

Executive Summary:

Workforce Services Policy – Electronic Case Files

1. What is the purpose of this policy?

This document provides guidance for uniform, paperless documentation of participant files and includes instruction for the collection, dissemination, storage, and protection of information contained within Jobs4TN. Furthermore, this document addresses the timely entry of participant information into Jobs4TN, to include enrollment, registration in programs, and timely exit from programs. Standardized collection of participant information expedites participant eligibility determinations and allows Career Service Providers to focus on managing participant case files.

2. Has this policy been updated? If so, what is the purpose of the policy update?

This policy demonstrates the following updates:

- The policy was updated due to it expiring at the end of June 2020.
- The memorandum labeled “Timeliness and Accuracy of Reporting” was added to this policy.
- Attachment 1 was added to this policy to provide a list of naming conventions for WIOA Eligibility documentation.
- A section on Personally Identifiable Information (PII) was added to ensure the proper handling of this information per U.S. DOL guidance.



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Workforce Service Policy - Electronic Case Files

Effective Date: June 5, 2020

Duration: Automatic Annual Renewal

Purpose:

This document provides guidance for uniform, paperless documentation of participant files and includes instruction for the collection, dissemination, storage, and protection of information contained within Jobs4TN. Furthermore, this document addresses the timely entry of participant information into Jobs4TN, to include enrollment, registration in programs, and timely exit from programs. Standardized collection of participant information expedites participant eligibility determinations and allows Career Service Providers to focus on managing participant case files.

Scope:

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TNED); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program(AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

Background:

This guidance originates from multiple regulations related to government agencies' transition from paper to digital files. Among these are: the E-Government Act of 2002, Government Paperwork Elimination Act of 1998, Paperwork Reduction Act of 1995, State of Tennessee's Paperwork Reduction and Simplification Act of 1976, and Tennessee Electronic Records Policy. Workforce Innovation and Opportunity Act (WIOA) Section 185 requires recipients of Title I funds to keep

records that are sufficient to prepare reports and permit the tracing of expenditures to adequately ensure that funds have not been spent unlawfully.

This guidance applies to electronic file storage and documentation imaging standards in the administration of the following Federal programs: Title I WIOA Adult, Dislocated Worker, and Youth Programs, Title III Wagner-Peyser (WP), Trade Adjustment Assistance (TAA), Re-employment Services and Eligibility Assessment (RESEA), SNAP Employment & Training (SNAP E&T), and related assistance programs. The Tennessee Department of Labor and Workforce Development (TDLWD)—along with numerous other state agencies—has transitioned to paperless record keeping by using an electronic document imaging and storage system known as Jobs4TN.

To capitalize on the increased efficiency of data storage and retrieval, TDLWD revised the documentation process for determining eligibility and the maintenance of pertinent records. TDLWD elects to first utilize electronic documents and requires electronic verification of eligibility requirements.

I. Electronic Records:

The Jobs4TN system eliminates the need for paper applications for participant registration and ensures that all Local Workforce Development Boards (LWDBs) are using identical criteria to determine participant eligibility. Customers will receive the same high-quality, efficient service regardless of the Local Workforce Development Area (LWDA) in which they reside. In order to case manage participants, LWDBs and the American Job Center (AJC) System must use Jobs4TN to:

- Create participant applications
- Record provided services
- Upload supporting documentation to verify eligibility¹
- Provide case notes regarding interactions with participants that include information that address 'who', 'what', 'where', 'when', 'why', and 'how' of service delivery.

LWDBs and AJCs must establish procedures to ensure that the use of paperwork is reduced to a minimum².

LWDBs must utilize the electronic registration whenever possible. The use of electronic records:

- Eliminates the need for storage areas and storage costs associated with paper files
- Saves supply costs and decreases paper waste
- Provides for an easily accessible, single-point of access for file review
- Reduces staff time accessing hard copy documentation
- Ensures more secure storage of sensitive information
- Eliminates lost or misfiled paper documents
- Increases the consistency of file documentation
- Ensures complete verification for program eligibility

The electronic information will be made available to any US Department of Labor or State auditor, or monitor who needs access in order to carry out their official duties. Information will be made available by granting full access to the Jobs4TN system or in paper format if requested.

¹ Workforce Services Guidance - American Job Center - Verifying Identity and Employment Eligibility - WIOA

² WIOA Section 308(c)(2)(F)(ii)

II. Fiscal-Related Documentation:

If the Fiscal Agent to the LWDB maintains records of participant related payments, it is not required to upload invoicing documentation into the Jobs4TN system. Any requirement to upload fiscal-related documentation would be at the LWDBs discretion; however, Jobs4TN is not intended to be the system of record for fiscal documentation. However, Grants4TN must include required information such as, but is not limited to, General Ledgers, supporting documentation, proof of a need for additional funding, etc.

All participant-related payments must be linked to their corresponding payments in the LWDA's fiscal accounting system by notating the invoice number or other specific identifier within the voucher payment in the Jobs4TN. This allows for ease of reference during monitoring and review.

III. Timeliness and Accuracy of Reporting:

A. Timely Data Entry into Jobs4TN:

All applicants must be processed immediately upon a customer receiving services. However, there are allowable exceptions-such as Rapid Response. In such instances the maximum allowable time to enter information into Jobs4TN is ten (10) business days. Furthermore, all eligibility intake information and documentation must be uploaded into Jobs4TN upon receipt. This also applies to the exiting of participants once they have completed all programs and are no longer receiving services. The Primary Indicators of performance are based on the exit outcomes of these individuals. It is imperative that accurate information is entered into the State's database management system in a timely manner in order to generate timely reports at the State and Federal levels; therefore, this information needs to be input promptly (including documentation to support credentials or employment, when applicable).

Once participants have exited programs, follow-up procedures and documentation concerning these individuals must be entered into Jobs4TN in a timely manner. TDLWD will not entertain any exceptions to this mandate.

B. Naming Convention for Data Entry into Jobs4TN:

Service providers are expected to enter all verification documents, upon receipt, into Jobs4TN for all active and exited participants. Please make sure to use the naming convention in **Attachment 1**.

IV. Medical Records:

Records containing identifiable health information—also known as protected health information (PHI) under the HIPAA Act of 1996—such as health status, provision of health care, or payment for health care must be maintained in a secure area and in paper format.

V. Personally Identifiable Information (PII)³:

PII is defined as either protective or non-sensitive. Protective PII is information that is sensitive and typically includes information such as a social-security number, date of birth or bank account numbers. Non-sensitive information is personal information that, when released by itself, should not be harmful to the individual. Non-sensitive information typically includes first and last name,

³ TEGL 39-11

email addresses, and business address. The handling of PII should be done with caution and follow federal guidance.

VI. Data Validation:

Data validation is the process to review participant files for accuracy and compliance. Eligibility and verification documentation is reviewed during this process.

Data validation is an annual review of a sample of participants from the federal report. TDLWD staff will validate that the information recorded in the system on each participant is correct by verifying that supporting documentation is accurate and present within a participant's case file. This procedure eliminates the need for paper files to be provided by staff in the field, which allows the TDLWD to virtually validate supporting documentation. As of the effective date of this guidance, all documents must be uploaded into participant files as they are received by the case manager.

VII. Deleting Images:

Staff is allowed to delete an image that has already been saved to an applicant's electronic file only under limited circumstances. The process to delete an already saved image requires a request be sent to the TDLWD Workforce Services (WFS) Program staff. The WFS Program staff will review requests for deletion of documents and, if determined appropriate, would provide permission for the deletion of record(s) from the individual's account. Requests for deletion must be addressed by email to the appropriate WFS Program staff.

VIII. Record Maintenance:

Sub-recipients of funds must keep records that are sufficient to permit the preparation of reports and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent on non-allowable activities⁴. This guideline applies to both paper and digital records. Although digital files are intended to replace paper documents, records must be maintained in a manner that enables staff to produce a tangible, paper copy immediately upon request. Guidance on the required maintenance of records by recipients is provided in 29 CFR 38.43. Pursuant to Records Disposition Authorizations (RDAs) 1586 and 2207 from the State of Tennessee Comptroller of the Treasury, TDLWD requires the maintenance of records for a period of five (5) years.

IX. Confidentiality of Data or Information and Required Release Forms:

Data or information acquired by an agency under a confidentiality agreement, to be used exclusively for statistical purposes, shall not be disclosed by an agency in identifiable form for any use other than an exclusively statistical purpose. Use of this information is prohibited except with the informed consent of the respondent⁵.

X. Required Release Forms:

All LWDBs must have a release of information form signed and dated by the participant and the case manager. This form must state that the participant's information may be used for reporting purposes as a result of federal regulations associated with the benefit of federal funds, and that the participant's personal information will remain confidential. This may be used as a stand-alone form, or may be incorporated into other release forms used by the LWDBs. The release form must be

⁴ WIOA Section 185(a)(1)

⁵ Public Law 107-347 Title V Section 512(b)(1)

uploaded into the participant file in Jobs4TN to validate that the participant agrees to the release of information for reporting purposes.

XI. Family Educational Rights and Privacy:

Educational records are covered under the Family Educational Rights and Privacy Act, enacted in 1974. This federal law protects the privacy of student education records. Under this law, students have the right to control disclosure of their education records. Student's education records may be disclosed only with the parent or student's prior written consent, unless⁶:

- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests;
- A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:
 - Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
 - Is subject to the requirements of 34 CFR 99.33(a) governing the use and re-disclosure of personally identifiable information from education records;
- An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of this section.
- The disclosure is, subject to the requirements of 34 CFR 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

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

XII. Legal Status of Electronic Documents:

Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form⁷.

References:

29 CFR 38.43; 34 CFR 99.31; E-Government Act of 2002; Family Educational Rights and Privacy Act (20 U.S.C. 1232-g; 34 CFR Part 990); Government Paperwork Elimination Act of 1998; HIPM Act of 1996; Paperwork Reduction Act of 1995; Paperwork Reduction and Simplification Act of 1976;


⁶ 34 CFR 99.31

⁷ Title XVII Section 1707 of Public Law 105-277

Public Law 105-277 Title XVII Section 1707; Tennessee Electronic Records Policy;
Title V Section 512(b)(1) of Public Law 107-347; WIOA Section 185(a)(1); WIOA Section 308(c)(2)(F)(ii)

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at
Workforce.Board@tn.gov.

A handwritten signature in black ink, appearing to read 'Tim Berry', written over a horizontal line.

Tim Berry, State Workforce Development Board Chair

Document Naming Conventions

See below for a list of Document naming conventions for upload into the State's case management system (Jobs4TN):

Enrollment and Eligibility:

- Application signed by participant
- Social Security Number (SSN)
- Date of Birth
- Selective Service Registration
- Disability
- Veteran Status
- Employment Status
- Unemployment Status
- School status
- All public assistance
- Individual barriers
- Family size and family income
- Authorization to work
- Release forms (when applicable)
- Equal Opportunity Form

Individualized Services and Training:

- Training contracts and/or agreements
- Timesheets
- Invoices or voucher-related documents
- Any documents that relate to training and work experience activities that require documentation and verification

Measurable Skills Gain:

1. Pretest and post-test TABE or CASAS tests:

The actual tests need to be uploaded into Jobs4TN.

2. Documented attainment of a secondary school diploma or its recognized equivalent:

The diploma or certificate need to be uploaded into Jobs4TN.

3. Secondary or postsecondary transcript or report card:

For a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards, upload transcript or report card:

- Record the most recent date of the participant's transcript or report card for postsecondary education who complete a minimum of twelve (12) hours per semester; or
- For part time students a total of at least twelve (12) credit hours over the course of two completed consecutive semesters during the program year that shows a participant are meeting the State unit's academic standards.

4. Satisfactory (or Better) Progress Report:

Established milestones, such as completion of on-the-job (OJT) or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training (proof of a pay increase or a progress report from the training provider).

5. Successful Passage of an Exam:

Documents required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams, knowledge base exam results, occupational competency-based assessments, and other tests necessary for completion.

Attachment 1- Document Naming Conventions

Credential Documents:

- Secondary school diploma or recognized equivalent
- Associate's Degree
- Bachelor's Degree
- Graduate Degree (Vocational Rehabilitation only)
- Occupational Licensure
- Occupational Certificate, to include Registered Apprenticeship and Career and Technical Education certificates
- Occupational Certification
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment

Exit and Outcome:

- Exclusionary support documentation (anything other than soft exit)
- Supplemental wage information (when applicable)
- School status at exit
- WIOA status/exit forms
- Copy of letter sent to individual indicating the case was closed
- Attendance Records
- Review of service records identifying the last qualifying service (and lack of a planned gap)

Supportive Services and Follow-Up:

- Any documentation needed to validate any support services given to a program participant during program participation
- Any documentation needed to validate any support services given to a Youth program participant after exit. Case notes are sufficient for an Adult or Dislocated Worker program participant in regards to follow up. Fundable services are only allowed for Youth after exit.
- Any documentation needed to validate any follow-up services given to a program participant after exit

Miscellaneous Items:

Any items that would not fall into any of these categories would need to be labeled accordingly if they are specific to your area. This process is to ensure uniformity statewide and ease in the monitoring process for the Program Accountability Unit (PAR) and during the Data Element Validation (DEV).