

To: Indiana's Workforce System

From: Indiana Department of Workforce Development (DWD)

Date: January 11, 2024

Subject: DWD Policy 2023-05
Maintaining Data Integrity in Workforce Programs

Purpose

This policy provides guidance on the uniform, paperless documentation of participant files which includes instruction for the collection, dissemination, storage, and protection of information contained within DWD's case management system particularly concerning Workforce Innovation and Opportunity Act (WIOA) programs. Local Workforce Development Boards (within this guidance, referred to as local WDBs or local areas) are to ensure policies and procedures include the data integrity standards contained within this guidance. All members of the workforce system are expected to be knowledgeable and adhere to these standards.

References

- WIOA Sections 185 and 308
- 2 CFR 200.334
- 20 CFR 683.210
- 29 CFR 38.43 and 29 CFR 97.42
- 34 CFR Part 99
- E-Government Act of 2002, Public Law 107-347, Title V Section 512(b)(1)
- Family Educational Rights and Privacy Act (20 U.S.C. 1232-g; 34 CFR Part 99)
- Government Paperwork Elimination Act of 1998
- Health Insurance Portability and Accountability (HIPAA) Act of 1996
- Paperwork Reduction Act (PRA) of 1995 (replacing the Paperwork Reduction and Simplification Act of 1976)
- GPRA Modernization Act of 2010
- TEGL 23-19, Changes 1 and 2 *Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs*
- DWD Policy 2022-08, Change 1 *Workforce Programs Data Validation*
- DWD Policy 2021-10, Change 2 *Safeguarding Protected Information and DWD User Accounts Management*
- DWD Policy 2016-09 *Equal Opportunity and Nondiscrimination Guidance Letter*

Content

This guidance originates from multiple regulations related to government agencies' transition from paper to digital files. This transition allows the keeping of records that are sufficient to prepare reports and permits the tracking of expenditures to adequately prevent unlawfully spent funds.

This guidance applies to the administration of the following federal programs:

- Title I WIOA Adult, Dislocated Worker, and Youth Programs;
- Title III Wagner-Peyser (WP);
- Jobs for Veterans State Grant (JVSG);
- Trade Adjustment Act (TAA);
- National Dislocated Worker Grant (NDWG);
- Apprenticeship grants; and
- Other related workforce programs.

Electronic Records¹

Federal reporting requires electronic data storage and retrieval of participant information. DWD requires the use of its case management system for documentation,² eligibility determination, and for the maintenance of pertinent records.

Participant Records

WorkOne/American Job Center (WorkOne/AJC) staff must enter electronic records used to show:

- Eligibility verification and enrollment data;
- Training eligibility documented in alignment with 20 CFR 683.210(a) requirements, which must show the individual is:³
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment;
 - In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualifications to successfully participate in the selected program of training services;
- All characteristics of participants enrolled;
- Assessment of needs, barriers and skill levels;
- Creation dates for individual employment plans (IEPs for adults and dislocated workers) and individual service strategies (ISS for Youth);
- Revised employment plans and service delivery strategies (these are living documents that should be updated over time);
- All employment and training goals that address needs in the IEP and ISS;
- Types of services provided;
- Individual dates of transactional services (single day services);
- Actual training start and end dates;
- Skill gains and credential goal attainment data;
- Employment, earnings, credentials, occupational code and employment related to training after exit, which is collected through supplemental information gathering during follow up;

¹ DWD's electronic data will be made available to any USDOL reviewer, oversight auditor, or monitor who needs access to carry out their official duties.

² See **Attachment A** for examples of participant documentation that must be maintained within DWD's case management system.

³ Case notes must be written with language clearly showing each requirement.

- Copies of documents where electronic storage or verification of eligibility requirements are required; and
- Activities and services in case notes regarding interactions with participants to include information that addresses ‘who’, ‘what’, ‘where’, ‘when’, ‘why’, and ‘how’ of service delivery.⁴

Fiscal-Related Documentation

All participant-related payments must be linked to their corresponding payments in the fiscal accounting system by noting the invoice number or other specific identifier within the voucher payment in DWD’s case management system fiscal module. This allows for ease of reference during state/federal monitoring and review.

Note: Local areas must adhere to established documentation practices for fiscal-related activities in other DWD systems, such as the Customer Relationship Manager (CRM).

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 activities. This guideline applies to both paper and digital records. Although digital files are intended to replace paper documents, records must be maintained⁵ in a manner that enables staff to produce a tangible, paper copy immediately upon request.

Timeliness and Accuracy of Reporting

Timely Data Entry into DWD’s Case Management System

Ideally, all applicant data should be entered into the system immediately upon a participant receiving services. Local areas must ensure that their policies and procedures are not preventing timely and accurate data entry by creating additional steps between the participant receiving services and the entry of applicable data.

DWD acknowledges that there are cases in which immediate data entry may not be possible. In such instances, the maximum allowable time to enter information into the electronic system is three (3) business days.

Saturday, Sunday, and holidays are **not** considered business days and therefore they are **not** included in the three-day data entry window. For example, if a participant received services on a Thursday, the participant’s information could be entered on the following Monday and still meet the three-business day deadline, although it has been five total calendar days since the participant received service.

Table I: Examples of the Three-day Data Entry Requirement

SUN	MON	TUE	WED	THR	FRI	SAT
				Service Business Day 1	Business Day 2	X
X	Deadline Business Day 3					

⁴ See the *Case Management Operational Best Practices* section for additional case note guidance.

⁵ Guidance on the required federal records retention rule is provided in 2 CFR 200.334 and 29 CFR 97.42.

All eligibility intake information and documentation must be entered into the system upon receipt. This also applies to recording supplemental information during follow-up for participants who no longer need services. It is imperative that accurate information is entered into the system in a timely manner in order to generate timely and accurate reports for federal reporting. Therefore, participant information must be entered promptly (including documentation to support credentials, recording of occupational codes, or employment related to training, when applicable).

Once a participant no longer needs services, follow-up procedures may begin. Documentation concerning these individuals must be entered into the system throughout the follow-up period (12-months), no exceptions.

Complete Data Entry

Case Managers are expected to enter all information, case management activities, service types/dates, goals, and verification documents, upon receipt or as delivered, into DWD's case management system for all active (current) and past participants.

Data Validation⁶

Data validation is the process of reviewing participant electronic records for accuracy and compliance by comparing the recorded information against source documentation allowed by TEGL 23-19, Changes 1 and 2. Data validation is an annual review of a sample of participants from the federal report. DWD data validation staff will validate that the information recorded in the system for each participant is correct by verifying that supporting documentation matches the MIS data and is saved within a participant's electronic file. Documents must be uploaded to the participant file as soon as they are received by the WorkOne/AJC staff person or within three business days.

Required Release and Equal Opportunity Forms

An employment verification release,⁷ Equal Opportunity Notice, and acknowledgement of the grievance process must be signed and dated by all participants and the case managers.⁸ The Release 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 WorkOne/AJC. The release form must be uploaded into the participant file in DWD's case management system to validate that the participant agrees to the release of information for reporting purposes no later than three business days after the initial enrollment participation date.

Legal Status of Electronic Documents

Electronic records submitted or maintained in accordance with procedures developed under this policy, 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 form.

⁶ See DWD's *Workforce Programs Data Validation* policy for additional guidance.

⁷ Staff should utilize local release of information forms and local processes for participant employment verification purposes.

⁸ See DWD's *Equal Opportunity and Nondiscrimination Guidance Letter* policy for more details.

Safeguarding Protected Information⁹

All workforce staff must access, maintain, and store participant information in a manner that ensures confidentiality in accordance with all federal and state guidance related to confidentiality and the handling of protected information. See **Attachment B** for more information on maintaining confidential medical and educational records.

Case Management Operational Best Practices

DWD encourages local areas to incorporate the following best practices into their daily operations:

Case Managers

Case managers are key to successful participant outcomes through appropriate service provision and the support and encouragement they offer their participants. Case managers are also key to federal reporting by accurately recording participant services in a timely manner.

- Case managers should regularly monitor open services and close them in a timely manner to avoid system-closure which can result in reporting and data validation errors.¹⁰
- Core partner program services must be recorded in DWD's electronic case management system regardless of the existence of other information system data entry requirements. For example, if a WIOA Youth participant is also a JAG participant, WIOA Youth services must be recorded in DWD's electronic case management system as well as JAGForce.

Case Noting¹¹

The purpose of case notes is to tell a detailed story of a participant's history of program participation so that another employee, supervisor, or monitor can understand the activity that has occurred. Case notes are also necessary for source documentation purposes in data validation. Several data validation elements across multiple programs may be verified with case notes. In addition to locally required case note content, DWD recommends the following best practice case noting standards:

- Provide sequential tracking and reporting of customer contact and progress;
- Document services provided and the outcomes associated with those services;
- Link services to the individual's barriers to employment;
- Discuss the reasoning behind revised employment plans;
- Be detailed enough to assist another case manager in helping the participant; and
- Be entered within three business days from the event, contact, attempt, correspondence, service, etc.

Information that could lead to the disclosure of the specific medical condition or disability of a participant cannot be entered into case notes. It is best to summarize information if it is needed to help with barriers to employment instead of listing the specific sensitive information.

⁹ See DWD's *Safeguarding Protected Information and DWD User Accounts Management* policy for additional guidance.

¹⁰ DWD's electronic case management system will automatically exit participants that have not received a service for 90 days and have no future services planned.

¹¹ **NOTE: Case notes do not prevent program exit.**

Case notes are legal documents that represent DWD and local board compliance with federal, state, and local policies. Case notes can and have been used as evidence in court.

WorkOne Supervisors

A key part of data integrity is timely data entry, and staff scheduling can have a large impact on this. Supervisors may want to designate a “backup” case manager who is assigned to take over service provision and recording activities when a staff person is out for an extended period of time.

Action

Local areas must revise current or develop new policies and procedures to align with this policy. Additionally, local areas are to evaluate current internal review/approval processes to identify and address practices impeding timely data entry (three business days). This includes communicating state and local data entry policy requirements and ensuring all appropriate staff are trained to comply.

Attachments

Attachment A – Examples of Electronic Participant Documentation

Attachment B – Additional Guidance on Maintaining Confidential Medical and Educational Records

Effective Date

Immediately.

Ending Date

Upon rescission.

Additional Information

Questions regarding the content of this publication should be directed to policy@dwd.in.gov.

Attachment A

Examples of Electronic Participant Documentation

Eligibility-Related

- Application signed by participant;
- Verification of Social Security Number (SSN), if provided;
- Proof of date of birth;
- Proof of Selective Service Registration;
- Proof of Veteran status, if provided;
- Public assistance records;
- Dislocated worker documentation;
- Proof of authorization to work;
- Assessment(s);
- Signed and dated release forms (when applicable); and
- Signed and dated Equal Opportunity Form.

Training/Work Experiences Related

- Signed and dated IEP or ISS (and any revised IEP or ISS);
- Training contracts and/or agreements;
- Training attendance records;
- Verification of measurable skill gain types;
- Credentials;
- Invoices or voucher-related documents;
- Timesheets, if applicable; and
- Any documents that relate to training and work experience activities that require documentation and verification.

Supportive Services

- Any documentation needed to validate any supportive services provided to a program participant during program participation.
- Any documentation needed to validate any support services provided to a Youth program participant after exit. Case notes are sufficient for an Adult or Dislocated Worker program participant regarding follow up. Supportive services are only allowed after exit for youth.

Follow-Up

- Any documentation needed to validate any follow-up services provided to a program participant after exit.

Attachment B

Additional Guidance on Maintaining Confidential Medical and Educational Records

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 respondent.

Medical Records Confidentiality

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.

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. A student's education records may be disclosed only with the parent or student's prior written consent, unless:

- 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 form¹² 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, if the educational agency is not a partner to a data sharing agreement for reporting and research purposes and would already be providing this information and documentation.

¹² Staff should utilize local release of information forms and local processes for participant employment verification purposes.