administrator (RA). The Regional Administrator for Employment and Training (DOL), and also the Regional Administrator, Office of Human Development Services (DHHS).

Regional Coordination Committee (RCC). The committee established in each region consisting of the RAs of both DOL and DHHS.

Registrant. An AFDC applicant or recipient who has registered with the WIN E&T agency for training and employment.

Registration. The process whereby an AFDC applicant or recipient completes all necessary registration requirements.

Sanction. Deregistration from WIN for non-participation without good cause and denial of re-registration for a period of time during which the individual is ineligible for the AFDC grant.

Separate Administration Unit (SAU). That unit of the state welfare agency established pursuant to Section 402(a)(19)(G) of the Act to administer the WIN program for that agency.

Social Services. Services provided or arranged by the SAU, necessary to enable an individual to engage in employment or training.

State. Any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

State AFDC Plan. The state plan for AFDC approved under Title IV-A of the Act.

State Coordination Committee (SCC). The committee established in each state consisting of the directors of the two agencies administering the WIN program at the state level.

State Welfare Agency. The welfare agency with authority to administer or supervise the administration of the state AFDC plan approved under Title IV-A of the Act.

State WIN Plan. The statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment and training services under WIN; it is developed by the WIN E&T agency and SAU in each state and approved and supervised by the RCC under Title IV of the Act.

Suspense to Employment. The status of certified WIN registrants who enter an employment activity (e.g., CETA PSE, CETA OJT, CETA Work Experience) not paid for by WIN.

Suspense to Training. The status of certified WIN registrants who enter a training activity (e.g., CETA institutional training partially funded by Basic Educational Opportunity Grants and Good Will sheltered workshops) not paid for by WIN.

Tax Credit. See "WIN/Welfare Tax Credit."

Training-Related Expenses (TRE). Those expenses, reimburseable from WIN funds, that are incurred by individuals participating in WIN program components and activities.

Unassigned Recipient. All WIN registrants who are AFDC recipients and who are not: (1) working registrants, (2) in part-time employment status, (3) in a component, (4) in another WIN non-component activity, nor (5) in 60-day counseling

Unemployed Parent (UP). A father or mother who is unemployed but employable, living in the home, in a state electing to provide assistance payments to families with needy children when the need arises because of the parent's employment or underemployment of no more than 100 hours per month.

Welfare Hearing Officer. The hearing officer designated by the state welfare agency to hear and decide or make recommendations on issues relating to exemption or non-exemption for WIN registration.

WIN Employment and Training (E&T) Agency. The Minnesota Department of Economic Security, through agreement with the RA, administers the WIN employment and training program under Part C of Title IV of the Act at the state and local level.

WIN/Welfare Tax Credit. A tax credit available to eligible employers of WIN registrants and eligible AFDC recipients.

Work Experience (WE). This is unsalaried job training at a clearly defined, well-supervised worksite with a private nonprofit or public employer. An individual has the opportunity to develop basic work habits, practice skills learned in classroom training, acquire on-the-job experience, or demonstrate skills to a perspective employer.

Working Registrant. A WIN registrant-recipient who is in unsubsidized full-time employment.

federal register

FRIDAY, OCTOBER 29, 1976

PART V:

DEPARTMENT OF LABOR

Office of the Secretary

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Nomenclature Changes and Editorial Amendments

APPENDIX D

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Nomenclature Changes and Editorial Amendments

Notice is hereby given that the Department of Labor, and the Department of Health, Education, and Welfare are amending 29 CFR Part 56, Work Incentive Programs for AFDC Recipients Under Title IV of the Social Security Act.

The vast majority of amendments are corrections of spelling, typographical and punctuation errors made when Part 56 was being readied for publication on September 18, 1975. Many amendments are made to editorially conform 29 CFR Part 56 with its duplicate at 45 CFR Part 224. Other amendments in titles and nomenclature result from Secretary's Order 14-75 (40 FR 54485) which changed the name of the Manpower Administration to the Employment and Training Administration. In addition, the following editorial amendments are being made:

2. In § 56.1 *Definitions.*, definitions are added for the terms *Complaints*, *Component*, *Grievance*, and *RA*, and the definition of *ARDM* is deleted. In addition, the definition of *Registration* has been simplified and other definitions have been editorially corrected.

3. In § 56.17 *Reports, records, financial statements and audits.*, the retention period for records has been clarified and corrected.

4. In § 56.36 *Nondiscrimination.*, paragraph (b), the DOL and DHEW regulations, referred to in the paragraph, have been specifically cited.

5. Editorial and corrective changes have also been made in the table of contents for Part 56 and in the following sections: Sections 56.0; 56.1; 56.10, paragraphs (a), (e), (f) and (h); 56.13; 56.14; 56.15, in the title and in paragraphs (a) and (b); 56.18, paragraph (b), the title of Subpart C; 56.20, paragraph (b)(7); 56.21, paragraphs (a), (a)(5), (a)(6) and (c); 56.30, paragraph (a)(4); 56.34; 56.35; 56.36; 56.42, paragraph (b); 56.44; 56.50, paragraph (b); 56.60, paragraph (a); 56.61; 56.62; 56.65, paragraph (b); 56.70, paragraph (b)(6); 56.71, paragraph (b); 56.72, paragraphs (c)(1) and (d); 56.73, paragraph (c); 56.75, paragraphs (c)(3) and (d); and 56.77, paragraph (a).

The Departments are also combining the present §§ 56.11 and 56.12 and reserving 56.12.

Finally, the Departments are adding to § 56.11 *Annual State WIN plans*, the procedures required by the Office of Management and Budget (OMB) Circular A-95. OMB Circular A-95, was published as proposed rulemaking at 40 FR 47960 on October 10, 1975. The proposed rulemaking proposed to cover the WIN program for the first time. Comments on the proposal were invited until November 3, 1975. On January 13, 1976, at 41 FR 2052, OMB published a final version of OMB Circular A-95, effective February 27, 1976. The circular, as revised, now covers the WIN program. Consequently, the Departments are now required by law to add to A-95 procedures to the WIN regulations. This is being done by this document.

Since the changes in this document consist of corrections, editorial and nomenclature changes, and changes required by law (OMB Circular A-95), proposed rulemaking is not required. Accordingly, 29 CFR Part 56 is amended effective immediately on October 29, 1976, to read as follows:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

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AUTHORITY: Secs. 402(a)(7), 402(a)(19), 430-444, and 1102 of the Social Security Act, as amended, 49 Stat. 647 (42 U.S.C. 602(a), 630-644, 1302) unless otherwise noted.

SOURCE: 40 FR 43170, Sept. 18, 1975, unless otherwise noted.

Subpart A—Purpose and Scope and Definitions

§ 56.0 Purpose and scope.

(a) The purpose of this Part 56 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

§ 56.1 Definitions.

Act means the Social Security Act.

AFDC (Aid to Families with Dependent Children) means the program authorized by Title IV-A of the Act to provide financial assistance and social services to needy families with dependent children.

AFDC Applicant means a person who applies to the State or local welfare agency for AFDC.

Appraisal means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

Complaints (See grievances.)

Component means a structured regularly scheduled program activity for certified registrants.

Deregistration means the removal of an individual from the WIN program.

DHEW means the U.S. Department of Health, Education and Welfare.

DOL means the U.S. Department of Labor.

Employability Plan means a written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC.

Grievance means an adjudicable issue initiated by a WIN registrant which does not involve the threat of sanctions. Grievances may include, but are not limited to disputes over assignments where the registrant is not refusing the assignment, alleged discrimination, and complaints about eligibility for, or amounts of, WIN allowances.

Hearing Officer means the hearing officer designated in the State WIN plan to hear and decide or make recommendations on issues involving WIN.

Income Maintenance Unit (IMU) means the unit of the State or local welfare agency which determines individuals' eligibility for AFDC.

Institutional Training means vocational or other classroom training conducted by an instructor in a nonworksite setting.

Intensive Manpower Services Component means a structured work experience component providing manpower and employment services to certified WIN registrants to assist them in obtaining unsubsidized employment.

Local WIN Plan means the plan developed annually by local WIN sponsor and SAU staffs which describes the operation of the WIN program for a specific local area.

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC.

Manpower Services means employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

NCC means the National Coordination Committee, a committee established to administer the WIN program, consisting of the Assistant Secretary for Employment and Training (DOL) and the Administrator of the Social and Rehabilitation Service (DHEW).

NRP means the National Review Panel, the final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

OJT means on-the-job training, an employment opportunity component in which a certified registrant is hired by a private or public employer and is provided skill training under contract with the employer.

PSE means public service employment, a WIN sponsored component which provides subsidized employment with public or nonprofit private agencies for individuals who cannot be placed in regular unsubsidized employment.

Recipient means an individual who has been determined to be eligible to receive AFDC.

RA means the Regional Administrator, Employment and Training Administration (DOL).

RC means the Regional Commissioner of the Social and Rehabilitation Service (DHEW).

RCC means the Regional Coordination Committee established in each region consisting of the RA and the RC.

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

Registration means the process whereby an AFDC applicant or recipient completes all necessary registration requirements.

"SAU" means the Separate Administrative Unit, that unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

State Welfare Agency means the welfare agency designated pursuant to 45 CFR 205.100 with authority to administer or supervise the administration of the State plan approved under title IV, A of the Act.

State means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

State Plan means the State plan for AFDC approved under title IV, A of the Act.

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, or training.

Training Related Expenses means those expenses, reimbursable from WIN funds, that are incurred by individuals participating in WIN program components and activities.

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

Welfare Hearing Officer means the hearing officer designated by the welfare agency to hear and decide or make recommendations on issues relating to exemption or nonexemption for WIN registration.

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the intensive manpower services component.

WIN Sponsor means the State agency (such as the State employment service) or other public or non-profit private agency which, through agreement with the RA, administers the WIN manpower program under Part C of title IV of the Act at the State or local level.

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer; the term is also used to refer to the intensive manpower services component.

Subpart B—Administration

§ 56.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary for Employment and Training (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall issue a WIN Handbook, establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a national Executive Director to administer the program.

(e) The Assistant Secretary has designated the Assistant Regional Administrator, Employment and Training Administration in each region (RA) to carry out the WIN program in each region. The Administrator has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the RA and the RC shall form the WIN Regional Coordination Committee (RCC). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) The RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN plan.

(h) Within each State the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 56.11 Annual State WIN plans.

(a) State WIN plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The NCC shall issue instructions setting guidelines to the State WIN sponsor and State welfare agency for the development of State WIN plans. The plan shall indicate those areas in which the State WIN sponsor and welfare agency, after considering such factors as size of the welfare case load and budgetary constraints, propose to operate WIN projects. Each State WIN plan shall describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the local WIN plans, as required by paragraph (b) of this section. The State WIN plan shall also provide for the establishment of Labor Market Advisory Councils in accord with section 432(f) of the Act.

(b) Each local WIN sponsor and each local SAU shall jointly develop an annual local WIN plan after consulting with other agencies as appropriate. Such plan shall describe the local project's operation. The NCC will issue instructions setting guidelines for the development of such plans.

(c) Local WIN plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN plan.

(d)(1) The State WIN sponsor and State welfare agency shall:

(i) Submit the State WIN plan (with local WIN plans attached) to the appropriate RCC for action;

(ii) At the same time, forward copies of the plan to the Governor or his delegated agency (as required by OMB Circular A-95) and to the Governor's State Manpower Services Council established under the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203), or its equivalent, for review and comment;

(iii) Urge the Governor to involve appropriate area-wide clearinghouses in the review; and

(iv) Request the Governor and the Council to send any comments directly to the RCC, (with copies to the State WIN sponsor and the State welfare agency), within 45 days from the date that copies of the State WIN plan were mailed to them.

(2) RCC shall consider any such comments in reviewing the plan, and shall not take final action on the plan until the Governor's and Council's comments have been received, or until the 45 days referred to in paragraph (d)(1)(iv) of this section have elapsed, whichever is earlier.

§ 56.12 [Reserved]

§ 56.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, institutional programs, on-the-job training programs, and work experience programs. Work experience programs and Public Service Employment agreements may be entered into only with public agencies and nonprofit private employers organized for a public purpose.

§ 56.14 Allocation of federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C of title IV of the Act to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor, not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment which meet criteria specified in the WIN Handbook issued under § 56.10.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act for the 50 States and the District of Columbia. For Puerto Rico, Guam, and the Virgin Islands, the Secretary of Health, Education, and Welfare shall allocate funds pursuant to section 1108 of the Act.

§ 56.15 Use of federal funds; political activities.

(a) Federal funds under Part C of title IV of the Act allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of title IV of the Act may be used for training, supervision, materials, administration, incentive payments, transportation, fees for medical examinations required for the determination of exempt status under § 56.20 or incapacity for work assignment under § 56.34(a)(2), and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN/PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the SAU, for AFDC recipients who are certified to WIN, and SAU administrative costs for all registrants.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1-15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV-A of the Act for any fiscal year shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(3) Any voter registration activity.

§ 56.16 Non-federal contribution.

(a) A State plan under title IV-A of the Act must provide that the State welfare agency will assure a non-federal contribution to the Work Incentive programs established under Part C of the Act by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive

services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) If the State welfare agency fails to make arrangements for the non-Federal contribution of 10 percent of the total Statewide program costs of operation, pursuant to paragraph (a) of this section, the Secretary of Health, Education, and Welfare may withhold, under the conditions specified in the law, the equivalent of amounts to be paid from the grants to the State agency for the public assistance titles.

(f) The provisions of Federal Management Circular (FMC) 74–7 must be met.

§ 56.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by DOL and DHEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of these agencies, and shall be retained for 3 years from the date of submission of the final expenditure report or from the date of submission of the annual expenditure report for payments under a grant or contract, whichever is earlier. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and welfare agencies, shall also submit periodic reports as required by DOL and DHEW covering nonfinancial program activities.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 56.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any registrant or to expend less during the effective period of the contract or grant than those sums called for in the State WIN plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 56.19 Termination of contracts or grants.

(a) If a WIN sponsor or IMU violates any provision of the Act or the regulations in this Part, or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in the case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations and Federal Management Circular (FMC) 74–4.

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, and employment as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register as a condition of eligibility for AFDC benefits, based on the following criteria: Each AFDC applicant and recipient shall register unless he is:

(1) Under age 16;

(2) Regularly attending school and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification according to State welfare regulations that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student as defined in 45 CFR 233.90;

(3) Ill, when determined by the IMU on the basis of medical evidence or on another sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training;

(4) Incapacitated, when verified by the IMU that a physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN;

(5) 65 years of age or older;

(6) Residing outside of a WIN project area specified in the State WIN plan or residing within a WIN project area at a location which is so remote from a WIN office or service unit that effective participation in the program is precluded. The individual shall be considered remote if a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required less normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A person in the home, and the IMU has verified that a physical or mental impairment, as determined by a physician or licensed or certified psychologist, of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6; or

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or to accept employment without good cause.

(c) The IMU shall inform each applicant and recipient in writing that:

(1) The needs of any nonexempt applicant or recipient who fails to register as required will not be taken into account in determining the need and the amount of the AFDC assistance payment;

(2) Exempt applicants and recipients must report to the IMU any changes which affect their exempt status;

(3) Any applicant or recipient has a right to a hearing before the State welfare agency to contest a determination of nonexempt status or to contest a denial of AFDC benefits when such benefits have been denied because of his refusal to register for WIN;

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, and employment, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

(5) Nonexempt applicants and recipients, along with exempt individuals who volunteer for WIN, shall report to a specified place of registration at the office of the WIN sponsor or its approved agent.

(d) The IMU shall immediately refer all applicants and recipients, whom it has determined to be nonexempt, and all volunteers, to the WIN sponsor or its approved agent for registration.

(e) The IMU shall refer individuals who have been determined to be exempt from registration on the basis of incapacity to the appropriate State vocational rehabilitation agency.

(f) The IMU of the welfare agency shall include a redetermination of exemption as a part of the AFDC eligibility redetermination process, except where an individual has been determined to be 65 years of age or older, or permanently incapacitated.

(g) The IMU shall notify the WIN sponsor within 3 working days of any welfare determination which may affect an individual's WIN status.

§ 56.21 Registration procedures.

(a) The WIN sponsor shall promptly register all individuals found by the IMU to be nonexempt, and all individuals who volunteer for WIN, when they appear at the WIN office so that eligibility determinations are not delayed. Where special conditions warrant (such as a paucity of WIN sponsor offices in an area), the WIN sponsor may, with the concurrence of the RCC, contract with other public or private nonprofit agencies in specified areas to carry out registration activities. Under this requirement, the WIN sponsor (or its approved agency) shall:

(1) Obtain a complete work history on each applicant and recipient;

(2) Notify each registrant about the nature of the WIN program and about his rights and responsibilities therein;

(3) Provide each registrant with written proof of registration;

(4) If the IMU has determined an individual to be nonexempt and the WIN sponsor disagrees, register the individual and request the IMU to reconsider its determination. The IMU's response will be accepted by the WIN sponsor. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt;

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment;

(6) Notify the IMU, within 3 working days of the registration, that registration has been completed so that the IMU's completion of the welfare eligibility determination shall not be delayed; and

(7) Provide all registrants, at the time of registration, job market information and referral to available employment. All appropriate job market information available to the WIN Sponsor, including Job Bank, shall be used to provide this information and facilitate such referrals.

(b) The needs of any individual who fails to register as required under paragraph (a) of this section shall not be taken into account in determining the need of the family and the amount of assistance, and assistance will be furnished to the eligible members of the family;

(c) Where the WIN sponsor is the State public employment service, the registration required of unemployed fathers under section 407(b)(2)(c)(I) of the Act may be completed at the WIN office. This will fulfill the WIN registration requirement under section 402(a)(19)(A) of the Act.

§ 56.22 Appraisal and certification.

(a) The appraisal interview shall be conducted jointly to the extent possible, or sequentially as appropriate, by the WIN sponsor and the SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the SAU at the appraisal interview for each registrant who is found suitable for participation in the WIN program. The decision to refer an individual to employment or to a work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and appraisal shall occur prior to certification. Certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) Other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) Others.

(d) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with the WIN sponsor.

(e) The WIN sponsor shall request the SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in intensive manpower services, on-the-job training, public service employment, institutional training, or in any other manpower program or activity.

(f) Registrants who find employment or are placed by the WIN sponsor may be certified and necessary supportive services may be provided.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job, to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 56.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program;

(b) The SAU shall be responsible for:

(1) Developing, jointly with the State WIN sponsor, and approving, a State WIN plan in accordance with section 433(b) of the Act;

(2) Developing and supplying social services necessary to enable a registrant who is an AFDC recipient to accept employment and training for employment. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification and in the development of employability plans pursuant to § 56.22;

(4) Certifying in writing to the WIN sponsor that the individual is ready for WIN manpower services when the WIN sponsor requests such certification and the supportive services, if any were necessary, have been provided or arranged for; and

(5) Providing counseling and other services, for a period of up to 60 days, to certified individuals determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment (see §§ 56.51 and 56.76). Under this requirement, once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the agency shall not provide another period of counseling and other services.

(c) Supportive services under the WIN program shall include:

(1) Child care which meets the standards specified in 45 CFR 228.42. When more than one kind of child care is available, the mother of other caretaker relative may choose the type, but may not refuse to accept child care services if they are available. Such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Counseling services;

(4) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available;

(5) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(d) Other supportive services included in the State WIN plan may be provided if they are necessary to enable registrants to accept employment or receive manpower training.

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component and the start of employment in order to avoid interruption of the em-

§ 56.31 [Reserved]

§ 56.32 Pay and allowances for WIN registrants.

(a) An individual assigned to a WIN institutional or work experience training component, including the intensive manpower services component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(g) Registered recipients referred to employment may receive an allowance for necessary expenses.

§ 56.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 56.34 Appropriate work and training criteria.

(a) Certified registrants shall accept assignment to employment or WIN training as determined appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions;

(2) The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health;

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(4) When child care is required, it must meet the standards specified in 45 CFR 228.42 and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time;

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards;

(6) Assignments shall not be made which are discriminatory in terms of age, handicap, sex, race, creed, color, or national origin; and

(7) The individual shall not be referred to work or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in a WIN component shall constitute good cause for refusal to participate.

(b) The determination of "appropriate work" shall be made at the local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work, if such work meets the other work standards of this section;

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act;

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall in no case, be less than that required by any applicable minimum wage law;

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

(ii) The individual would be required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which he has membership may be deemed appropriate;

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his reg-

ular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(c) In addition to meeting the criteria in paragraph (a) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 56.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months with a maximum duration of one year for any individual.

(b) Participation in the work experience component shall not exceed 13 weeks for any individual.

(c) The RCC may, for good cause, allow an exception to the limitations in paragraph (a) of this section.

§ 56.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by DOL and DHEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder at 29 CFR Part 31 (DOL) and 45 CFR Part 80 (DHEW).

Subpart E—The WIN Components and Activities

§ 56.40 Public service employment (PSE).

(a) PSE consists of WIN subsidized jobs in the public and private non-profit sectors. All PSE jobs must meet the criteria for appropriate work, established by § 56.34, and must be jobs which would not otherwise be performed by regular employees. The PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) All certified registrants for whom appropriate unsubsidized employment cannot be found are eligible for placement in PSE.

(c) An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private non-profit organization established to serve a public purpose.

(d) For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered from WIN until they complete the scheduled PSE contract period and enter unsubsidized employment. PSE participants are not eligible to receive either a WIN incentive payment or the $30 plus ⅓ disregard provided by section 402(a)(8) of the Act.

(e) Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 56.41 Intensive manpower services component.

(a) A State may establish as one work experience component an intensive manpower services component to assist certified individuals to obtain employment. The State WIN sponsor shall develop standards of participation in the intensive manpower services component, taking into account local conditions, including, but not limited to geographic factors, availability of public transportation, and local labor market characteristics. If the State selects this component, such standards of participation shall be included in the State WIN plan submitted to the RCC.

(b) The intensive manpower services component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement, and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 56.42 On-the-job-training (OJT).

(a) OJT is an employment opportunity which includes training. Under this component, a certified registrant is hired by a private or public employer and provided training which is subsidized under contract between the employer and the WIN sponsor. Employers are encouraged to provide increased supervision and training through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

(b) For the purpose of AFDC benefits, OJT participants are considered to be employed. However, OJT participants shall not be deregistered from WIN until they complete the scheduled OJT contract period as they are still an active participant in the WIN program during such period.

§ 56.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a public or private nonprofit employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 56.44 WIN individuals suspended to other employment or training programs.

Certified individuals referred to other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the other program, but which are necessary to permit the individual to continue in the program, will be provided or arranged for by the SAU and the WIN sponsor in accordance with the time limits set forth in this Part.

§ 56.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Subpart F—Deregistration and Sanctions

§ 56.50 Deregistration.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration is necessary when an individual is held to have refused to participate without good cause; an incorrect non-exemption determination has been made; or an individual becomes exempt. Deregistration is also necessary when an individual becomes ineligible for AFDC except in the case where he is participating in a component or is employed and receiving WIN-funded supportive services.

(c) The welfare agency shall notify the WIN sponsor of any change which will affect an AFDC recipient's welfare or exemption status in such a way as to warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been discontinued for reasons involving other than WIN program issues the WIN sponsor shall notify the IMU of all deregistrations.

(e) Any WIN registrant, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN registrant, except a volunteer, who after counseling has been offered, continued to refuse to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate.

(f) Volunteers who withdraw from the WIN program shall be deregistered.

(g) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered.

§ 56.51 Sanctions.

A State plan under title IV-A of the Act shall provide that:

(a) When a registered recipient has been found to have failed or refused without good cause to participate in the WIN program, the following sanctions shall apply:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance;

(b) The sanctions under paragraph (a) of this section shall not be applied during a period of up to 60 days after such adverse decision, provided the registrant has been certified and accepts counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, where the individual is a caretaker relative, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency.

(c) If an individual registered on a voluntary basis, pursuant to § 56.20, discontinues participation in the work incentive program he and his family are not subject to the sanctions under this section.

(d) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

§ 56.60 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant or recipient claims that he is exempt from WIN by the statutory criteria. Such an individual shall be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct welfare hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 56.61 Rules and procedures.

(a) The State WIN plan shall include rules and procedures applicable to both certified and uncertified registrants, governing participation, attendance, conduct, disputes, notice and opportunity for a fair hearing and any State appellate review.

(b) The plan shall specify that the hearing officer shall be an individual who was not involved in the original determination. The plan shall also designate the parties to the hearing.

§ 56.62 Complaints and grievances.

(a) Initially, written complaints and grievances shall be handled informally outside of the WIN adjudication system. They shall be processed at the local project level within the time frame provided under § 56.63(a). At that time, an individual who is not satisfied with the disposition of his complaint may initiate a formal protest at the local project level which then will be processed through the formal WIN adjudication system.

(b) Written records of all disputes arising within the WIN program shall be maintained by the WIN sponsor. The date appearing on such records shall be controlling in determining the timeliness of subsequent steps in the WIN adjudication system.

§ 56.63 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the registrant must be exhausted prior to the issuance of a Notice of Intended Deregistration. This conciliation effort may continue for a period not to exceed 30 days but may be terminated sooner at the discretion of the WIN sponsor when it is apparent that the dispute cannot be reconciled in this manner. When the conciliation period has terminated, or the dispute remains unresolved after 30 days, the WIN sponsor shall mail to the registrant a notice of Intended Deregistration.

(b) The notice shall include:

(1) A detailed explanation of the reason for the action and the consequence of refusal or failure to cooperate in a WIN prescribed program without good cause;

(2) Notification of the registrant's right to a hearing if the registrant believes the proposed action is incorrect, provided a written request for a hearing is filed as prescribed in § 56.63;

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

(c) When written notification is mailed to the individual, the WIN sponsor shall also inform him of the intended action personally or by telephone, if possible.

(d) The requirements of this section do not apply to an individual who:

(1) Has successfully entered employment and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

§ 56.64 Request for hearing.

(a) An individual who believes the intended action is incorrect may request a hearing before a hearing officer within 10 days after mailing of Notice of Intended Deregistration. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. Where the request is oral, the WIN sponsor shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms.

(b) Hearing procedures shall be made available to individuals requesting hearings in advance of such hearings.

§ 56.65 Issues subject to hearing.

(a) Under the WIN adjudication system a hearing officer will hear and decide WIN program issues arising subsequent to registration by certified and uncertified registrants. WIN program issues include failure or refusal to appear for appraisal, assignment to a WIN component, unresolved WIN grievances, or failure or refusal without good cause to accept employment or otherwise participate in the WIN program.

(b) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled through the WIN adjudication system in the same manner as if the registrant had, in fact, refused to participate in the WIN program. In such an instance, a registrant who fails to accept an adverse decision pursuant to § 56.68 (a)(5) shall have no further recourse to a hearing on the issue before a hearing officer but may appeal the decision pursuant to § 56.69.

§ 56.66 Hearing procedures.

(a) Upon receipt of a written request for a hearing, a Notice of Scheduled Hearing shall be mailed to the individual and other parties within 10 days. Such notice shall indicate the date, time, and place of the hearing, the issues to be considered, and the hearing procedures that will be followed. Hearings shall be scheduled no earlier than 10 days, or later than 30 days, following the mailing of the hearing notice.

(b) The hearing officer may reschedule a hearing upon request of the individual, his representative, or other party.

(c) An individual or his representative may withdraw the request for a hearing in writing before the hearing.

(d) The WIN staff or its legal representative shall have primary responsibility for presenting the case before the hearing officer.

§ 56.67 Conduct of WIN hearings.

(a) The hearing officer shall:

(1) Regulate the course of the hearing;

(2) Issue subpoenas authorized by State law;

(3) Assure that all relevant issues are considered, including the timeliness of the hearing request;

(4) Rule on the introduction of new and relevant evidence and testimony;

(5) Take any other action consistent with due process, necessary to insure an orderly hearing.

(b) The testimony at the hearing shall be recorded. It shall be transcribed only when necessary for review by an appellate body.

(c) The registrant or his representative, and the designated WIN sponsor and SAU shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The hearing officer may elicit testimony from witnesses, but shall not act as advocate for any party.

(e) The hearing officer shall receive, and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(g) The hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 56.68 Decisions of the hearing officer.

(a) The hearing officer may rule:

(1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate deregistration shall be initiated;

(2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing;

(iii) The individual failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case the welfare agency may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, a hearing officer shall not consider the validity or constitutionality of the regulations in this part or of the Act.

(b) Based on the entire record including any evidence and oral testimony provided at the hearing the hearing officer shall prepare a written decision. Within 10 working days following the hearing, a copy of such decision stating his findings and conclusions of law and the reasons therefore, shall be mailed to the individual and his authorized representative, if any, the WIN sponsor, the SAU, and the RCC. Instructions for appealing an adverse decision or recommendation to the appropriate appellate body shall be attached to the copy sent to the individual and his representative.

(c) In cases involving novel questions of law or policy the hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State WIN appellate body or to the National Review Panel (NRP) where the State does not provide for a State WIN appellate procedure.

§ 56.69 Appeals from hearing officer's decision.

(a) Any party who disagrees with the hearing officer's decision on the WIN issue may request a review of such decision by the appropriate State appellate body within 10 days following the date on which the hearing officer's decision is mailed. A request for appellate review of the hearing officer's decision shall not stay implementation of the decision.

(b) A State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (a) of this section. Within 30 days after receipt of the request for review it shall prepare a written decision either affirming or reversing the hearing officer's decision or it may remand the case to a hearing officer for further evidence. The decision shall be based on its review of the entire hearing record and any additional written evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be admitted if it brings into question the validity or constitutionality of the regulations in this Part or of the Act. The decision shall state the findings of fact and conclusions of law and the reasons therefore. Copies of the decision shall be mailed to the individual, his authorized representative, if any, the WIN sponsor, the SAU, the RCC, and the NRP. Instructions for appealing a decision to the NRP and the rules under which the NRP considers appeals shall be attached to the individual's copy of the decision.

(c) While reviewing a case, a State WIN appellate body may consider novel questions of law or policy or certify the case within 5 days after rendering its decision to the NRP for review and decision.

(d) If a hearing officer's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 56.70 National Review Panel (NRP).

(a) The NRP shall be composed of the DOL Chief Administrative Law Judge and other Administrative Law Judges appointed pursuant to the Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to—

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the hearing officer and State WIN appellate body.

(6) However, the NRP shall not have jurisdiction to examine the issue of either the validity or constitutionality of the regulations in this Part or of the Act.

§ 56.71 Appeals to the NRP.

(a) Appeals to the NRP may be filed by any party. Such appeals shall be mailed within 10 days of the date of the written decision from which the appeal is taken.

(b) The appeal shall be in writing, shall identify reasons in support of the appeal, and be addressed to the NRP. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all parties.

(c) Any party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal. The submitting party shall mail its response to the NRP within 10 days after the date of mailing of the notification that an appeal has been filed.

§ 56.72 Request for NRP to accept certification.

(a) The State WIN appellate body, or, in the absence of a State WIN appellate body, the hearing officer may file a request that the NRP accept certification of a case.

(b) The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the hearing officer or WIN appellate body must be attached to the request.

(c) A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision.

(2) In the absence of a State WIN appellate body, by the hearing officer within 5 days after issuance of his written decision;

(d) The party filing a request to the NRP to accept certification of a case shall file the request with the NRP, U.S. Department of Labor, Washington, D.C. 20036 and simultaneously mail [illegible] to every other party, including the State agency administering hearings

(e) Any party who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 10 days following the date of mailing of a request that the NRP accept certification. A copy of the response shall be mailed to all parties to the proceeding, including the State agency administering hearings.

§ 56.73 Requests by NRP for certification.

(a) Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after receipt by the NRP of a written decision by the State WIN appellate body or the hearing officer. Copies of the request shall be mailed to all parties.

(b) In all cases, any party may file briefs in support of its position. The NRP may request briefs from the parties.

(c) Briefs shall be filed within 30 days from the date of mailing of the request that a case be certified. In cases where the NRP requests briefs, a different time limit may be set.

§ 56.74 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the hearing officer, whichever is applicable, within 30 days of mailing of the notification, shall certify and file with the NRP the record of the hearing including the transcript of the hearing; a copy of the hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall mail a copy of such index to every party.

§ 56.75 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to submit his findings and recommendation to the NRP or any duly designated review or hear a particular case and to panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral arguments or hold additional hearings where necessary.

(c) (1) Any party may make application in writing for a hearing or oral presentation. Such application shall set forth the reasons in support thereof and be made within 10 days after:

(i) Mailing of notification of the filing of an appeal from the decision of a hearing officer where the State does not provide for an appellate body; or

(ii) Mailing of notification that the NRP at its discretion has accepted an appeal from the decision of a State WIN appellate body; or

(iii) Mailing of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State WIN appellate body or hearing officer.

(2) If a hearing or oral argument is directed, the notice shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be mailed to all parties.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence. If such hearing or argument is deemed necessary, it shall be held at the location of the original hearing.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge to the panel shall be mailed to all parties. Any party may file with the NRP written exceptions and briefs in support thereof within 10 days of the mailing of the Administrative Law Judge's findings and recommendations and shall at the same time mail copies of such exceptions and briefs to all other parties. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the NCC, Solicitor of Labor and Office of General Counsel, DHEW, to afford a 30-day period for the submittal of any response deemed appropriate or requests for oral argument.

(e) The NRP shall prepare a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions including notification that the NRP has denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be mailed to all parties and such other persons as may be appropriate.

§ 56.76 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of title IV of the Act (not AFDC benefits) shall cease and the 60-day counseling period by the SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the hearing officer's decision that the disputant has refused or failed to accept employment or otherwise participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the NRP which reverses a decision favorable to a WIN registrant.

(b) The IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling shall be provided by the SAU for a period of up to 60 days, to those certified registrants who have been determined by the Secretary of Labor to have refused to participate in the WIN program without good cause for the purpose of persuading them to participate in WIN. Such counseling may be terminated at any time during this period at the discretion of the SAU when it becomes apparent that the counseling efforts are proving unsuccessful. Once a peroid of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the SAU shall not provide another period of counseling and other services.

(d) The 60-day counseling period shall not be provided to uncertified registrants.

(e) A certified registrant who fails without good cause to appear for two or more scheduled counseling meetings shall be considered to have terminated the counseling.

(f) Certified registrants who complete the 60-day counseling may be reaccepted into WIN only with the concurrence of the SAU.

§ 56.77 Subsequent WIN registration by deregistered individuals.

(a) An individual who was deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elapsed since deregistration and the individual has given evidence to the WIN project staff of willingness to participate. If such a person is subsequently deregistered following a "without good cause finding", the person shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

(Catalog of Federal Domestic Assistance Nos. 17.226, Work Incentives Program and Incentives and 13.748, Work Incentive Program—Child Care—Employment Related Supportive Services.)

Dated: September 8, 1976.

W. J. USERY, Jr.,
Secretary of Labor.
DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

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