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Missouri Department of Economic Development

Missouri
Division
of

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notice

SUBJECT:

Missouri Job Center Workforce Innovation and Opportunity Act Services Delivery and Referrals Policy

ATTACHMENTS: None.

This Issuance is Official Policy of the Missouri Division of Workforce Development

ISSUING AUTHORITY:

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Development

THIS ISSUANCE DOES NOT REQUIRE CREATION OR ALTERATION OF A CORRESPONDING LOCAL POLICY

KEYWORDS:

Navigator; Referral Service; Workforce Innovation and Opportunity Act (WIOA).

THIS ISSUANCE AFFECTS:

Missouri One-Stop Delivery System (MJC/AJCs)
WIOA Title I One-Stop Delivery/Service Providers
WIOA Title I One-Stop Partners
WIOA Adult Employment/Training
WIOA Dislocated Worker Employment/Training
WIOA Youth Workforce Investment Activities
WIOA Section 188 Nondiscrimination Issues
State of Missouri Workforce System Procedures

FOR THE ATTENTION OF:

DWD State Professional Staff
Local WDB Directors
One-Stop frontline staff
One-Stop Operators
One-Stop Functional Leaders
One-Stop Partners
Service Providers
Local Equal Opportunity Officers
Local Quality Assurance Monitors

RESCISSIONS:

DWD Issuance 17-2012, "Nondiscrimination in Jobseeker Screening and Referrals," March 1, 2013.
DWD Issuance 24-2015, "Workforce Innovation and Opportunity Act Missouri Job Center Service and Referral Policy," June 15, 2016.

REFERENCES:

<http://mo.servicesnavigator.org/>

SUMMARY:

This Issuance establishes policy on participant access to WIOA¹ services and discusses required *procedures for referral* to WIOA One-Stop Partners² for additional services. These procedures can include utilizing the Missouri Services Navigator website to assist staff with making appropriate referrals. This Issuance emphasizes such referrals must avoid exclusionary

¹ Pub. L. 113-128 [[29 U.S.C. 3101, et seq.](#)].

² WIOA sec. 121(b) [[29 U.S.C. 3151\(b\)](#)].

practices contrary to the WIOA Section 188³ nondiscrimination obligations of the Division of Workforce Development (DWD) and its subrecipients, including local program operators. Previous guidance⁴ on screening and referrals is herein rescinded and updated.

BACKGROUND:

Every Missouri Job Center (MJC) must provide access to the programs and services of all required⁵ One-Stop Partners. MJCs must provide WIOA basic career services⁶ to any individual upon request. They also must provide individualized career services⁷ and training services⁸ to individuals *if* the frontline service staff determines that the participant needs those services to obtain or to retain employment. Follow-up services⁹ must be available and provided as appropriate.

The nondiscrimination requirements in WIOA and its implementing regulations prohibit DWD and local program operators from discriminating against jobseekers on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Beneficiaries, applicants, and participants also may not be discriminated against on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity.¹⁰ Further, DWD and local program operators are prohibited from using “standards, procedures, criteria, or administrative methods” that have the purpose—*or effect*—of subjecting individuals to discrimination on a prohibited basis.¹¹ These provisions mean that an MJC may not obstruct a participant *from* access to a program, nor steer a participant *into* a program, based on discriminatory presumptions.

The nondiscrimination regulations prohibit both “disparate treatment”—intentional discrimination—and “disparate impact”—discrimination resulting from policies or practices that appear to be unbiased but actually have unequal effects on members of protected classes.¹² This Issuance reaffirms DWD’s commitment to nondiscrimination in screenings and referrals and describes the practical procedures that MJCs and One-Stop Partners should use to guide participants effectively to each other’s services.

SUBSTANCE:

Every MJC must provide **access** to the programs and services of **all** required One-Stop Partners, which are:

- WIOA
 - Adult program
 - Dislocated Worker program
 - Youth program
 - Job Corps
 - YouthBuild
 - Indians and Native American programs
 - Migrant and Seasonal Farmworker programs
- Wagner-Peyser
- Adult Education and Literacy
- Vocational Rehabilitation
- Senior Community Service Employment program
- Career and technical education programs at the post-secondary level

³ [29 U.S.C. 3248](#).

⁴ DWD Issuance 17-2012, “Nondiscrimination in Jobseeker Screening and Referrals,” March 1, 2013, **and** DWD Issuance 24-2015, “Workforce Innovation and Opportunity Act Missouri Job Center Service and Referral Policy,” June 15, 2016, *both herein rescinded*.

⁵ WIOA sec. 121(b)(1) [[29 U.S.C. 3151\(b\)\(1\)](#)].

⁶ [20 CFR 678.430\(a\)](#).

⁷ [20 CFR 678.430\(b\)](#).

⁸ [20 CFR 680.200](#) (Adults and Dislocated Workers) and [20 CFR Part 681](#) (Youth).

⁹ [20 CFR 678.430\(c\)](#) (Adults and Dislocated Workers) and [20 CFR 681.580](#) (Youth).

¹⁰ [29 CFR 38.5](#).

¹¹ [29 CFR 38.6\(d\)](#).

¹² See differentiating “discriminatory treatment” from “discriminatory impact” in discussion of 29 CFR 38.6 at [81 FR 87146](#), and other references in the regulations.

- Trade Adjustment Assistance
- Jobs for Veterans State Grants
- Employment and training activities under Community Services Block Grant
- Employment and training activities under Department of Housing and Urban Development
- Programs authorized under State unemployment compensation laws
- U.S. Department of Labor (DOL)-funded re-entry training and placement services for justice-involved individuals authorized under Section 212 of the Second Chance Act of 2007¹³
- Temporary Assistance for Needy Families (TANF)

“Access” to programs and services means having either:

- Program staff physically present at the MJC;
- Partner program staff physically present at the MJC, appropriately trained to provide information to participants about the programs, services, and activities available through Partner programs; or
- A direct linkage by phone, email, or through other real-time, web-based communication to a program staff member with the competency and authority to assist the participant with applying for, or obtaining, program benefits or services.

WIOA requires,¹⁴ as a basic career service, the provision of assistance (which the rules¹⁵ more stringently describe as “meaningful assistance”) with filing a claim for unemployment compensation. *Meaningful assistance*¹⁶ means:

- Providing assistance onsite using staff who are well trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
- Providing assistance by phone or via other technology—as long as trained and available staff provide that assistance—and within a reasonable time; and
- Staff should assist customers in contacting Partner agencies in order to help them understand the program and any eligibility requirements.

Meaningful assistance is not simply providing the customer with a Partner’s name or phone number, or simply supplying a website address, leaving the customer to make contact on his or her own.

All MJC staff are accountable for knowing enough about each required Partner’s available services to give an individual the information needed to make an informed consumer choice¹⁷ as to whether or not to access those services. This includes the ability to provide meaningful assistance to claimants in need of assistance using the Division of Employment Security’s (DES) electronic unemployment compensation claim-filing website (UInteract).¹⁸ Staff also must be familiar with the rights and responsibilities of unemployment compensation claimants¹⁹ to the point of being able to help them understand DES publications and correspondence.

Each MJC is required to provide—and to document—Service Referrals. DWD encourages MJCs to utilize Missouri’s Services Navigator website²⁰ to assist staff with making appropriate referrals. All 19 required Partners have access to this website, and it is the preferred source of referral information. This website is for staff use only. (That is, it is a tool intended for use by staff to assist participants; not for the participants to use unassisted.) Core and mandatory Partners have committed to using

¹³ Congress repealed Section 212 in [Pub. L 115-391](#), December 21, 2018. However, previous appropriations for these specific DOL-funded programs will not expire until June 30, 2020, so they will remain a required one-stop partner until that time. DOL has additional re-entry programs authorized under WIOA sec. 169 [[29 U.S.C. 3224](#)], but these are not required one-stop partners under WIOA.

¹⁴ WIOA sec. 134(c)(2)(A)(x) [[29 U.S.C. 3174\(c\)\(2\)\(A\)\(x\)](#)].

¹⁵ [20 CFR 678.430\(a\)\(10\)](#).

¹⁶ [20 CFR 678.430\(a\)\(10\)\(i\)](#).

¹⁷ WIOA sec. 134(c)(3)(F) [[29 U.S.C. 3174\(c\)\(3\)\(F\)](#)].

¹⁸ <https://uinteract.labor.mo.gov/benefits/home.do>.

¹⁹ Missouri Department of Labor and Industrial Relations, Division of Employment Security, “Information for Workers,” Form [MODES-INF-170](#).

²⁰ <http://mo.servicenavigator.org/s4s/WhereILive/Council?pageId=1>.

this resource. First, it provides *good* referrals not only to, and from, the local MJC, but among the other required Partners as well. Second, it increases the MJC staff's knowledge of any other available and applicable service providers.

If an MJC is *not* using the Missouri's Services Navigator website as a standard operating procedure, it must develop a local resource guide and provide staff training on the use of that guide. The guide should include each Partner's available services and the *preferred method* of referral. Share the local resource guide with each of the 19 required Partners so that they are aware that the MJC is a potential referral source (and to facilitate referrals to the MJC from their own programs).

All required Partner agency staffs should know enough about the other programs and services to screen a participant to determine appropriate referrals. Whenever possible, the *referring staff* should directly contact the *staff receiving the referral* to facilitate seamless delivery of services. Give participants enough information to understand *why* they are being referred so that they may have appropriate expectations of the agency to which they are being referred.

DWD and local program operators must conduct their activities using safeguards to prevent discrimination and to promote employment opportunities for all jobseekers, as outlined in the nondiscrimination rules²¹ for implementing Section 188 of WIOA. While DWD cannot guarantee that local program operators will ultimately avoid liability under laws described herein by following this Issuance, this Issuance represents practical steps to aid compliance with the law.

DWD and local program operators should refrain from refusal, after screening, to make referrals due to any criteria that may have a disparate impact upon a protected class and are not job related and consistent with business necessity. Such criteria may include, but is not limited to, an individual's:

- Criminal history or arrest record;
- Job skills assessment scores;
- Medical or personality tests;
- Credit history;
- Ability to present proof of United States citizenship; and
- Degree or licensing requirements.

If an employer requests that DWD or a local program operator not make referrals to that employer based upon any criteria that may have a disparate impact upon a protected class, that local program operator must consult with the employer to ensure that such requirements are job related and consistent with business necessity.

The State's "Hub Model" for effective referral activities, as outlined in the WIOA State Plan,²² says that while the ultimate goal is to develop interconnections to—and from—all required One-Stop Partners, **the MJC will function as the central hub of service referrals** when they are needed. Partner agency staff that identify a participant barrier that they are unable to address should refer participants directly to the most appropriate Partner agency equipped to address the barrier. In cases where a Partner agency staff is unsure which Partner is most appropriate to address the barrier, they should refer the participant to the MJC.

There are minimum requirements for an effective (i.e., good for data matching and reporting purposes) Hub Referral from a partner to an MJC. Not all agency referrals are Hub Referrals, only those between a Partner agency and a MJC for services provided by the MJC or for their assistance in making a connection to other services. A Hub Referral requires communication between the Partner agency and an MJC, not just communication to the participant. Minimally, the referral should include:

1. Name—*Participant* being referred;
2. Date Contact Made—Date the referring Partner provides referral information to referred Partner. This is the *start of the referral process* between Partners;
3. Response Received/Date—*Response* from the referred Partner, acknowledging/confirming the referral;

²¹ See [29 CFR 38.5](#), "General prohibitions on discrimination," and [29 CFR 38.6](#), "Specific discriminatory actions prohibited on bases other than disability."

²² [WIOA State Plan for the State Of Missouri FY-2018](#).

4. Referral To—Partner organization *receiving* the referral; and
5. Reason for Referral—*Why* the participant is being referred and/or what services are being sought.

Always document the above referral information in a Case Note, and follow up on referred participants.

Each MJC may decide how much more extensively to document a referral follow-up, but, at a *minimum*, a **Case Note must be created**. In both the Case Note documenting the original referral and in the Case Note documenting the follow-up on that referral, any sensitive or protected personal information (PII) must be redacted and restricted to the participant's secure file.

ROLES, RESPONSIBILITIES, and REQUIRED ACTIONS:

All Local Workforce Development Board (WDB) Directors, One-Stop Operators, Functional Leaders (if applicable), and DWD Supervisors must immediately inform frontline workforce system staff of these rules. All frontline workforce system staff handling enrollments and posting services into the Statewide Electronic Case Management System must immediately apply these rules, as described, when providing basic career services and individualized career services.

TIMELINE:

All Missouri Workforce System Staff — Implementation of these rules..... **Immediate and Continuous**

INQUIRIES:

Please direct all questions or comments regarding this Issuance document to dwdpolicy@ded.mo.gov. All active DWD Issuances are available at jobs.mo.gov/dwdissuances. Expired/rescinded Issuances are available on request.

*For information about [Missouri Division of Workforce Development](#) services, contact a [Missouri Job Center](#) near you.
Locations and additional information are available at jobs.mo.gov or 1-(888)-728-JOBS (5627).
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Auxiliary aids and services are available upon request to individuals with disabilities.
Missouri Relay Services at 711.*