

TRAINING AND EMPLOYMENT NOTICE	NO. 28-16, Change 2
	DATE January 18, 2017

TO: ALL ETA GRANTEES
STATE LABOR COMMISSIONERS
STATE LABOR MARKET INFORMATION DIRECTORS
STATE MONITOR ADVOCATES
STATE UNEMPLOYMENT INSURANCE DIRECTORS
STATE DIRECTORS OF VETERANS EMPLOYMENT AND TRAINING
STATE WORKFORCE AGENCIES ADMINISTRATORS
WORKFORCE DEVELOPMENT BOARD STATE CHAIRS
WORKFORCE DEVELOPMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL EXECUTIVE DIRECTORS
WORKFORCE DEVELOPMENT BOARD LOCAL CHAIRS
AMERICAN JOB CENTER MANAGERS
NATIONAL FARMWORKER JOBS PROGRAM GRANTEES
INDIAN AND NATIVE AMERICAN GRANTEES
YOUTHBUILD GRANTEES
SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANTEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Change 2 - Best Practices, Partnership Models, and Resources Available for Serving English Language Learners, Immigrants, Refugees, and New Americans

- Purpose.** This Change 2 replaces and makes corrections to the previously issued Training and Employment Notice (TEN) 28-16 to inform the workforce system with examples, best practices, partnership models, and information on how to align resources available under the Workforce Innovation and Opportunity Act (WIOA) to increase services to English Language Learners (ELL) with substantial cultural and language barriers to employment. It further provides information to the workforce system, including partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs, about how to align their efforts to provide basic career services, individualized career services, and training services.

This Change 2 updates the following two sections of TEN 28-16. Everything else remains the same.

- Paragraph 3, in the Section 2, Background, on page 2 includes a more comprehensive description of the WIOA Section 188 implementing regulations; and
- Section 7, Resources, on page 8 includes technical assistance materials for WIOA Section 188 implementing regulations.

2. **References.**

- Workforce Innovation and Opportunity Act (Public Law 113-128, 29 U.S.C. 3121 et. seq.);
- Training and Employment Guidance Letter (TEGL) No. 4-15: Vision for the One-Stop Delivery System under WIOA;
- TEGL No. 19-14: Vision for the Workforce System and Initial Implementation of WIOA;
- TEGL No. 02-14: Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs;
- TEGL No. 04-15: Vision for the One-Stop Delivery System under WIOA; and
- Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38).

3. **Background.** Signed into law on July 22, 2014, WIOA is designed to help job seekers and worker customers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998, and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. It presents an extraordinary opportunity for the workforce system to demonstrate its ability to improve the job and career options for individuals through an integrated, job driven, public workforce system that links diverse talent to America’s businesses.

The publicly funded workforce system envisioned by WIOA is quality-focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. It is designed to increase access to, and opportunities for, the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment.

Part of the national vision for American Job Centers (AJCs) (formerly one-stop centers) is to ensure meaningful access to all customers, including participants with substantial cultural and language barriers to employment. Section 188 of WIOA prohibits discrimination because of race, color, religion, sex, national origin (including limited English proficiency (LEP)), age, disability, or political affiliation or belief. In addition, for beneficiaries, applicants, and participants only, WIOA prohibits discrimination because of citizenship status, or because of an individual’s participation in a WIOA Title I–financially assisted program or activity. Section 188 specifically requires covered entities within the workforce system to take reasonable steps to ensure meaningful access to each LEP individual served or encountered so that they may be effectively informed about and/or able to participate in programs and activities.¹ Underlying the vision for AJCs and the intent behind Section 188 is the idea that the workforce system should provide high quality of service and serve the needs of all

¹ Please note that compliance with WIOA’s ELL provisions and the best practices described in this TEN does not ensure compliance with WIOA Section 188 or 29 CFR § 38. For more information (and best practices guidance) on how to comply with Section 188’s requirements with respect to individuals who are limited English proficient (LEP) – including requirements for providing oral interpretation or written translation of both hard copy and electronic materials in the appropriate non-English languages to LEP individuals – please see the Department of Labor’s Civil Rights Center’s (CRC) website at <https://www.dol.gov/crc/188rule/>. Covered entities may also submit technical assistance requests to CRC at civilrightscenter@dol.gov.

customers. In so doing, AJCs can help individuals succeed using principles of universal access and customer-centered design, such as flexibility in space usage; and the use of pictorial, written, verbal, and tactile modes to present information for all customers, (including those who are English Language Learners, individuals with disabilities, and others). In addition, AJCs staff the resource rooms with career counselors who offer knowledgeable assistance and guidance to all jobseekers using language and strength-based assessments and by providing necessary assistance and accommodations.

4. Unique Needs of Individuals who are English Language Learners and who Face Substantial Cultural Barriers.

Individuals who are English Language Learners and who face substantial cultural barriers, including immigrants, refugees, and new Americans, often encounter challenges that make it difficult to find and retain jobs. These barriers vary among individuals and may include limited English proficiency, limited cultural competency, prior trauma, low educational attainment in native countries, or the failure to have advanced degrees, credentials, and/or licenses attained abroad recognized in the United States. The needs of low-skilled and high-skilled immigrants differ significantly, and for employment and training services to be most effective, they must be tailored to the specific needs of the individual. Unique needs include but are not limited to the following:

- **English proficiency.** English proficiency is key to an individual's access to higher-paying jobs. Becoming proficient in English increases immigrants', refugees', and new Americans' engagement with their new country and ability to perform basic life functions, as well as to find and retain jobs. For many immigrants, refugees, and new Americans, contextualized workplace-based English language classes are helpful for becoming job-ready in a specific field. English Language Learners, consistent with WIOA, are eligible for priority of service under WIOA sec. 134(c)(3)(E), which provides priority to "recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient."
- **Cultural competence.** Immigrants, refugees, and new Americans may need help to become familiar with United States job application processes, interviews, workplace customs and culture to become job-ready. This may include learning how to grow their professional network socially. For example, AJCs may offer mock interviews to assist participants in learning the cultural nuances of questions asked in the United States.
- **Trauma.** Some immigrants, refugees, and new Americans may need referrals to additional services that are designed to address symptoms of previously experienced trauma. For example, some individuals may have endured violence and other physical hardships as a result of armed conflict in their country of origin. In other instances, they may be survivors of human trafficking, whether labor or sexual. Access to support services via a referral process, such as trauma-informed mental health counseling, culturally appropriate support groups, medical care, or legal services may help them more successfully engage in the employment and training process.
- **Degrees, licensing, and credentials.** Many immigrants, refugees, and new Americans hold degrees, licenses, and/or credentials in other countries that they need to transfer to the United States, or re-obtain in the United States. Receiving credit for prior learning helps these workers quickly advance with their career paths and ensure successful economic integration.

To learn more about how Deferred Action for Childhood Arrivals (DACA) participants who have employment authorization may access WIOA services, see TEGL 2-14: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_2-14_Acc.pdf.

5. High-Quality American Job Centers Play a Critical Role in Integrating Immigrants, Refugees, and New Americans into their Communities.

In accordance with the principles of universal access and customer-centered design under WIOA, the following provides ways AJCs deliver high quality services to individuals who are English Language Learners and individuals who face substantial cultural barriers, including immigrants, refugees, and new Americans:

- **Provide Excellent Customer Service to Job Seekers, Workers, and Businesses.**
 - Reflect a welcoming environment to all customer groups who are served by the AJCs;
 - Develop, offer, and deliver quality business services (note that training services authorized under Title I also include English language proficiency training if provided in combination with another training service);
 - Improve the skills of job seeker and worker customers;
 - Create opportunities for individuals at all skill levels and levels of experience;
 - Provide career services that motivate, support, and empower customers (such as providing individualized career services which may include an assessment of English proficiency coupled with English language acquisition services if related to an employment need);
 - Value skill development;
 - Use WIOA's Priority of Service Provision;
 - Consider target populations in developing programs so that robust programs are available for those populations;
 - Develop outreach strategies and techniques to reach target populations; and
 - Monitor whether programs are meeting the needs of target populations, including particular training needs and wraparound services.

- **Reflect Innovative and Effective Service Design.**
 - Ensure meaningful access to all customers;
 - Use an integrated and expert intake process for all customers entering the AJCs;
 - Design and implement practices that actively engage industry sectors;
 - Balance traditional labor exchange services with strategic talent development within a regional economy;
 - Include both virtual and center-based service delivery for job-seekers, workers, and employers; and
 - Incorporate innovative and evidence-based delivery models.

- **Operate with Integrated Management Systems and High-Quality Staffing.**
 - Reflect the establishment of robust partnerships;
 - Organize and integrate services by function (rather than by program);
 - Develop and maintain integrated case management systems;
 - Develop and implement operational policies;
 - Use common performance indicators;
 - Train and equip AJC staff; and

- Staff centers with linguistically and culturally competent staff, including highly trained career counselors and multi-lingual staff in languages spoken by the largest customer groups.

6. Partnership Models for Delivering High-Quality Services to Individuals who are English Language Learners and who Face Substantial Cultural Barriers.

Below are a few partnership models which harness the characteristics described above. These organizations align their efforts and resources between several workforce system partners, including WIOA Title I Workforce Development partners, WIOA Title II Adult Education and Family Literacy partners, employers, and other community-based partners, to provide high-quality service delivery to individuals who are English Language Learners and who face substantial cultural barriers, including immigrants, refugees, and new Americans. These approaches produced positive outcomes for their target populations consisting largely of immigrants, refugees, and English Language Learners.

- **Center for Employment and Training, Skill Training and Human Development - San Jose, CA**

The Center for Employment and Training (CET) is an eligible training provider in California, a WIOA National Farmworker Jobs Program grantee, and is accredited under the provisions in the Higher Education Act (HEA). In addition to serving grantee participants, CET offers a tuition-based “vendor” program whereby students, who include migrant and seasonal farmworkers and their dependents, pay for their occupational training courses via federal financial aid (Pell Grants). Training courses align with career pathways, emphasized in WIOA and in HEA, that require alignment and a combination of training, adult education, and support services. This alignment and combination is an innovative and effective service design that helps students accelerate to Adult Education - English as a Second Language, Literacy and Math and GED certificate preparation. CET is a member of the local American Job Center network in three of the six major agricultural regions of the state. More information about CET’s best practices and success stories is available at: <http://cetweb.org/>. Additionally, an evaluation summary on CET, which is featured in MDRC’s report, entitled *The Challenge of Repeating Success in a Changing World* is available at: <http://www.mdrc.org/project/center-employment-training-replication#overview>.

- **International Institute of Minnesota - St. Paul, Minnesota**

Through the establishment of robust partnerships, the International Institute of Minnesota (Institute) welcomes new Americans to the Twin Cities and offers them a continuum of services to promote their full integration into the community. The Institute’s programming includes job training and language classes as well as refugee resettlement, immigration, citizenship, and anti-human trafficking services. The Institute has established a partnership with St. Paul College to help immigrant and U.S.-born students progress from low-level home health aide and Certified Nurse Assistant courses at the community level into more academically challenging science classes at the college level and pursue their Licensed Practical Nursing certifications. More information about the Institute’s services is here: <http://www.iimn.org/>. Additionally, program evaluation findings on the College Readiness Academy, which includes three partner sites, the Institute, Hubbs Center, and

Neighborhood House is available at: <http://iimn.org/wp-content/uploads/2016/12/College-Readiness-Academy-Program-Evaluation-Findings-and-Considerations.pdf>.

- **The Neighborhoods United Network - Boise, Idaho**

Since 2009, the Neighbors United Network helps refugees successfully integrate and thrive in Boise, Idaho. Many of these refugees are highly skilled degree holders who arrived with credentials and training but with limited English proficiency and no clear path to reclaim their careers. To ensure meaningful access to all customers, the program has addressed refugees' needs and resources related to six pillars: transportation, housing, health, education, employment, and social integration. In 2014, the Neighbors United Network was one of five communities selected to participate in the U.S. Department of Education's Networks for Integrating New Americans (NINA), an initiative that helped communities better position adult education programs as key contributors to local, multi-sector networks formed to advance immigrant integration. Through the NINA project, Boise was able to focus its attention on the growing percentage of educated refugees who have more specialized job placement needs. Global Talent Idaho was launched to facilitate the economic integration of high-skilled immigrants and refugees by getting them on paths related to their fields of expertise. Boise focused on the economic integration of immigrants with professional degrees with language as a key barrier to career advancement by providing employment services via mock interviews, mentoring, networking, resume writing, and job placement in collaboration with AJCs and employers. More information about how Boise partnerships help meet the unique needs of refugees may be found here: <http://www.neighborsunitedboise.org/>. Additionally, more information on *The Adult Education and Immigrant Integration: Lessons Learned from the Networks for Integrating New Americans Initiative* report is available here: <http://worlded.org/WEIInternet/resources/publication/display.cfm?txtGeoArea=US&id=16503&thisSection=Resources>.

- **Seattle Mayor's Office of Immigrant and Refugee Affairs' Ready to Work - Seattle, Washington**

The Ready to Work (RTW) program, which is funded by the U.S. Department of Housing and Urban Development's Community Development Block Grant, was created as a prototype model of English language acquisition, career development, and employment, offered in a community-based setting. The program's goal is "to empower and support immigrants and refugees in overcoming barriers on their journey to economic stability, quality jobs and integration into life in Seattle." One of the key features of RTW is its commitment to track participants' progress over a longer time frame than conventional funding streams typically allow. This integrated management system is achieved by creatively braiding together the U.S. Department of Housing and Urban Development's Community Development Block Grant, WIOA, and other funds to support the RTW program for English Language Learners who need to find their first American job. More about the Ready to Work program is available at: <http://www.seattle.gov/iandaffairs/RTW>. Seattle's Workforce Development Board has further developed pilots aimed at "Unleashing the Power of Untapped Talent" which targets individuals listed as being eligible for the Priority of Service provision. Grantees include six organizations, two of which serve primarily English Language Learners, one of whom is a RTW grantee.

- **Lower Rio Workforce Solutions Project, Growing Regional Opportunity for the Workforce (GROW) - McAllen, Texas**

The Border Workforce Alliance, which was funded by the Department of Labor's Workforce Innovation Fund, consists of five Workforce Development Boards in South Texas. The Alliance seeks to accelerate credential attainment and career entry by lower-skilled adults and out-of-school youth through a mixture of program alignment, new technology platforms, tailored services and programs, coordinated case management and supportive services, career pathways aligned with employer demand, and increased systems capacity. The project implements and tests innovative approaches that are data-driven and evidenced based, to serving lower-skilled and limited English proficient jobseekers. GROW increased education attainment and employment outcomes through: new operating efficiencies gained through program alignment and a common technology platform; designing programs and services to address the specific needs of sub-populations; improved coordination of case management and support services; and career pathways aligned with identified employer needs. More information about GROW is available here: <http://www.questsa.org/>.

- **San Mateo County Project, Silicon Valley Alliance for Language Learners' Integration, Education, and Success (ALLIES) Innovation Initiative - San Mateo, California**

The Silicon Valley ALLIES Initiative, which was funded by the Department of Labor's Workforce Innovation Fund, created a coordinated strategy across San Mateo and Santa Clara counties for building the workforce-related competencies of adult immigrants. Built on a collective impact model, the consortium, comprised of the region's three regional Workforce Development Boards, community colleges, Adult Education providers, social service agencies, community-based organizations, philanthropic organizations, business and labor partners, is committed to significantly increasing the skills and credential attainment of the region's limited English proficient job seekers, and meeting the skill needs of its employers. To prepare individuals to be ready to compete successfully in today's global economy, ALLIES connects workers with a career pathway that integrates English language and postsecondary occupational learning, contextualizes language acquisition in career and technical education, and provides work readiness training in in-demand occupations. Additionally, the project worked to increase efficiencies and eliminate redundancies through the design of a multi-sector partner network across workforce development, education, economic development, employers, unions, and human service organizations. More about ALLIES is available here: <http://www.allies4innovation.org/about-allies.html>.

7. Resources.

A. U.S. Department of Labor's Policy Guidance

- Training and Employment Guidance Letter (TEGL) 04-15: Vision for the One-Stop Delivery System under WIOA.
https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6455
- TEGL 02-14: Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs.
http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7233
- TEGL 09-12: Human Trafficking: The Role of the Public Workforce System in the Delivery of Services and Referrals to Victims of Trafficking.
https://wdr.doleta.gov/directives/attach/TEGL/TEGL_9_12_Acc.pdf
- TEGL 26-15: Vision for the One-Stop Delivery System under the Workforce Innovation and Opportunity Act (WIOA).
https://wdr.doleta.gov/directives/corr_doc.cfm?docn=9363

B. U.S. Department of Labor's Tools and Technical Assistance Materials

- WIOA State Plans. <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html>.
- Certification Finder. Links to credential information and certifying organizations. Available in English and in Spanish.
<http://www.careeronestop.org/toolkit/training/find-certifications.aspx>
- Licensed Occupations. Service providers and individuals can determine if a specific occupation requires a license in their state.
<https://www.careeronestop.org/explorecareers/plan/licensed-occupations.aspx>
- Career Pathways Toolkit: A Guide for System Development.
<https://careerpathways.workforcegps.org/announcements/2016/02/05/14/21/The-Release-of-the-Career-Pathways-Toolkit-A-Guide-for-System-Development>
- The Customer-Centered Service Delivery Design Initiative.
https://ion.workforcegps.org/resources/2015/09/02/17/11/Customer-Centered_Service_Design_Initiative
- Opening Doors for Everyone with Universal Access and Outstanding Customer Service.
https://ion.workforcegps.org/resources/2016/02/08/21/40/Opening_Doors_for_Everyone_Universal_Access_Customer_Service
- Recipient Language Assistance Plan (LEP Plan): Promising Practices (Appendix to 29 CFR 38.9), Fact Sheet, Frequently Asked Questions, and regulation text for WIOA Section 188 implementing regulations.
<https://www.dol.gov/crc/188rule/>

C. U.S. Department of Education's Tools and Technical Assistance Materials

- Federally Funded Adult Education and Family Literacy Programs.
<http://www2.ed.gov/about/overview/focus/adulted-daca.pdf>

- Educational and Linguistic Integration Webinar Series of Immigrants and Refugees. <http://www2.ed.gov/about/offices/list/oela/webinars/new-americans/index.html>
- Literacy Information and Communication System (LINCS) is a free online, professional learning community and resource collection featuring topic area groups, (including an Adult English Language Learners group and Skilled Immigrant and Refugee Workgroup) that provides an opportunity for networking and information sharing activities among educators across the country. <https://lincs.ed.gov/>
- English Learner Toolkit. <http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/eltoolkit.pdf>
- Resource Guide: Supporting Undocumented Youth. <http://www2.ed.gov/about/overview/focus/supporting-undocumented-youth.pdf>

D. Other Resources on Credentials and Licensing, Serving Participants with Substantial Cultural and Language Barriers, and Human Trafficking

Credentials and Licensing

- Professional Licensing Guides: Upwardly Global. The Professional Licensing Guides were created to help individuals and service providers understand the steps required to earn a state professional license or credential for regulated professionals. Currently available for ten popular careers in five states. <https://www.upwardlyglobal.org/skilled-immigrant-job-seekers/american-licensed-professions/licensed-professions-guides>
- Resource Manual on the Licensure of Internationally Educated Nurses. National Council of State Boards of Nursing. Detailed guide for boards of nursing to each of the uniform licensure requirements for internationally educated nurses. <https://www.ncsbn.org/171.htm>

Serving Participants with Substantial Cultural and Language Barriers

- Steps to Success: Integrating Immigrant Professionals in the United States. World Education Services (WES) Global Talent Bridge and Imprint. Report based on a survey of immigrant professionals in six US cities identifying the factors that correlate with their successful integration into their communities. <http://knowledge.wes.org/Report-Steps-to-Success-Integrating-Immigrant-Professionals-in-the-US.html>
- Improving Immigrant Access to Workforce Services. Aspen Institute. Outlines key themes and best practices from research on how organizations in the workforce development and immigrant-serving fields currently intersect and how they could further partner to improve policies and practices for connecting immigrants to skill-building and career advancement. <https://www.aspeninstitute.org/publications/improving-immigrant-access-workforce-services-partnerships-practices-policies/>

Human Trafficking

- Department of Health and Human Services Fact Sheet: Identifying Victims of Human Trafficking. http://www.acf.hhs.gov/sites/default/files/orr/fact_sheet_identifying_victims_of_human_trafficking.pdf
- National Human Trafficking Resource Center (NHTRC) provides access to emergency hotline support, informational and advocacy resources for victims of human trafficking

and their support systems. <https://traffickingresourcecenter.org/type-trafficking/labor-trafficking>

- The Center for Victims of Torture offers online capacity building resources for people who are interested in supporting persons who have been subjected to trauma and torture. This link provides a map of Refugee Healing Service Center locations throughout the country. <http://www.healtorture.org/content/domestic-healing-centers>
- The National Child Traumatic Stress Network identifies trauma informed resources for those working with migrant children and youth and their unique needs. <http://nctsn.org/trauma-types/refugee-trauma/guidance-unaccompanied>
- The Department of Health and Human Services, Office of Refugee Resettlement offers access to online training, webinars and strategy models for helping to prepare refugees for employment. <http://www.acf.hhs.gov/orr/employment-resources>

8. **Action Requested.** ETA requests that State Workforce Agency staff disseminate this updated guidance broadly to the workforce investment system, and encourage local workforce boards to ensure that the AJCs are informed about the importance of providing services to individuals who are English Language Learners and individuals who face substantial cultural barriers, including immigrants, refugees, and new Americans under WIOA.

9. **Inquiries.** Questions should be addressed to the appropriate ETA Regional Office.