

BRIDGING THE LANGUAGE GAP:

An Overview of Workforce Development Issues Facing Limited English-Proficient Workers and Strategies to Advocate for More Effective Training Programs

AUGUST 2005

CAA | CENTER FOR ASIAN AMERICAN ADVOCACY
NATIONAL IMMIGRATION LAW CENTER

Published with generous assistance from the Levi Strauss Foundation

ACKNOWLEDGEMENTS

This report was written primarily by Luna Yasui, Tyler Moran and Theodore Wang, with substantial research assistance from Sang Chi and Christina Wong. CAA and NILC are grateful to the Levi Strauss Foundation, whose support made this report possible.

The authors also extend a heartfelt thank-you to the following individuals for generously sharing their time and work: Barbara Baran, Jodie Berger, Pam David, José Davilla, Tom Dubois, Aimee Durfee, Shawn Fremstad, Nikki Fortuna-Bas, Sean Hale, Sarah Hinkley, Michael Horvat, Liz Hughes, Marcy Jackson, Sissy Kegley, Ricky Lam, Rebekah Lashman, Moira Lucey, Grace Meng, Marsha Murington, Daniel Singleton, Whitney Smith, and Shandra Western, and Elizabeth Toupes.

EXECUTIVE SUMMARY

This report provides an introduction to workforce development issues facing limited English proficient (LEP) immigrant workers and focuses on how to fund and implement effective training programs for this population. Over the past two decades, immigrant workers have become a significant and growing portion of the U.S. workforce. Yet appropriate workforce development programs for these individuals remain scarce. Even in localities with large immigrant populations, the demand for language appropriate workforce services and vocational training by far exceeds availability. Many One-Stop centers or other government agencies that serve unemployed workers have few bilingual staff who can communicate with LEP workers, and even fewer have vocational training programs that are suited for this population. In most communities, LEP immigrants must first take extensive English as a second language (ESL) courses or otherwise improve their English skills before they are can participate in vocational training programs.

But in recent years, the traditional model of emphasizing language acquisition before receiving vocational training has been challenged. A growing number of community colleges, adult schools, and community organizations have begun to integrate vocational training with English instruction so that LEP individuals can become more work-ready as they are learning English. These programs have been popular with immigrants who want to learn English and other skills that can be used to improve their employment prospects. Many of them have also been successful in training and finding good jobs for LEP workers.

This report provides an overview of workforce development issues affecting LEP workers by focusing on the primary public sources for funding training programs at the local level, as well as examples of successful programs that integrate vocational training with English instruction. It describes in detail the following workforce development funding sources:

- ***Workforce Investment Act (WIA) Title I*** –The primary federal funding source for workforce development, Title I of WIA provides localities with resources to establish One-Stop employment centers, which are supposed to offer comprehensive job search services and access to employment training programs to adults and youth. In many communities, the One-Stops serve as the primary access point for job seekers who need services or training. WIA also establishes a voucher system through which low-income job seekers can obtain job training provided by nonprofit organizations, adults schools, private institutions and other authorized agencies. Because there are challenges to using WIA funds to support LEP workers, the report describes successful strategies and examples of programs that have effectively served this population.
- ***Temporary Assistance to Needy Families (TANF)*** – This federal block grant provides states with cash assistance for welfare programs, employment training and other services to help low-income families become self-sufficient. TANF funds can be used to fund vocational ESL and ESL programs for low-income families even if they do not receive cash assistance.
- ***The Adult Education and Family Literacy Act, WIA Title II*** – This program is the main federal funding source for basic education services for adults who lack a high school diploma or basic literacy skills. Programs funded by this source include English instruction courses, GED preparation, civic education (e.g., citizenship courses) and other related services. In 2000, Title II funding provided ESL courses to 1.1 million adults,

although relatively few programs have tried to incorporate vocational training or vocabulary.

- ***Trade Adjustment and Reform Act (TAA)*** – The TAA program offers training and income support to workers who lose their jobs or have their hours reduced because increased imports of goods from abroad have led their employers to reduce their workforce. TAA offers dislocated workers extended unemployment benefits if they enroll in an intensive training program. Enacted only in 2002, this program offers LEP dislocated workers the option of enrolling in relatively long-term training programs that can improve both their English and vocational skills.
- ***Local Strategies and Funding Sources*** – A number of localities in recent years have used general funds, development fees and payroll taxes to support integrated training programs that help immigrants develop both language and vocational skills. Local advocates have also developed strategies aimed at persuading community colleges and adult schools to offer more appropriate trainings for LEP workers.

This report describe the challenges posed by each of these public funding sources, as well as strategies and effective practices that advocates have used to support training programs for LEP adults in localities across the U.S. It concludes by offering a framework for local advocates to conduct advocacy aimed at increasing access and the availability of employment services for LEP workers. A glossary of workforce development terms is provided at the end of this report.

INTRODUCTION.....	1
Immigrant and limited English proficient (LEP) workers in the United States	1
What is limited English proficiency?	1
English proficiency results in increased earnings and a higher likelihood of employment	2
Education and Training for Limited English Proficient Adults	3
Who operates programs that integrate vocational skills and language acquisition?	4
Education and Training in a “Work First” Climate.....	5
POTENTIAL FUNDING SOURCES FOR VESL PROGRAMS	6
The Workforce Investment Act, Title I	6
Opportunities to Make WIA More Responsive to the Needs of LEP Adults.....	11
Temporary Assistance to Needy Families (TANF).....	15
Opportunities to better serve limited English proficient adults under TANF	18
The Adult Education and Family Literacy Act, WIA Title II	20
Strategies to make adult education work for limited English speaking job seekers	21
Trade Adjustment and Reform Act	23
Opportunities to make TAA more accessible for LEP adults	25
Local Strategies and Funding Sources	27
DEVELOPING ADVOCACY STRATEGIES FOR INCREASING TRAINING SERVICES TO LEP JOB SEEKERS AT THE LOCAL LEVEL	31
APPENDIX: LANGUAGE ACCESS TO FEDERALLY FUNDED PROGRAMS .	34
ADDITIONAL RESOURCES	36

INTRODUCTION

The growing importance of immigrants to the U.S. workforce requires the development of more programs to enable limited English proficient (LEP) workers acquire needed language and vocational skills so that they can obtain sustainable employment. Among educators, service providers and policy makers, a consensus is emerging that training strategies integrating English language instruction and vocational skills are effective in addressing the needs of the LEP workforce.¹ While the need for such training is clear, such programs are still relatively scarce.

The first section of this report provides an overview of the immigrant and LEP workforce in the United States and highlights the need for appropriate programs to assist these workers. The second section describes some of the major federal funds available for programs that integrate vocational training with English instruction and describes several successful programs. It also identifies barriers within each funding stream to effectively serving LEP workers, and offers strategies for addressing them. The third and final section provides advocates with basic tools to assess LEP needs and resources within their state, county or locality. The appendix lists additional resources and reports pertaining to literacy, immigrant rights, vocational training and workforce development.

IMMIGRANT AND LIMITED ENGLISH PROFICIENT WORKERS IN THE UNITED STATES

Immigrant workers and those who speak limited English make enormous contributions to the national economy. Currently, immigrants make up more than 15 percent of the civilian workforce,² and their contributions to the economy have been estimated to exceed \$1 trillion annually.³ Over the past decade, half of the total workforce growth was due to immigrant workers and over the next twenty years, it is predicted that *all net* growth in workforce membership between ages 25 and 54 will be on account of immigration.⁴ “Immigrant” is not synonymous with “limited English proficiency,” and many immigrants possess high literacy levels in English and other languages. However, recent immigrants make up the large majority of LEP⁵ working-age adults in the United States.

WHAT IS LIMITED ENGLISH PROFICIENCY?

The U.S. Department of Justice defines LEP individuals as those “who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.”⁶ The U.S. Census identifies individuals as LEP if they respond that they speak English “not well” or “not at all.”⁷ According to the Census, nearly 15.5 million working-age

¹ Heide Wrigley and Elise Richer, et al, *The Language of Opportunity: Expanding Employment Prospects for Adults with Limited English Skills* (Center for Law and Social Policy, Aug. 2003) and AFL-CIO Working for America Institute, *Getting to Work: A Report of How Workers with Limited English Skills Can Prepare for Good Jobs* (May 2004).

² Randy Capps, Jeffrey Passel, et. al., *A Profile of the Low-Wage Immigrant Workforce* (Urban Institute, 2003).

³ National Academy of Sciences, *New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (1997).

⁴ Research and Policy Committee of the Committee for Economic Development, *Reforming Immigration: Helping Meet America’s Need for a Skilled Workforce* (2001).

⁵ Elise Richer, *Expanding Employment Prospects for Adults with Limited English Skills*, (Center for Law and Social Policy, 2003).

⁶ Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, U.S. Department of Justice, April, 12, 2002. Available at: <http://www.usdoj.gov/crt/cor/lep/DOJFinLEPFRJun182002.pdf>

⁷ Language Use and English Speaking Ability: 2000, US Census Brief, October 2003.

adults in the U.S. indicated they speak English less than “very well.”⁸ Of this population, approximately, 7.4 million responded that they speak English “not well” or do not speak it at all.⁹ An additional 7.2 million adults have some English verbal skills, but speak English less than “very well.”¹⁰

Regions with large and growing immigrant populations tend to have the highest number of LEP adults. Six states—California, Florida, Illinois, New Jersey, New York and Texas—are home to 39 percent of the immigrant population¹¹ and have the largest number of LEP adults.¹² However, a number of other states are experiencing exponential growth in new immigrant populations. For example, between 1990 and 2000, North Carolina, Nevada and Georgia each experienced a 200 percent growth in immigrant population.¹³ During that same period, the immigrant population in Arkansas, Idaho, Minnesota, Nevada and North Carolina grew by over 150 percent¹⁴, as immigrants were drawn to newly created service jobs in these rapidly growing local economies.

ENGLISH PROFICIENCY RESULTS IN INCREASED EARNINGS AND A HIGHER LIKELIHOOD OF EMPLOYMENT

It is well established that English proficiency is associated with increased earnings and higher employment rates. Figure 1, which summarizes 2000 Census data, shows that the average hourly wage of immigrant workers who speak English “very well” is nearly twice as high as a non-English worker. English proficiency is also a factor in employment rates. A 1999 Office of Refugee Resettlement survey found that 77 percent of refugees who spoke English well or fluently were employed compared to 26 percent of those who did not speak English.¹⁵ Some of these earning and employment differences are due not just to English proficiency but other associated characteristics. For instance, fluent English speakers are more likely to arrive in the U.S. with legal documentation, and do not have to work in an underground economy that offers neither stable nor well-paying jobs.¹⁶ Even more important, English-proficient immigrants are more likely to arrive in the U.S. with higher levels of education.¹⁷ The 2000 Census reports that immigrants who do not speak English have an average of six years of education compared to 14 years among those who speak English “very well.” A study controlling for factors such as

⁸ U.S. Census, *Age by Language Spoken at Home by Ability to Speak English for the Populations 5 yrs and Older*, Available at <http://factfinder.census.gov>.

⁹ Id.

¹⁰ Id.

¹¹ U.S. Census, *Foreign Born Population 2000*, available at <http://www.census.gov/prod/2003pubs/c2kbr-34.pdf>.

¹² Id.

¹³ Id.

¹⁴ Jeffrey Passel and Wendy Zimmerman, *Are immigrants leaving California? Settlement Patterns of Immigrants in the late 1990's*, (Urban Institute, Apr. 2001).

¹⁵ Office of Refugee Resettlement, Annual Report to Congress (1999). http://www.acf.dhhs.gov/programs/orr/policy/99arc9.htm#_Toc519582113 Last visited April 29, 2004.

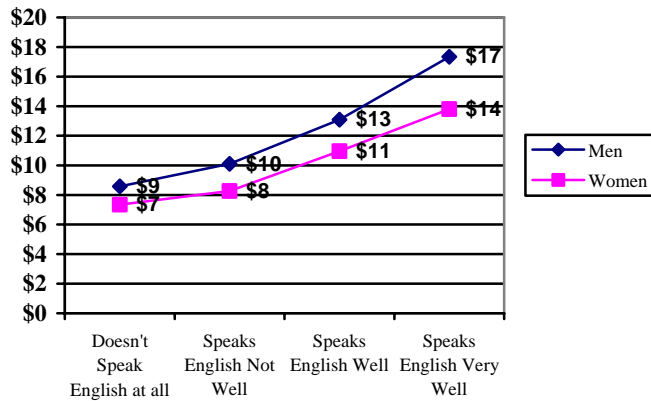
¹⁶ Randy Capps, Leighton Ku, and Michael Fix, *How Are Immigrants Faring After Welfare Reform: Evidence from Los Angeles and New York City*, Urban Institute, Final Report submitted to the Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services (2002).

¹⁷ Maria Mora, *An Overview of the Economics of Language in the U.S. Labor Market: Presentation Notes*, Denver, CO: American Economic Association Summer Minority Program (2003). http://www.econ.duke.edu/smpe/pdf_files/MORA2.pdf. (accessed Dec. 10, 2004).

education and work experience found that English-speaking immigrants earn 17 percent more than non-English-speaking immigrants.¹⁸

Figure 1: Hourly Wages of Immigrant Workers by English Language Proficiency Source: Census 2000

Reproduced with permission from Grantmakers Concerned with Immigrants and Refugees



EDUCATION AND TRAINING FOR LIMITED ENGLISH PROFICIENT ADULTS

To find sustainable employment, many LEP residents need not only language training but also basic skills development and orientation to the U.S. job market. Yet, under the current adult education system, there are few vocational training options available for individuals who are not proficient in English. LEP adults must typically go through a sequential educational process. They need to enroll in several levels of ESL courses, until they acquire English skills that enable them to participate in GED, higher education, or job training programs. Most immigrant adults do not have the time to complete this lengthy process. One promising approach has been to integrate job skills training with English language instruction.¹⁹ For ease of reference, this report uses “integrated vocational language acquisition” as an umbrella term to refer to training programs that blend vocational skills with English training.²⁰ Integrated vocational language acquisition programs come in various forms, but they all assume that LEP adults are capable of acquiring vocational skills as they increase English proficiency.

Below are the most common types of integrated job training programs for LEP adults:

1. *General Vocational English-as-a-Second-Language (VESL) Program*

The primary focus of general VESL programs is on English instruction and on helping LEP job seekers develop general workplace communication skills. These courses do not

¹⁸ Barry R. Chiswick and Paul W. Miller, *Language in the Immigrant Labor Market*, (Immigration, Language and Ethnicity, 1992).

¹⁹ Manpower Demonstration Research Corp., *How Effective Are Different Welfare-to-Work Approaches: Five-Year Adult and Child Impacts for Eleven Programs*, (U.S. Department of Health and Human Services, Nov. 2001).

²⁰ Such programs are referred to by a variety of titles such as, vocational English as a second language classes, “context based” learning, bridge programs and integrated vocational skills and language acquisition programs. Regardless of the description, they share an emphasis on acquiring English skills in a workplace context.

teach any industry-specific vocabulary. Rather, their goal is to help LEP job seekers develop general workplace English that can be used across different industries. The vast majority of existing training programs for LEP adults fall under this category. Such courses seek to improve participants' general English proficiency while helping them learn workplace vocabulary. This type of program is most suited to individuals with low English proficiency and relatively little experience in workplaces where English is spoken.

2. *Industry- or Job-Specific VESL Training*

Industry- or job-specific programs also try to improve language skills needed to navigate in a workplace where English is primarily spoken but focus on acquiring commonly-used vocabulary used by specific occupations. Some also combine English acquisition with basic training needed to pass an entrance examination or obtain certification. Examples include VESL courses that help LEP job seekers pass entrance examinations for construction apprenticeship programs or obtain certification for medical or nursing positions. Other industry-specific VESL programs cover jobs in health care, child care, and hotel and hospitality. Because vocabulary used in these courses can be relatively advanced or technical, basic English skills are a prerequisite for many of these programs.

3. *Bilingual Vocational Training*

These programs provide vocational training or basic adult education in participants' native language while offering some form of VESL to improve job-related English skills. A primary goal of these programs is to allow LEP individuals with low levels of education, who may lack literacy and math skills even in their native language, to learn basic skills needed for the U.S. workplace. This kind of program is more likely to be successful in geographical areas or industries where employers need skilled workers and have the capacity to communicate with them in a language other than English. For example, a number of manufacturing companies in South San Francisco employ bilingual supervisors who can communicate with workers in both Chinese and English. Similarly, large numbers of bilingual businesses exist along the U.S.-Mexico border, in Los Angeles, and in large Midwestern cities.

Many of these integrated programs not only provide vocational and language training but also incorporate training on the "soft skills" necessary for success in the U.S. workplace. These can include skills such as co-worker communication, conflict resolution, and working in racially, ethnically and otherwise diverse environments. Since most VESL programs require participants to practice English with each other, these types of topics are easily incorporated into the curriculum through workplace simulations in which participants learn both soft skills and English vocabulary.

WHO OPERATES PROGRAMS THAT INTEGRATE VOCATIONAL SKILLS AND LANGUAGE ACQUISITION?

A wide range of institutions offer and administer integrated vocational language acquisition programs. The majority of providers are adult schools and community colleges. Local unions or community-based organizations (CBOs) often administer more specialized integrated programs that prepare participants for specific industries. Some employers also operate incumbent worker

training programs that offer employees vocational skills and/or English classes needed to perform their jobs or to increase their job options within the company.

In some states, community colleges have collaborated with CBOs and unions by holding courses at off-campus locations that are easier for participants to access. The linkage between a community college and a CBO often means that participants receive employment assistance from the CBO that supplements formal classroom training. Employment assistance can range from help during the initial job search to support services designed to help course graduates retain the jobs they find.

EDUCATION AND TRAINING IN A “WORK FIRST” CLIMATE

The welfare reform movement that began in the mid-1990s heralded a shift in government policies with regard to education and training. Since then, government funding for training and education within welfare-to-work programs and other workforce development programs has been colored by the tension between the “work first” model and the “human capital” model. “Work first” proponents argue that paid job experience is generally more meaningful than an education or training program. A “human capital” model emphasizes developing vocational and educational skills that enable a person to acquire sustainable employment with opportunities for career advancement.

Widely known as “Welfare Reform”, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) is the legislative cornerstone of the “work first” model. The PRWORA emphasizes quick placement into a job by imposing requirements on states to reduce welfare caseloads, increasing the number of hours people must participate in “work activities,” and limiting the number of training and education hours that can be counted as work activities. In many states, reliance on the “work first” model has severely limited opportunities for low-wage workers to obtain vocational training and education. The training and education restrictions of the PRWORA and a “work first” approach are particularly harsh for LEP adults, who often require longer periods of training and support to acquire sufficient language and vocational skills to be competitive in the workplace. The following chapters describe strategies that have been used to develop effective training programs for LEP workers in this difficult context.

POTENTIAL FUNDING SOURCES FOR VESL PROGRAMS

Over the past two decades, the federal government's investment in workforce development programs has failed to keep pace with the demand for skilled workers. Federal funding for worker training programs has actually decreased by 29 percent between 1985 and 2003. Immigrant participation in these programs has been especially low. According to the Department of Labor between April 2003 and March of 2004, approximately 15,398 or 6.9% of all adult exiters of the WIA program were LEP.²¹

Low immigrant participation rates in federally funded programs have been exacerbated by a number of factors, such as legal reforms restricting immigrant access to a vast range of social services, including job training and employment services. LEP adults often confront significant language barriers to accessing workforce development services, including a severe shortage of bilingual caseworkers and a lack of materials translated into appropriate languages.

Despite these barriers, a number of service providers, community colleges and other community-based institutions have leveraged federal funding to develop successful programs integrating English language and vocational training. It should be noted that the vast majority of integrated language acquisition programs operate by piecing together grants from a number of different funding sources. A typical program will bring together federal, state, local and private funds to meet its annual budget. There is no one formula for successfully funding a VESL program, but the following sections outline some of the key federal funding sources along with successful examples.

THE WORKFORCE INVESTMENT ACT TITLE I

The Workforce Investment Act of 1998 (WIA), combined with changes in the welfare law, fundamentally altered welfare and workforce development policies. The primary federal funding source for workforce development programs, WIA replaced the Job Training Partnership Act (JTPA) and consolidated once-separate laws governing job training, adult basic education, vocational rehabilitation and employment services. WIA was authorized for five years and expired in September 2003. H.R.2, the House's WIA reauthorization bill was passed in March, 2005. The Lifetime of Educational Opportunities Act of 2005 (S.9) is the Senate's WIA reauthorization bill. At the time of publication, this bill had not yet been passed. In the interim, Congress is expected to provide funding for WIA on a yearly basis. The Senate bill has a number of provisions relevant to LEP individuals.²²

The overarching goal of WIA is to create a national workforce development system that addresses the needs of both job seekers and employers. More specifically, WIA seeks to:

1. Streamline services through a One-Stop service delivery system involving mandated partners such as adult education institutions, vocational training programs, social service agencies and unemployment agencies;
2. Provide universal access to all job seekers, workers and employers;

²¹ PY 2003 WIASRD Databook available through the U.S. Department of Labor at http://www.doleta.gov/performance/results/PY_2003_WIASRD_Databook.pdf

²² For a detailed comparative analysis of the LEP provisions in both the House and Senate WIA reauthorization bills, see, Side-by-Side Comparison of the LEP Provisions in Title I and Title II of the 2005 House and Senate Reauthorization Bills, available at www.nilc.org.

3. Promote customer choice through use of vouchers and consumer report cards on the performance of training providers;
4. Strengthen accountability by implementing stricter and longer-term performance measures; and
5. Promote leadership by the business sector on state and local Workforce Investment Boards.

The Employment and Training Administration of the U.S. Department of Labor (USDOL) works with state partners to monitor Title I of WIA. The relevant state agencies work with local workforce investment boards to create state and local plans, establish priorities for training and target populations, and administer funds to service providers.²³

Workforce Investment Boards (WIBs)

Devolution of administrative power to the state and local levels is one of the hallmarks of WIA. The act provides states and localities an unprecedented amount of latitude in shaping their workforce development systems. While local discretion can be used to address specific challenges faced by immigrant workers, the lack of a uniform structure for WIA implementation can be daunting for advocates trying to understand how funding decisions are made.

Each state must have a state-level WIB responsible for developing five-year strategic plans to submit to the USDOL and assisting in other statewide policy issues. By law, representatives from the business community must comprise a majority of the state-level WIB (or “state board”). Specifically, the state board includes the governor, two members of each chamber of the legislature, and representatives from business associations, labor organizations, youth organizations, and representatives from local workforce investment boards.

WIA requires states to define local workforce investment areas governed by local WIBs. Local WIBs are responsible for local, on-the-ground development and implementation of WIA services. They are responsible for creating at least one physical “One-Stop” center in each local workforce investment area, setting priorities for service, forging working partnerships with partner agencies, identifying target communities, creating eligibility criteria for service providers, and setting and monitoring local placement goals, among other duties.

WIA also outlines requirements for the composition of local WIBs. These must be comprised of local business representatives, CBOs, economic development agencies, and the “mandatory One-Stop partners.” Local WIBs are prohibited from directly providing training services unless they obtain a waiver from the governor.

The One-Stop System

WIA calls for One-Stop centers in each local workforce investment area. One-Stops are meant to offer job seekers and employers a centralized location to access core employment services, job

²³ The U.S. Department of Labor maintains a website on WIA implementation and resources at <http://www.doleta.gov/usworkforce/wia/>. The Working for America Institute offers a comprehensive and accessible overview of WIA. <http://documents.workingforamerica.org/basics-01.htm> Last visited April 29, 2004.

training, education and other supportive services. WIA requires each One-Stop to partner with relevant government agencies to centralize services for job seekers.²⁴

WIA's Mandated Services

WIA mandates three types of services: (1) core, (2) intensive, and (3) training.

Level I core services include initial assessments, job-search assistance, information about access to supportive services, employment counseling, and unemployment compensation filing information. These services must be provided at all One-Stops.

Level II intensive services include development of individual employment plans, short-term prevocational services, work experience activities, and case management for participants seeking training services. Intensive services are available only to adult and dislocated workers who have completed one core service and are deemed unable to find employment without further services.

Level III training services include occupational skills training, on-the-job training, skills upgrading and retraining, adult education and literacy activities, and customized training. Training services are available to employed adults and to unemployed adults and dislocated workers who have completed Level II intensive services but who cannot find a job. Persons seeking training must show that they possess the necessary skills to complete such a program, identify a training program that is linked to job vacancies in their area, demonstrate that they are unable to obtain a federal Pell Grant or any other financial assistance, and meet the state and local priority system requirements.

WIA's Target Population

WIA Title I funding is divided into three separate funding streams: adults, dislocated workers, and youth.²⁵ Populations served by WIA's mandatory partners are also included in the target populations. Although WIA calls for universal access, funds are available to serve only a small portion of those seeking assistance—and this is especially true of intensive and training services (Levels II and III). Though states and localities can establish priorities for certain populations, WIA requires that intensive services be reserved for adults who cannot find a job through core services. In setting priorities, a WIB could determine that LEP job seekers should receive priority and then proceed to identify appropriate training programs, One-Stop partners, and assessment tools to serve LEP adults. Subsequent sections of this report will discuss advocacy strategies for serving LEP adults within the WIA program.

²⁴ In seeking to centralize the delivery of services, WIA requires One-Stop centers to establish partnerships with a number of services. These mandatory partners include: adults, dislocated worker and youth activities under WIA, Title I; unemployment insurance/employment services; adult education activities; post secondary vocational education under the Carl D. Perkins Vocational and Applied Technology Education Act; welfare-to-work; rehabilitation activities authorized under the Rehabilitation Act of 1973; senior community employment services through Title V of the Older Americans Act; NAFTA/Trade Adjustment Act; veteran employment and training activities; Community Services Block Grant funded employment and training activities; Department of Housing and Urban Development administered employment and training activities.

²⁵ The statutory definition of "dislocated worker" encompasses individuals who have been terminated or laid off, or have received notice of termination or lay offs, and are eligible for or have exhausted unemployment compensation. Laid off or terminated individuals who have worked the requisite number of months to qualify for unemployment compensation, but have insufficient earnings or were working for an employer who was not covered by State unemployment compensation laws, are also considered dislocated workers. Finally, self-employed individuals who are unemployed as a result of natural disasters, and displaced homemakers are also covered under this definition.

Immigrant Eligibility Restrictions

Despite the mandate to provide services universally, WIA places restrictions on immigrant job seekers. Only U.S. citizens and work-authorized documented immigrants are eligible for all services. Undocumented workers are eligible only for “core services” for which registration is not required.

How WIA Title I Funds Flow

The bulk of WIA Title I funds flow to local WIBs according to a federal formula. WIBs are then responsible for funding their local One-Stops. WIA funds must cover an array of expenses for development and implementation of these new workforce development systems. This includes establishing and administering the One-Stops and ensuring “universal access” to employment services for all job seekers. Such expenditures leave local WIBs with little money for training programs and even less funding for the type of specialized services needed by LEP adults.

WIA *training dollars* are disbursed in the following ways:

1. Governor’s Fifteen Percent Discretionary Funds

Fifteen percent of each funding stream (i.e., adult, dislocated worker and youth) is designated for statewide activities. The governor is allowed to spend up to one third of these funds on administrative costs, and the remainder is meant to give states greater flexibility in developing programs to address workforce conditions and emerging issues.

In some states, advocates have been successful in channeling discretionary funds to integrated vocational language acquisition programs. For example, four different locals of the Hotel Employees and Restaurant Employees (HERE) union in California received four years of funding for VESL training from the governor’s discretionary funds. Several pilot programs operated by HERE local unions in collaboration with employers were successful in improving English skills through on-the-job English classes. In Illinois, effective advocacy has resulted in the governor’s promise to distribute \$18 million of his discretionary funds through the local WIBs for job training programs. The Chicago Jobs Council and other advocates are actively campaigning to allocate a portion of those funds for training that would target LEP adults.

2. Individual Training Accounts

Unlike previous federal job training programs, WIA training funds do not go directly to the providers of training services. Under WIA, vouchers (known as Individual Training Accounts) are issued to eligible job seekers. They then select a training program from the group of available eligible programs. Each training provider is reimbursed based on the number of enrolled participants and its ability to obtain employment for its graduates. In order to remain eligible for reimbursement under WIA, a training provider must submit performance reports detailing trainee completion and placement rates, retention and earnings gains six months after placement, credential attainment, and per-client costs. Job seekers are supposed to have access to this performance data so they can select the training program that is most appropriate for them.

3. Demonstration Grants for Programs Serving Dislocated Workers

While most Title I funds are provided directly to the states, 20 percent of the dislocated worker funds are held by the USDOL for National Emergency Grants, demonstration projects, and technical assistance. The USDOL administers two grants that can potentially support language and job training programs:²⁶

1. Pilot, Demonstration and Research Project Grants made by the Employment Training Administration, and
2. Migrant and Seasonal Farmworkers Project Grants.

Demonstration grants are important funding opportunities for innovative projects serving underserved communities.

The Milwaukee Spanish Tech Track (MSTT) was developed, in part with funding from a WIA demonstration grant, to address the complete absence in Milwaukee, Wisconsin, of vocational training opportunities for LEP workers. The MSTT program offers dislocated LEP workers 600 hours of targeted vocational and English language training over 45 weeks. The program targets industries in which there are sustainable entry-level job opportunities that have the potential for career advancement. Currently, MSTT trains participants in two areas: computer controlled machining and industrial maintenance mechanics. Classes are taught by bilingual instructors who present written materials and lecture in Spanish, with English translation provided to convey important workplace concepts. MSTT fosters strong ties with employers and provides job placement services such as job counseling and job-search preparation. The program maintains a 92 percent placement rate.

Performance measure requirements

To ensure ongoing funding, each state agency responsible for administering WIA Title I must negotiate performance goals with the USDOL and then meet them. These goals shape local guidelines for WIBs and subsequently for training providers. A U.S. Government Accountability Office (GAO) report found that many state agency staff believe that state-level performance goals have been set too high.²⁷ The pressure to meet performance goals can result in administrators favoring programs that serve people who are perceived as being easier to train (i.e., people facing relatively low barriers to employment), which in turn has the effect of limiting training opportunities and services available for LEP adults.

Under WIA, not all services are evaluated, only outcomes for people who are registered. As a result, One-Stops have a structural incentive to register the most employable job seekers, which makes it more difficult for LEP adults and others considered to have high barriers to employment to gain access to training programs. Furthermore, under current performance measures, a One-Stop must count a registered participant who opts for further education upon completion of a training program as a *negative* placement—the agency’s overall placement numbers will be reduced. Such a system clearly discourages One-Stops from providing long-term training. It also poses particular problems for LEP job seekers who, in order to become both employable and

²⁶ Additional information is available from the Employment and Training Administration of the U.S. Department of Labor at <http://www.doleta.gov/sga/>.

²⁷ U.S. General Accounting Office, *Workforce Investment Act: Improving Needed in Performance Measures to Provide More Accurate Picture of WIA’s Effectiveness*, (GAO 02-275, Feb. 2002).

capable of advancement to better-paying jobs, need to complete a series of training and educational programs.

Training service providers operate under similar pressure to meet or exceed placement goals. Training providers must meet placement goals set by their local WIB and submit reports on the following regarding the people they train: (1) entry into paid work; (2) retention in such employment six months after placement; (3) earnings gains six months after placement; and (4) attainment of educational credentials. While quantifiable performance measures are important tools for evaluating a program, the stringent placement goals and the administrative burden of WIA's reporting requirements work to effectively shut out CBOs, community colleges and other adult education institutions from accessing WIA funds.

OPPORTUNITIES TO MAKE WIA MORE RESPONSIVE TO THE NEEDS OF LEP ADULTS

Despite challenges, numerous state and local strategies can be employed to make WIA work more effectively for LEP job seekers. State strategies must focus on making LEP issues a priority on the workforce development agenda and advocating for adequate resources to serve this population. Local strategies should focus on the actual delivery of services to LEP adults in a manner that effectively meets their needs. Advocates can review the state and local implementation plans and determine whether these plans prioritize services for LEP adults. They should assess whether procedures are in place to provide LEP persons real access to One-Stops and other services offered under WIA. Advocates should also evaluate how well partner organizations of the WIB provide the services to LEP adults. Once they have completed an informal assessment, advocates should offer specific recommendations to WIBs on how state and local plans can better address the needs of LEP workers.

State strategies

Place the needs of LEP adults on the WIB agenda

Currently, each state plan must outline how the state will meet the needs of special populations. To ensure that state plans address the needs of LEP job seekers, state WIBs should be urged to include LEP individuals within the "special populations" category. The USDOL website²⁸ provides links to WIA state plans. Due to the decentralized nature of WIBs, the easiest way to find out how to contact a local WIB is through the website either of the area's One-Stop or of the state's labor department. The USDOL also provides links to One-Stop websites.²⁹

Adjust performance measures to create incentives to serve LEP individuals

WIA requires states to negotiate performance goals regarding their implementation of workforce development programs. Pressure to meet performance goals often deters states from serving adults facing high barriers to employment, including those who are LEP. Advocates should urge states, when negotiating with the USDOL, to adjust their performance measures to account for local economic conditions and the characteristics of *all* persons eligible to receive WIA-related services, including those who are LEP. The statute allows for consideration of factors such as economic conditions and participant characteristics in negotiating performance measures. The need for specific types of training to meet the needs of LEP job seekers in a particular economy can be considered in developing performance measures.

²⁸ <http://www.doleta.gov/usworkforce/wia/planstatus.cfm>.

²⁹ <http://www.doleta.gov/usworkforce/onestop/onestopmap.cfm>.

Account for wage gains in measuring performance

Absent increased opportunities to obtain trade-specific vocational skills, many immigrants and LEP workers will be relegated to low-wage jobs. Although not mandated, states are allowed under WIA to identify additional indicators of performance in the state plan. Accounting for wage differentials before and after participants complete a training program can encourage providers to offer more specialized vocational skills that open doors to higher-paying jobs.

Measure performance outcomes over longer time periods

Currently, programs measure outcomes at placement and after six months. As discussed earlier, acquiring English language skills yields marked increases in earnings, but achieving proficiency both in English and vocational skills is most often an intensive, long-term endeavor. The AFL-CIO reports that, based on studies of programs conducted under the Job Training Partnership Act, the federal job training program that preceded WIA, the positive outcomes for intensive training interventions often occurred two years or more after participants received training.³⁰ Measuring performance in short term intervals may not offer an accurate reflection of the impact of training programs for LEP individuals. Advocates should urge WIBs to measure outcomes over a longer term.

Local strategies

Assess language access services and training options at each One-Stop

Advocates, CBOs and LEP adults can partner to conduct a thorough assessment of their local One-Stop's accessibility to LEP job seekers. Such an assessment can result in a comprehensive survey of existing services for LEP adults and also identify areas that need improvement. Advocates can use the following questions as general guidelines in assessing how accessible a One-Stop is to LEP job seekers:³¹

1. Does the One-Stop employ bilingual staff to provide referrals and other services in the languages that are commonly spoken by local job seekers?
2. Has the One-Stop identified training programs and other resources for LEP job seekers, including ESL, job training and integrated vocational language acquisition programs for LEP adults?
3. What linkages exist between the One-Stop and CBOs serving LEP adults?
4. What is the One-Stop's strategy for conducting outreach to LEP adults?
5. Are signs and other written materials translated?
6. Does the One-Stop contract with a language assistance line?
7. Which programs on the list of eligible training providers target or are open to LEP participants?

³⁰ AFL-CIO Working for America Institute, *Action Brief: Setting Priorities for Service Under the Workforce Investment Act*, (Apr. 2001).

³¹ These questions are adapted from the AFL-CIO Working for America Institute's Action Brief, *Setting Priorities for Service Under the Workforce Investment Act* available at <http://documents.workingforamerica.org/PDF/ActionBrief1.pdf>.

8. What formal steps have the state and local administrative agencies taken to assess and address the needs of LEP adults?
9. Is there a staff person or working group at the One-Stop dedicated to LEP issues?
10. Does the state or local WIB plan specifically target LEP adults? If it does, what has the One-Stop and local WIB done to address those needs?

Eliminate sequential services requirements for limited English proficient adults

As discussed earlier, WIA Title I outlines three tiers of services: core, intensive and training. Many WIBs interpret this three-tier structure to mean that job seekers are eligible for the next level of services only if they have been unable to obtain any employment through services provided in the previous tier. In effect, this makes training available only after participants have exhausted Level I core and Level II intensive services.³²

Such a “work first” approach, emphasizing any employment without regard to pay and opportunities for advancement, denies many workers the opportunity to obtain new skills that would qualify them for better jobs, and is particularly detrimental to LEP workers who are unable to access higher-paying jobs if they do not have the opportunity to improve their English proficiency.

In reality, federal laws and regulations do *not* mandate a “work first” system, nor do they require a minimum waiting time before a person can move from one level of service to the next. Thus, in one visit to a One-Stop an LEP person could, after undergoing an initial assessment (which is a Level I core service), be deemed ready for an intensive service such as career counseling, and then be placed in an appropriate training program.³³ Advocates should urge local WIBs to capitalize on this flexibility to facilitate timely assessment and approval for training of LEP adults.

Expand appropriate core services for LEP individuals

Given the built-in disincentives for service-providers to register LEP individuals (see Performance Measures, page 10), many will only be able to access a One-Stop’s “core services.” Thus, it is imperative that Level I core services be truly universally accessible and that they meet the particular needs of LEP adults. One-Stops should hire bilingual staff who can conduct assessments and provide referrals and other core services in the appropriate languages. Written resources offered as part of Level I core services—such as lists of training providers and information pertaining to unemployment compensation and supportive services—should be translated, at a minimum, into the most commonly spoken non-English languages. If One-Stops do not have sufficient bilingual staff, they should be encouraged to contract with CBOs to provide core services to LEP adults in languages they can understand. Finally, assessment of English proficiency should be included as a core service.

Establish an LEP advocate presence on state and local WIBs

³² The Center for Law and Social Policy reports that the number of adults and dislocated workers who received training in the initial year of WIA fell by 73 percent as compared to the number who received training during the final year of JTPA.

³³ DOLETA Training and Employment Notice No. 4-02, September 20, 2002.

Advocates should become familiar with the members of their local WIBs and how the boards are structured so they can better advocate that appropriate resources be made available to serve LEP workers. Many WIBs have subcommittees or task forces that focus on particular issues or communities. Participating in the appropriate committees to make the case for better serving LEP workers is one route of advocacy. If the local WIB does not have a committee dedicated to addressing the needs of LEP workers, advocates should assess the potential for creating such a committee by contacting the labor and training service providers affiliated with the WIB.

For example, in Illinois, the Chicago Jobs Council (CJC) is working with other advocates to ensure that a portion of the governor's discretionary WIA funds will be earmarked for job training programs for LEP adults. Because the funds will flow through the local WIBs, the CJC has identified key members of the local WIBs and has met with these individuals and participated regularly in WIB meetings to ensure that the needs of LEP adults are taken into account. A different approach taken in Madison, Wisconsin, requires the local WIB to appoint an LEP representative on its board to ensure that the needs of this population are addressed in developing local workforce development policies and making funding decisions.

Map resources for LEP adults and develop linkages between programs, providers and employers

Advocates should urge local WIBs to map the training and work support resources available to all workers, asking specifically about how these services are accessible to LEP adults. Once the resources for LEP adults are mapped, WIBs should work with community groups and providers to develop a strategy for coordinating referrals and services.

A number of CBOs and VESL training providers have effectively served LEP adults as designated One-Stop affiliates. For example, two multilingual One-Stop affiliates in Chicago, the Chinese American Service League (CASL) and the Instituto del Progreso Latino can offer Level I intake and assessment for LEP adults. Once LEP workers have been assessed at these One-Stop affiliates, the workers do not need to go through the local One-Stop to apply for CASL's bilingual Chef Training Program or similar programs at the Instituto del Progreso Latino. Jewish Vocational Services, another One-Stop affiliate in Boston, Massachusetts, also has been able to offer LEP adults a range of accessible training programs.

The Chinese American Service League's Chef Training Program

The Chinese American Service League's Chef Training Program is a 16-week program that offers 12 weeks of culinary training and 4 weeks of paid on-the-job training. Approximately 100 students participate in the program annually. Participants take classes from 8 AM until 4 PM. In the mornings they learn basic cooking, menu-planning, and other job-related skills; afternoons they take vocational ESL classes, in which they learn workplace vocabulary and job-search skills. Classes are taught in English, with a bilingual instructor co-teaching and providing necessary translation.

The Chef Training Program offers an array of supportive services, such as free transportation to and from class, job-placement assistance, and on-the-job counseling once a student has obtained work. Participants in the Chef Training Program can also access the range of social services provided by CACL, which include child care, mental health services and housing assistance. The program boasts a placement rate of 80 percent.

TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)

WHAT IS TANF?

Temporary Assistance to Needy Families is a federal block grant created by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (see page 5). TANF replaced Aid to Families with Dependent Children (AFDC) and ended the era of welfare assistance as a federally guaranteed benefit. Similar to WIA, TANF affords states great flexibility in determining what services to provide to low-income families.

TANF funds are not limited to cash benefits and can be used for training, such as vocational education, English classes, and pre-employment skills training (e.g., assessments, interview and resume-writing skill development, and career planning). TANF funds also can pay for vital work supports such as child care, transportation, and work-related equipment and clothing. States currently use the bulk of TANF funds for non-cash services and benefits.

As originally enacted, TANF provides block grants to states totaling \$16.5 billion a year for six years. The law expired in 2002, and TANF has yet to be reauthorized. Similar to WIA, Congress has been extending this program since September 2002 on a yearly basis. To receive the federal TANF grant, states are required to continue spending at least 75 percent of their 1994 contribution to AFDC-related programs. This is called the “maintenance of effort” (MOE) requirement.

When they provide cash assistance, states are bound by federal conditions such as work participation rules and time limits. These requirements are discussed in more detail below.

Immigrant Eligibility

Federal law bars states from using federal TANF dollars to assist most legal immigrants until they have been in the U.S. for at least five years. However, refugees, military personnel, and certain victims of domestic violence are exempted from this five-year bar. Once the five-year bar no longer applies to them, immigrants are subject to “sponsor deeming”³⁴ until they become U.S. citizens or can demonstrate 40 qualifying quarters of work in the U.S. States may use their MOE funds (i.e., their state contribution to the TANF program) to provide benefits to recent immigrants, but fewer than half do so.³⁵ Because of these restrictions on serving immigrants, TANF can effectively serve the LEP population only if states are willing to use MOE funds for these individuals.

TANF Program Requirements

TANF imposes a five-year federal time limit, work participation requirements, and child-support enforcement obligations upon receipt of any “assistance.” “Assistance” is defined as benefits meant to meet a family’s ongoing needs, such as cash assistance, vouchers, clothing, shelter, and utilities.

³⁴ Immigrants who enter the United States on a family visa must be “sponsored” by a family member. This “sponsor” signs an affidavit of support stating that they will be financially responsible for the immigrant. A “sponsor deeming” policy considers the resources of the sponsoring family member in addition to those of the immigrant in determining eligibility when for TANF benefits.

³⁵Martha Coven, *An introduction to TANF*, (Center of Budget and Policy Priorities, Oct. 2003) available at www.cbpp.org/1-22-02tanf2.htm .

Assistance does not include: training, counseling, case management, and work expense allowances; work supports such as child care and transportation for families that are employed; work subsidies (i.e., payments to employers to help cover the costs of trainings, wages or benefits); and any services funded by state dollars. This relatively narrow definition of “assistance” allows states to craft services for LEP and other job seekers who need significant time to learn new skills in a manner that does not trigger the aforementioned restrictions.]

Supportive services for families that are not employed are considered assistance only if funded by federal TANF dollars. Services that are funded by state dollars are not considered assistance, and therefore, do not count towards the five year limit. This relatively narrow definition of “assistance” allows states to craft services for LEP and other job seekers who need significant time to learn new skills in a manner that does not trigger the aforementioned restrictions.

States should try to provide more “non-assistance” programs and services that better serve LEP adults. For example, LEP adults can access training, counseling, case management, and work expense allowances without triggering the five-year limit. Work supports such as child care and transportation for families that are employed are not considered “assistance.” Work subsidies (i.e., payments to employers to help cover the costs of trainings, wages or benefits) do not trigger the time limit.

Work Requirements

Federal law requires that half of the families receiving assistance under TANF must be engaged in specific “work activities” for at least 30 hours a week (or 20 hours per week for single parents of children under age 6.)

Under federal law, 20 of the 30 hours must be spent engaging in one or a combination of the following nine activities:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience
- On-the-job training
- Job-search and job-readiness assistance services
- Community service programs
- Vocational educational training
- Providing child-care services to an individual who is participating in community service programs

The other ten hours can be served in those activities or by participating in any of the following three activities:

- Job-skills training directly related to employment
- Education directly related to employment
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

San Francisco Department of Human Services, VESL Immersion Program

In collaboration with the local community college, the San Francisco Department of Human Services has developed an innovative VESL Immersion Program (VIP) for individuals with very limited English skills. VIP is an 18-week, intensive VESL program for LEP welfare recipients. The program strives to increase English proficiency through intensive workplace language immersion. Participants are offered three options of varying time commitments that accommodate parenting and work schedules. Each option counts towards a participant's work activity requirements.

VIP was started in 2000 to improve the English proficiency of its participants in a short period of time. Class size is limited to 20 participants who are pre-assessed for compatible ESL levels. The curriculum incorporates soft skills training by emphasizing teamwork skills, conflict resolution techniques, and problem-solving exercises. English language instruction is all conducted within the context of applied workplace skills. During the first year, 93 percent of the 165 enrollees completed the program; 78 percent advanced one or more ESL levels within 18 weeks, and of those, 38 percent advanced two or more ESL levels.

Close assessment of each participant's employment goals and English proficiency before, during and after the program is a key feature of VIP. VIP participants undergo a vocational assessment and develop short and long-term employment goals. For participants who do not make progress, further evaluation is conducted to determine whether they have particular needs, such as a learning disability, that require the services of a specialist. During the final 4 to 6 weeks of the program, participants work closely with a job developer to establish strategies and next steps for further training and employment. Upon graduation, VIP participants are linked with bilingual job-search, placement, retention, and career advancement services. Graduates of the part-time program earned an average of \$7.31 per hour, while the other graduates earned \$10.35 an hour. Beginning in 2005, VIP will expand to offer training to welfare recipients with higher levels of English proficiency. The new course will continue to teach participants vocational English skills, and, through a collaboration with Goodwill Industries and the local Private Industry Council, will also offer part-time paid employment work experience at various nonprofit organizations.

Time Limits

Under TANF, the general rule is that no family may receive federally-funded assistance for longer than five years. States are allowed to use federal TANF dollars to extend time limits for receipt of assistance, but only if no more than 20 percent of the state's caseload has exhausted the five-year time limit. Families receiving assistance funded entirely with state MOE funds (i.e., state contributions to TANF programs) are not subject to the federal time limit. While about 20 states have established time limits shorter than five years, states often provide exceptions and exemptions for some groups of families meeting specified criteria.

How to learn more about state TANF programs

State plans describe eligibility criteria and services provided under federal TANF, as well as those funded by state MOE funds. Plans also outline work participation requirements. Plans are available from the state welfare agency and the governor's office. The Welfare Information

Network also has a number of state plans on file, as well as excellent advocacy resources on TANF.³⁶

OPPORTUNITIES TO BETTER SERVE LEP ADULTS UNDER TANF

Maximizing state Maintenance of Effort spending to serve LEP adults

State contributions to TANF, known as “maintenance of effort” or MOE funds, may be used to provide TANF services to legal immigrants, regardless of the federal five-year time limit. Currently, 20 states use state MOE funds to provide TANF services to new legal immigrants.³⁷ MOE funds can be used for cash assistance, child care, education and vocational training and work subsidies. Both the National Immigration Law Center³⁸ and the National Conference of State Legislators have resources available on their websites describing how states can use TANF funds to serve LEP families.³⁹

Ensure productive initial assessments for LEP adults

TANF requires states to make an initial assessment of each new assistance recipient’s skills, work experience, and employability within 30 days (or 90 days at a state’s option) if the recipient is at least 18 years old or has not completed high school (or its equivalent) and is not attending secondary school. In light of time limits and work participation requirements, it is critical that LEP recipients receive a proper assessment in order to receive appropriate services. Assessments should be conducted through a one-on-one interview by an interviewer who is fluent in the participant’s native language and who understands the participant’s culture. Advocates may want to consider modeling recommendations on statewide guidance issued by the California Department of Social Services on meeting the needs of LEP individuals.⁴⁰

Ensure that states include ESL and VESL as allowable work activities

Under TANF, ESL and VESL courses are not explicitly named as allowable work activities. Since states determine what services are included in these categories, they may opt to include these programs under the rubric of education directly related to employment, vocational educational training, or job-skills training directly related to employment. To learn what a state has chosen to include as allowable activities, advocates should consult the state’s TANF plan.

While states have discretion to define activities, they must work within the federal limitations on counting training and job-search activities. No more than 12 months of vocational education can count as work activities under TANF. Job-search and job-readiness assistance is limited to six weeks per individual. This can be extended to 12 weeks if the state unemployment rate is 50 percent higher than the national rate.

³⁶ Its website is <http://www.financeprojectinfo.org/win/> Last visited April 29, 2004.

³⁷ Shawn Fremstad, *Immigrants, Persons with Limited English Proficiency in English and the TANF Program: What Do We Know?*, (Center on Budget and Policy Priorities, Mar. 2003).

³⁸ The National Immigration Law Center, *Immigrants and Public Benefits*, available at <http://www.nilc.org/immspbs/TANF/index.htm>.

³⁹ Anne Morse, *Opportunities under TANF for Serving Refugees and Immigrant Families: A checklist for State and Local Policy Makers*, (The National Conference of State Legislators, 2001) available at <http://www.ncsl.org/programs/immig/TANFcheck.htm>.

⁴⁰ LEP Individuals and the Assessment Process in CalWORKS Welfare to Work Program, All-County Letter No. 01-32, CA Department of Social Services, (June 4, 2001).

Ensure that LEP issues are addressed in state plans

Under TANF, states are required to submit a state plan to the U.S. Department of Health and Human Services every two years. In formulating the plan, states should be consulting with service providers and other state agencies. Advocates should urge state administrators to conduct a comprehensive needs and resource assessment of LEP families seeking or receiving TANF assistance. State plans should make vocational training available to LEP recipients and specify that TANF can be used to create and support VESL and other integrated vocational language acquisition courses. There should also be close coordination between TANF and other workforce development agencies, such as the state and local WIBs. Advocates and providers should seize the opportunity to comment during the required 45-day comment period once a state plan has been proposed.

THE ADULT EDUCATION AND FAMILY LITERACY ACT, WIA TITLE II

WHAT IS WIA TITLE II?

The Adult Education and Family Literacy Act, Title II of the Workforce Investment Act, provides for the main funding stream for WIA-related adult education and literacy programs. Federal funding for WIA Title II in FY 2003 was \$561 million, of which \$69 million was reserved for ESL instruction and civics courses.⁴¹ States must match at least 25 percent of total program costs. State contributions vary, with some states contributing the minimum and others contributing more than 100 percent of the federal disbursement.

The Office of Vocational and Adult Education within the U.S. Department of Education (USDOE) distributes WIA Title II funds to states based on a formula that considers the number of adults over age 16 within each state who have not completed high school and who are not enrolled in school. States then distribute funds through both established formulas and competitive processes. Eligible providers of basic skills and literacy programs include education agencies, volunteer literacy organizations of demonstrated effectiveness, institutions of higher education, public or private nonprofit agencies, libraries, public housing authorities, and other institutions that have the ability to provide literacy services to adults and families.

Individuals who (1) are 16 years of age or older, (2) are beyond the age of compulsory school attendance, and (3) do not have a secondary school diploma or equivalent are eligible to participate in English literacy programs under WIA Title II.

As with WIA Title I, states negotiate performance goals for Title II with the federal government. They submit five-year plans for providing adult education. Such plans can either be part of a unified state plan for workforce development or be exclusively for adult education. Generally, a state's Title II plan can be obtained through the state's education department website.

As discussed above, a state's adult education system is one of the "mandatory One-Stop partners" (discussed earlier in this report). Since WIBs and administration of the One-Stop system varies greatly from state to state, some community colleges and local adult education providers are well integrated into a state's workforce development systems, while others are not.

Integration of community colleges with One-Stop services can be critical to increasing training opportunities for LEP adults. While it is difficult for small CBOs to receive WIA Title I or Title II funds on their own, many such groups have succeeded in forging fruitful partnerships with community colleges. Typically, a CBO will conduct outreach to job seekers and assess them for placement into a particular integrated vocational language acquisition programs or job skills course offered by a community college. While some courses will be offered at the CBO's facility, others that may require industry-specific facilities or equipment will be offered on the college's campus. Often, staff from the CBO will provide supportive services to trainees throughout the program and job placement assistance when they complete the program.

Programs funded by WIA Title II are measured by the following performance indicators:

1. Demonstrated improvements in literacy skills levels in reading, writing and speaking English language, numeracy, problem solving, and other literacy skills.

⁴¹ U.S. Department of Education, available at: <http://www.ed.gov/fund/data/report/AdultEd/2004allotment.html>.

2. Placement in, retention in, or completion of post secondary education, training, unsubsidized employment or career advancement.
3. Receipt of secondary school diploma or its equivalent.

Adult Education Program of Cerritos College

Over the last six years, the Adult Education Program of Cerritos College (a community college in southern California) has developed an array of vocational courses for Spanish-speaking students. Currently, approximately 800 students participate in programs pairing vocational training with English acquisition. The bilingual program began as a pilot project in an existing plastic manufacturing vocational course. The enormous demand and positive feedback from employers led to partnerships with more departments within the college. As a result, classes are now offered in welding, automotive technology, pharmacy clerk, AutoCAD, machine tool technology, medical terminology, and basic computers. Classes are open to ESL Level I students and are taught primarily in Spanish along with workplace English instruction.

The Cerritos College program is characterized by partnerships between various departments within the college to meet the needs of Spanish-speaking students and a concerted effort to provide LEP students with services that support both their educational and employment aspirations and needs. The bilingual program offers counseling and guidance services for Spanish-speaking students, to make them aware of financial aid opportunities and other services available through the college. Students in the bilingual program also are eligible to undergo job-readiness assessments and receive placement services.⁴²

STRATEGIES TO MAKE ADULT EDUCATION WORK FOR LEP JOB SEEKERS

Encourage close collaborations between CBOs and community colleges

Many successful integrated vocational language acquisition programs are partnerships between CBOs and/or labor unions and adult education programs. Collaborations between established adult education institutions and smaller CBOs can take advantage of complementary skills. Community colleges have the expertise and facilities to provide sophisticated and advanced vocational training programs. However, many do not have resources to conduct outreach to LEP communities or offer employment counseling, placement and retention services. Developing partnerships with CBOs familiar with LEP issues and experienced in providing employment services can help support LEP participants during the training and enhance their ability to find good employment. Introducing CBO clients to a local community college through such partnerships can have long-term benefits, since most higher education institutions offer a wide range of additional educational opportunities beyond entry-level training. For a successful example of such collaboration, see page 29 for a description of the construction VESL program developed by CAA | Chinese for Affirmative Action/Center for Asian American Advocacy and City College of San Francisco.

Create incentives for collaboration between Title II adult education programs and workforce development systems

⁴² For more information on the bilingual education program at Cerritos College, visit: http://www.cerritos.edu/aed/Bilin_programs.html

Most adult education programs can customize training plans for LEP adults by drawing on a range of courses, from basic literacy to more integrated vocational skills training. While not all adult education programs may want to assess vocational skills or operate job training programs, those that *are* interested should be integrated into the One-Stop centers.

In addition, advocates should identify the community college or adult education representative who sits on the local WIB, as well as the local community college administrator in charge of vocational education and ESL instruction. Such individuals can help identify the services that are already in place to meet the needs of LEP students and the services that must be expanded if LEP students are to be better served.

TRADE ADJUSTMENT AND REFORM ACT

WHAT IS TAA?

The Trade Adjustment and Reform Act of 2002 (TAA) offers training and income support to “dislocated workers,” defined as workers who lose their jobs or have their hours reduced because increased imports of foreign-produced goods are directly competitive with their company’s products. TAA training programs are currently funded at \$200 million annually. TAA is authorized through September 30, 2007.⁴³ TAA offers a unique and important program to dislocated workers, by allowing them to receive potentially extensive retraining while still receiving unemployment insurance payments for an extended period of time.

At the federal level, TAA is administered by the Employment and Training Administration of the USDOL. The USDOL works with the state agency responsible for administering unemployment compensation. The TAA program is a “mandatory One-Stop partner” (see page 7), and state governors are charged with ensuring that services are coordinated to facilitate timely services for dislocated workers.

Eligibility Criteria

To receive benefits under TAA, workers must first be certified by the USDOL as eligible. Petitions seeking certification may be filed by a group of three or more workers, a certified or recognized union, employers of affected workers, One-Stop operators and partners, state employment security agencies, or the state dislocated worker unit. Petitions are reviewed by the Division of Trade Adjustment Assistance (DTAA) within the Employment and Training Administration of the USDOL. The DTAA conducts an investigation to determine whether the following eligibility criteria have been met:

1. Workers have been totally or partially laid off,
2. Sales or production have declined, and
3. Increased imports have been a major factor behind the workers’ layoffs.

The DTAA has 40 days to make a decision. Once a group of workers is certified, individuals may apply for benefits under TAA. Petition forms are available from the state agency that provides unemployment benefits or from any agency designated by the governor to provide reemployment services under TAA.

Immigrant Eligibility

Eligibility for benefits under TAA is limited to employment-authorized immigrants. Examples of immigrants who are authorized to be employed in the U.S. include lawful permanent residents, refugees and asylees.

What benefits are available to eligible workers?

TAA offers up to 104 weeks of approved training in occupational skills, remedial education, or training in English acquisition. Workers may also be eligible for cash payments in the form of Trade Readjustment Allowances (TRAs). A TRA provides income support equal to a worker’s unemployment compensation payments for up to 52 weeks after the worker has exhausted

⁴³ See, http://www.doleta.gov/tradeact/2002act_index.cfm for more information on TAA.

unemployment benefits. Eligible workers participating in a remedial education program such as ESL may be eligible for an additional 26 weeks of income support. Thus, eligible LEP job seekers in remedial training may receive up to a total of 130 weeks of combined income support from TAA and state unemployment compensation. They may also receive job-search allowances to cover the expenses of looking for work beyond their regular commuting areas. Finally, TAA reimburses approved expenses for workers who find employment that requires them to relocate outside of their normal commuting area.

To be eligible for the TRA, workers must be participating in approved training programs within 8 weeks after being certified by the USDOL, or 16 weeks after the most recent separation from work. This timeliness requirement makes it especially important for training providers to be flexible with starting dates for remedial education and other vocational skills training programs. Approved training programs have included CBOs, community colleges and adult schools. Approval of specific training programs are made by the state agency responsible for administering TAA program.

Other Training Opportunities Under TAA

TAA also allows employers to train dislocated workers, including those who are laid off or suffer a reduction of work hours due to an increase in imports, for new positions. TAA offers several training options:

Customized training is a program operated by a training service provider designed to meet the new needs of a particular employer or group of employers. In a customized training plan, employers must contribute at least 50 percent of the training costs and commit to hiring trainees upon completion of the program.

On-the-job training (OJT) is also an option under TAA. TAA funds can be used to subsidize an employer for up to 50 percent of a worker's wages for on-the-job training. Employers who participate in on-the-job training programs are subject to certain anti-displacement provisions. An employer may not terminate a current worker with the intention of filling that position with a trainee. The employer must also guarantee that it will continue to employ the trainee for at least 26 weeks at the completion of training. Furthermore, eligible workers can participate in basic or remedial education. ESL falls within the remedial education category.

Workers eligible for TAA can also access any training provided by the state pursuant to WIA, training approved by a WIB, or any training in which all of the costs are paid by any other federal or state source.

Approved training under TAA

TAA will generally pay for a worker's training if the following criteria are met:

- There is currently no suitable employment for the worker;
- The training is appropriate for the worker;
- There is a reasonable expectation that the worker will find employment after receiving training;
- Training must be reasonably available to the worker;
- The worker is qualified for the training; and

- The training is available at a reasonable cost.

OPPORTUNITIES TO MAKE TAA MORE ACCESSIBLE FOR LEP ADULTS

TAA benefits offer dislocated LEP workers a unique opportunity to participate in paid vocational training. As the following examples illustrate, a successful program requires flexibility and innovation by all parties and, most importantly, close coordination among advocates, service providers and workforce development systems.

Massachusetts

In Boston, Massachusetts, the Chinese Progressive Association and Greater Boston Legal Services worked with the local Rapid Response Team⁴⁴ to advocate on behalf of the 400 workers who were laid off when the Power One manufacturing factory moved overseas. As a result of the team effort, the city hired a multilingual temporary staff person to serve as the Rapid Response Team's liaison to the workers. Boston workforce development agencies and service providers such as Jewish Vocational Services, the International Institute of Boston, and the YMCA were then able to craft an integrated vocational training and ESL program for the dislocated workers. Skills assessment and job-placement services were closely coordinated with the service providers and One-Stops.

The Boston experience shows that the ability of LEP adults to fully utilize the TAA program depends on the level of coordination among workforce development agencies, and the ability of administrators and training providers to devise timely and flexible applications of the few resources that exist for LEP adults. The fact that CBOs and even the local legal services organization had to become involved is testimony to the complications LEP workers face in trying to access critical services.

California

Primarily comprised of Chinese and Spanish speaking immigrant women, the garment industry has historically employed thousands of workers in San Francisco. Over the last decade, as garment factories shut down, thousands of limited-English proficient garment workers were displaced. While most workers were eligible for TAA and other workforce development programs, the vast majority of dislocated garment workers failed to receive any meaningful services due to enormous language barriers and a shortage of employment and training services capable of addressing the language and vocational needs of LEP garment workers.

In 2004 Asian Law Caucus, CAA, Chinese Progressive Association, the San Francisco Labor Council and City College of San Francisco began advocating for improved language access to the TAA program and increased resources for dislocated garment workers. The collaborative advocated for linguistically accessible vocational training programs administered by City College of San Francisco and complete case management and re-employment services provided by organizations capable of serving this population. The efforts required coordinating funding from TAA for the vocational training and WIA funds for work supports and re-employment

⁴⁴ Rapid Response is a strategy implemented by state and local workforce development agencies to quickly respond to major plant closings and large scale layoffs. Rapid Response Teams comprised of public and private entities collaborate to address job search, counseling, training and other needs of dislocated workers. For more information on Rapid Response strategies, contact the state Dislocated Worker Unit. A directory of Dislocated Worker Units is available at: http://www.doleta.gov/layoff/e_sdwuc.cfm.

services. Advocates worked with the state TAA administrators and local Private Industry Council to identify and direct TAA and WIA funds that could be used to serve LEP garment workers. Bringing together disparate funding streams to serve a specific population also required detailed coordination implementation of services between the local and state Employment Development Department (the agency charged with administering the TAA program), the San Francisco Private Industry Council, City College of San Francisco and the federal Department of Labor.

The advocacy resulted in a pilot project for 100 limited-English proficient dislocated garment workers. This effort is an example of how different funding streams can be successfully tapped to fund a single project serving LEP workers. However, similar to the Boston example above, it is also a lesson in how resource intensive and difficult it can be to coordinate the various bureaucracies involved in a local workforce development system. Furthermore, while the advocacy efforts were successful in establishing a program for 100 dislocated garment workers, thousands of workers continue to face language access barriers and a shortage of accessible training options. State and local workforce development administrators must continue to work closely with advocates and service providers to increase resources to address the large population of dislocated garment workers in California.

Pennsylvania

In contrast, workers in Pennsylvania who were displaced when Money's Foods moved to Canada have had less success accessing meaningful VESL training and job services. Administrators from the Pennsylvania Rapid Response Team and CareerLink (the local workforce development program) failed to bring in interpreters or hire bilingual staff to conduct informational sessions for the displaced workers. They also neglected to translate written information regarding available training and other benefits. As a result, LEP workers ended up relying heavily on community organizers and public interest attorneys to learn about benefits available through TAA. According to Friends of Farmworkers attorney Sarah Paoletti, both CareerLink and the local WIB were resistant to developing vocational programs for LEP adults displaced when Money's Foods moved. The CareerLink and WIB representatives took the position that the workers could not benefit from any form of vocational training until they had completed basic ESL classes.

At the time the Money's Foods workers were laid off, the county CareerLink and the local WIB offered no training programs for LEP adults. After 18 months of advocacy, two training programs were created: one to help workers obtain commercial drivers' licenses, the other to train workers in building maintenance. However, participants were disappointed when the building maintenance program focused mostly on janitorial skills.

After numerous meetings and years of waiting for meaningful help, dislocated Money's Foods workers filed a complaint with the USDOL alleging that the state's and the county's failure to provide understandable information about available services and retraining suitable for LEP workers had amounted to illegal discrimination against the workers based on their national origin.

LOCAL STRATEGIES AND FUNDING SOURCES

While most vocational training programs are supported by federal funding, community advocates and services providers are increasingly turning to state and local resources that provide more flexibility in addressing the unique needs of LEP communities. In some situations, these efforts have involved persuading existing programs to be more responsive to the employment-related needs of LEP populations. In other situations, advocates have helped create new programs. Below are some examples of strategies and programs that have led to increased vocational training for LEP workers.

Community Colleges and Adult Schools

Community colleges and adult schools are the primary institutions providing noncredit vocational training and ESL to LEP individuals. While some of these schools have devoted large amounts of resources to developing programs serving LEP and immigrant workers, many could be doing more to serve this growing population. In most states, these institutions are funded based on an enrollment or student attendance formula that allows local institutions to set program priorities in response to local needs. In areas where immigrants make up a significant or growing part of the local population, community advocates should consider strategies for convincing these schools to develop more responsive vocational training programs for immigrants with limited English skills. Examples of successful strategies have included:

- Building coalitions with local business associations or employers that need skilled workers.
- Meeting with the leaders of these educational institutions or with the elected officials who oversee the schools and requesting that they develop more appropriate vocational programs for immigrants.
- Developing collaborations between educational institutions and community organizations to provide training, job counseling, placement and retention services.

State Programs

Some states have programs that award grants or contracts for the training of unemployed or low-skill workers. Most of the programs are geared toward serving the workforce needs of businesses, and many encourage collaboration among businesses, labor unions, and community organizations. Below are two examples of state programs that have funded training programs that integrate vocational training with English instruction.

Illinois Job Training and Economic Development Grant Program

The Job Training and Economic Development Grant Program (JTED) was created in 1998 to address the absence of state funds dedicated to job training programs for low-income people in Illinois. What began as a pilot program has now become a standing line item in the state budget. In fiscal year 2003, \$1.5 million was allocated for the JTED program. It funds partnerships between CBOs and local businesses to provide training for low-income individuals.⁴⁵ The Chinese American Service League received a JTED grant to provide training to LEP adults through its Chef Training Program (details in pullout box above).

⁴⁵ More information about the JTED program is available at:
http://www.illinoisbiz.biz/bus/employ_job_training.html.

California's Employment Training Panel

The Employment Training Panel (ETP) is a California state agency created in 1982 to provide funds for programs that train workers who are in danger of being laid off from the companies where they work because of technological advances or foreign and domestic competition. It also funds programs that serve unemployed workers. The funds the ETP makes available come from a tax paid by employers based on unemployment insurance wages (limited to \$7 per year for each full-time worker). The ETP provides \$70-\$80 million per year in training grants and contracts.

With a few narrow exceptions, ETP funding is available only to companies and organizations that pay this tax, although eligible employers may contract with CBOs, community colleges or other organizations to provide needed training. Because the application process has to be initiated by an employer, many of the ETP-funded training programs serve an incumbent workforce. These requirements, combined with strict job placement requirements, make ETP funds a challenging source for serving the LEP population. However, organizations such as the Jewish Vocational Services of San Francisco have developed partnerships with private businesses to provide vocational ESL and other types of training for immigrants and refugees to help them become more competitive in the marketplace.⁴⁶

Local Funding

Some localities have developed their own funding programs to address workforce needs. As discussed earlier, WIA and other federal funding sources have restrictive eligibility requirements and other disincentives that make their services less accessible to LEP immigrants than they could or should be. Locally funded programs can play an important role in supplementing federal workforce funds to ensure that these populations have access to training programs. As illustrated by the examples below, local programs are funded from a variety of different sources: general funds, development fees, foundations, and contributions from businesses and labor unions.

English for New Bostonians

The English for New Bostonians initiative is a four-year, \$4 million initiative to increase the number of ESL programs in the Boston area. Between 2001-2004, the English for New Bostonians initiative created 1,080 new slots in ESL classes. The initiative is funded by the Boston Neighborhood Trust Fund, which requires developers to contribute \$1.40 per square foot for every foot over 100,000 developed. Private foundations and businesses also contribute to the initiative.

Grants from the English for New Bostonians program are awarded to ESL service providers and CBOs serving LEP populations. The grants are administered through the Mayor's Office for New Bostonians, which is charged with meeting the broad needs of Boston's immigrant community.⁴⁷

San Francisco First Source Hiring Administration

⁴⁶ More information about the ETP program is available at www.etp.ca.gov.

⁴⁷ For more information on the Boston Mayor's Office of New Bostonians, got to: <http://www.cityofboston.gov/newbostonians/default.asp>

San Francisco's redevelopment agency has successfully negotiated development fees in several large-scale private projects to fund training, job placement and related support services for low-skilled workers. The city received approximately \$2.3 million from private developers for projects in the Mission Bay and South of Market neighborhoods. While a majority of the funds were allocated for a job placement program designed to help low-income residents find construction jobs related to these private development projects, the program has also provided \$638,000 in grants for innovative training programs over a two-year period.

One of the grants helped fund an innovative 18-week VESL course for LEP Asian immigrants. Recognizing that lack of English proficiency is the primary barrier that prevents many Asian construction workers from accessing union jobs, CAA contracted with the local community college in 2003 to develop a VESL curriculum focusing on helping workers learn English vocabulary needed to obtain construction jobs. The course was held at CAA's offices in the evenings and on weekends, and included numerous field trips to construction sites, union apprenticeship programs, hardware stores and other situations where participants could practice their "construction vocabulary." Of the 27 who completed the training, 20 were still working in the construction industry six months later, earning an average hourly wage of \$18. FSHA funded CAA to provide a second year of this training program.

LOCAL ADVOCACY STRATEGIES FOR INCREASING TRAINING RESOURCES FOR LEP JOB SEEKERS

The dearth of services available for LEP workers calls for creative advocacy at all levels of government. As discussed in this report, there are a number of ways that existing government programs can better serve LEP adults. While the challenges may appear daunting, there are manageable and concrete strategies for building a campaign to increase services for LEP adults. In addition to the strategies discussed within each specific funding source, the following is a framework to develop advocacy strategies aimed at making your local workforce development system more responsive to LEP workers.

Understanding your constituents and their needs

Whether you are a social service agency or a membership-based organization, clearly defining your constituents' needs and the problems they face is critical to effective advocacy. An assessment or survey of your client base or membership can define a vocational education agenda for your organization. Some key questions for such an assessment include:

- What are the characteristics shared by your constituents (e.g., shared non-English language, education level, economic status, immigration status, etc.)
- What is their English skill level?
- How large is your constituency?
- Where do they live?
- What do they identify as the most pressing needs in their lives, e.g. education, health care, public safety, housing, etc.? How does better vocational and education and training help address these needs?
- Are they working? What types of jobs and level of wages? How do they find employment despite their limited English skills?
- What types of jobs do they want?

What are the economic and employment trends in your locality and how do they affect LEP job seekers?

Any effective workforce development strategy needs to take into account your local economy and the types of jobs that are available. You should consider:

- What economic sectors are growing or declining in your local economy?
- What industries offer entry-level jobs that have the potential for a career path or job growth? What's the level of English and vocational skills needed to obtain these jobs? Is it feasible to train your constituents for these jobs opening through a vocational and/or language acquisition training program?
- Are there any industries in which employers have an incentive to hire LEP workers? For example, in recent years, some manufacturing, hotel and construction employers have targeted LEP workers because of the shortage of skilled workers. Businesses that provide customer service in localities with large immigrant populations may also be willing to hire LEP workers who make a commitment to learn English.

What's available in terms of vocational and English training programs? Map existing resources.

Training opportunities for LEP adults are often dispersed through different social service programs. Identify areas for improvement and create a resource guide for LEP adults to highlight existing programs. Meet and develop relationships with institutions that can help you develop more training resources:

- *Local community college and adult school administrators responsible for adult literacy and vocational education:* Work with them to identify the full range of ESL, vocational training and integrated vocational language acquisition programs and services available to LEP adults.
- *Non-profit agencies in your community:* Contact the organizations working with immigrant communities and those providing employment related services. Identify exactly what each agency can offer LEP adults, and any eligibility requirements.
- *Members of the local WIB:* As the body responsible for workforce development in your area, the WIB is an integral source of resources for vocational training opportunities.
- *Eligible training providers from your local One-Stop:* Reach out to each provider to assess what services and programs are accessible to LEP adults.
- *Unions:* Find out about apprenticeship and other union programs that serve LEP adults. Start with the unions with large immigrant membership, such as the Hotel Employees and Restaurant Employees (HERE) union and the Service Employees International Union (SEIU), as well as any local trade unions with significant immigrant membership.
- *Chambers of Commerce and Business Groups:* Local business leaders can help identify any employer-led initiatives that benefit LEP adults and the circumstances under which employers would be interested in providing on-the-job ESL or training programs.

Through your interviews and meetings, make a list of existing resources that can help you identify the problems that still need to be overcome.

What's the problem? Identify barriers to service.

- There are a myriad of problems and barriers facing LEP adults. Identify the specific barriers you seek to address. The challenges are likely to include both increasing the availability of programs that train LEP adults as well as eliminating language and other barriers that prevent this population from interacting with the local workforce development system.

What's the solution? Be specific.

Every community faces a shortage of resources to serve LEP workers. Your advocacy campaign goals should be well-defined and attainable in light of your organizations' resources. Some examples include:

- Increase the number of VESL or bilingual training courses that address your constituents' needs and provide training for viable jobs. This option may require additional funding. To support such a proposal, you should consider whether federal or state resources discussed earlier in this report can be used to support increased training. You may also

want to consider shifting funds from ineffective programs to support those that address your constituents' workforce needs.

- Reduce language barriers at a local One-Stop or large training institution by hiring interpreters or translating materials.
- Place an LEP representative on your local WIB.
- Require a One-Stop conduct an assessment of how it can better serve LEP job seekers.

Who can solve the problem?

Once you have clear and specific goals, identify the agency or individuals who can help you address the problem. Targeted agencies could include state or local WIBs, One-Stops, large training institutions (including community college or adult schools), community organizations that operate training programs, or other government agencies that provide funding for training programs. Once you have identified the target agency, you should consider some of the following questions:

- What are the best ways to influence the target agency? Does the agency have a board of directors or elected officials who can change its policies or programs? Does the agency have key constituents who can help with your advocacy? Where does the agency receive its funding?
- Is there a public hearing process?
- Is the agency susceptible to political or media pressure?
- Is the agency already working towards a similar goal? If so, what is the best way to convince it to address your concerns?

Build broad coalitions and get the word out.

Be creative in getting your message out. Depending on your target agency, there may be a number of powerful allies that share your concerns. For instance, local businesses may support VESL programs in specific industries to address their workforce needs. Unions are likely to support programs that help train potential members. Elected officials, particularly in communities with large immigrant populations, are likely to support programs that help their constituents. And community organizations, community colleges, and adult schools could potentially receive additional sources of funding when new programs for LEP job seekers are created. Try to pull together the broadest possible coalition to convince the targeted agency to address your concerns. Because most VESL and bilingual training programs are usually funded from multiple sources, some or all of these institutions could help provide resources to support the training program.

Finally, develop a communications strategy that clearly conveys both the problems that LEP adults face and your proposed solutions. When working with policymakers or the media, be sure to identify members or clients who can share their stories and describe the consequences when they do not receive appropriate training or employment services. Many low-wage immigrants hold multiple jobs, but they cannot support their families or become economically self-sufficient without additional training. Immigrants pay taxes and contribute in many different ways to this country's economy and cultural diversity. They deserve equal access to training programs that

will help them become more economically productive and allow them to make greater economic contributions to their communities.

APPENDIX A: LANGUAGE ACCESS TO FEDERALLY FUNDED PROGRAMS

Title VI of the 1964 Civil Rights Act

“No person in the United States shall, on the ground of race, color, 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.”⁴⁸

This report focuses primarily on the providing LEP workers with good vocational and language training programs. However, for LEP workers to learn about such programs and to access services provided by local employment agencies, the programs must be linguistically accessible. Not only is it good policy to ensure that LEP workers have access to basic employment services, but in most situations, language access is mandated either by federal or state laws.

The most significant law in this area is Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin by any recipient of federal funding. This obligation applies to all recipients, including government agencies, public educational institutions, nonprofit organizations, private corporations, and other entities. Title VI also applies without regard to the amount of funds received by an entity. Although the law does not define national origin discrimination, courts and regulations have consistently interpreted the provision as requiring linguistically assessable services.

This means that agencies that fail to provide meaningful access for limited English speaking individuals to employment services can violate Title VI. For example, a state dislocated workers unit receiving TAA funds is obligated to comply with Title VI. Title VI also covers private for-profit and nonprofit entities that receive federal funds, including those re-allocated by state or local governments. Thus, even One-Stops operated by private businesses or nonprofit agencies must ensure services are language accessible.

In the past several years, policies have been put in place at the federal level to provide more specific direction to federal recipients regarding their legal duty to provide language-accessible services. In August 2000, President Clinton issued Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” requiring federal agencies to develop guidance for federal funding recipients on how to comply with Title VI. The Bush administration has reaffirmed Executive Order 13166, and the U.S. Department of Justice has led a multi-agency effort to issue guidance outlining four factors that a recipient of federal funding should apply in determining its level of obligation to provide access to services for people who are LEP:

1. *Number or proportion of LEP persons served.* While programs that serve fewer LEP individuals are still required to take reasonable steps to provide meaningful access, the number of LEP individuals expected to be encountered will determine the reasonableness of the efforts.
2. *Frequency of contact with LEP persons.* The more frequent the need by LEP individuals to access the services, the greater the responsibility to provide meaningful access.
3. *Nature and importance of the program.* The greater the importance of the program to beneficiaries, the greater the duty to provide access.

⁴⁸ 42 U.S.C. Section 2000d.

4. *Resources available and costs.* Cost is a legitimate consideration in assessing the reasonableness of particular language access measures, and a smaller recipient of federal funding with limited resources may not have to take the same steps as a larger one.

In balancing these four factors, recipients of federal funding must provide an appropriate level of both oral interpretation and translation of important written documents. More information about Title VI's language access requirements can be found at the federal government's web site, www.lep.gov. This web site contains:

- Background information about Title VI;
- Executive Order 13166 (requesting federal agencies to develop detailed guidances on enforcing Title VI);
- Guidances for implementing Title VI for over 30 federal agencies;
- Federal implementation and enforcement policies;
- "Know Your Rights" materials;
- "I Speak" Flashcards (flashcard written in 38 languages that can be used to identify the language spoken by individuals who attempt to access services); and
- General resources for providing multilingual services.

Advocates seeking accessible services for LEP adults should evaluate how the relevant agencies that receive federal funding are complying with Title VI and its accompanying regulations and guidance. At a minimum, compliance requires agencies to assess the needs of the populations they serve, identify language barriers, survey existing language resources, and develop procedures to address language needs. Some questions for assessing an agency's responsiveness to LEP needs include the following:

1. How is the agency assessing the demographics of the population served?
2. What is the agency's capacity to serve persons who speak languages other than English? In what languages?
3. What resources are available within the agency to serve LEP individuals?
4. Is there a written policy regarding serving LEP individuals?
5. What linkages exist between community service providers and the agency to provide services to LEP individuals?
6. Does the agency have a formal mechanism for communicating with and gathering feedback from community organizations serving LEP individuals?
7. How do limited English speakers and others access services—i.e., via telephone, in-person consultation, the Internet, etc.?
8. Does staff have sufficient guidance and training to serve LEP adults?
9. Are documents and forms translated into languages other than English?
10. Does the agency have sufficient bilingual staff trained to serve LEP individuals?
11. Does the agency offer training programs and other related services to meet the particular needs of LEP adults?

APPENDIX B: ADDITIONAL RESOURCES

The following is a list of online resources that provide extensive background information workforce development and training issues that affect LEP workers:

Best Practices Reports

- AFL-CIO Working for America Institute, *Getting to Work: A Report of How Workers with Limited English Skills Can Prepare for Good Jobs* (May 2004) available at <http://www.workingforamerica.org>.
- Heide Wrigley, Elise Richer, Karin Martinson, Hitomi Kubo, and Julie Strawn. *The Language of Opportunity: Expanding Employment Prospects for Adults with Limited English Skills*, (Center for Law and Social Policy, Aug. 2003) available at <http://www.clasp.org>.
- Rebecca Smith, Amy Sugimori, and Luna Yasui. *Low Pay, High Risk, Chapter 1: Focus on Civil Rights of Limited English Speakers: Language Access to Government Benefits and Services* (National Employment Law Project, November 2003) available at <http://www.nelp.org/iwp/benefits/english/index.cfm>).

General Demographic Data

U.S. Census

<http://www.census.gov>

U.S. Census, Language Use and English-Speaking Ability

<http://www.census.gov/prod/2003pubs/c2kbr-29.pdf>

Modern Language Association

www.mla.org/census_main (web site provides Census information, data, and maps on the various languages that are spoken in the U.S.).

Adult Education and Literacy Organizations

Council for the Advancement of Adult Literacy

<http://www.caalusa.org/>

National Institute for Literacy

<http://www.nifl.gov/>

American Association of Community Colleges

<http://www.aacc.nche.edu/>

Outreach and Technical Assistance Network

<http://www.otan.us/login/login.cfm>

Workforce Development, **Welfare and Social Policy**

Center for Law and Social Policy

<http://www.clasp.org/>

Center for Budget and Policy Priorities

<http://www.cbpp.org>

Urban Institute

<http://www.urban.org>

Welfare Information Network

<http://www.financeprojectinfo.org/win/>

Chicago Jobs Council

<http://www.cjc.net>

National Economic Development and Law Center

<http://www.nedlc.org>

WIA Title I

U.S. Department of Labor

<http://www.doleta.gov/usworkforce/wia.cfm>

Laws, Regulations and Implementation Resources

http://www.financeprojectinfo.org/workforce/workforce_legislation.asp

<http://www.doleta.gov/usworkforce/>

WIA Allocations

<http://www.doleta.gov/usworkforce/resources/fin-admin.cfm>

One-Stops

<http://www.doleta.gov/usworkforce/resources/fin-admin.cfm>

WIA I State and Local Contact Information

<http://www.doleta.gov/usworkforce/asp/statecon.cfm>

WIA I Basics

The Working for American Institute, WIA Basics

<http://documents.workingforamerica.org/basics-01.htm>

WIA Title II

U.S. Department of Education

<http://www.ed.gov/policy/adulted/leg/legis.html?exp=0>

Performance Requirements for WIA I and II

<http://www.ed.gov/policy/adulted/leg/legis.html?exp=0>

WIA II Yearly Allocations

http://www.doleta.gov/tradeact/2002act_index.cfm

Guide for Developing State Plans

<http://www.ed.gov/policy/adulted/guid/adultg1.html>

TANF

Use of TANF MOE for language access

<http://www2.acf.hhs.gov/programs/ofa/polquest/usefunds.htm>

TAA

US Department of Labor

http://www.doleta.gov/tradeact/2002act_index.cfm

TAA Contacts/Application

TAA or NAFTA-TAA forms are available from any local office of the State employment security office or from any agency designated by the Governor of each state to provide TAA and NAFTA-TAA services. For a list of TAA Coordinators see

<http://www.doleta.gov/tradeact/contacts.asp>

OTHER POLICY PAPERS

Immigrants, Language Access and Welfare Reform

Randy Capps and Jeffrey Passel, *The New Neighbors: A User's Guide to Data on Immigrants in U.S. Communities* (Urban Institute, 2003) available at

http://www.urban.org/uploadedPDF/310844_the_new_neighbors.pdf.

Forrest Chissman, *Leading from the Middle: The State Role in Adult Education and Literacy* (Council for the Advancement of Adult Literacy, Aug.2002) available at

<http://www.caalusa.org/leadingfrommiddle.pdf>.

Karen Tumlin and Wendy Zimmerman, *Immigrants and TANF: A Look at Immigrant Welfare Recipients in Three Cities* (Urban Institute, Oct. 2003) available at

http://www.urban.org/UploadedPDF/310874_OP69.pdf.

Anne Morse, *Language Access: Helping Non-English Speakers Navigate Health and Human Services* (National Council of State Legislators. Jan.2003) available at

<http://www.ncsl.org/programs/immig/languagesvcs.pdf>.

Funding Workforce Development

AFL-CIO Working for America Institute, *How to Help Publicly Funded Dislocated Worker Programs* (Apr.2002) available at <http://www.workingforamerica.org/documents/UnionChecklist2.htm>.

Mark Greenberg and Elise Richer, *How States Used TANF and MOE Funds in Fiscal Year 2002: A Picture from Federal Reporting* (Center for Law and Social Policy, 2003) available at http://www.clasp.org/DMS/Documents/1057932457.18/02_TANF_spending.pdf.

Local WIA Advocacy

AFL-CIO Working for America Institute, *Requirements for WIA Local Plans: Process and Content* (Apr.2001) available at <http://documents.workingforamerica.org/PDF/ActionBrief1.pdf>.

AFL-CIO Working for American Institute, *Setting Priorities for Service Under the Workforce Investment Act* (Apr. 2001) available at <http://documents.workingforamerica.org/PDF/ActionBrief1.pdf>.

AFL-CIO Working for America Institute, *WIA Basics* (Apr. 2001) available at <http://documents.workingforamerica.org/basics-01.htm>.

AFL-CIO Working for America Institute, *WIA Issue Brief: “Work First” Policies Under WIA* (2002) available at <http://www.workingforamerica.org/documents/workfirst.htm>.

One Stops

Elise Richer, Hitomi Kubo, and Abbey Frank., *All in One Stop? The Accessibility of Work Support Programs at One-Stop Centers* (Center for Law and Social Policy, Sept. 2003) available at http://www.clasp.org/DMS/Documents/1063733515.9/One-Stop_rpt.pdf.

Welfare Reform and Job Training

AFL-CIO Working for America Institute, *Ensuring Workers Get the Training They Need Under the Workforce Investment Act* (Apr. 2001) available at <http://documents.workingforamerica.org/PDF/ActionBrief1.pdf>.

Karin Martinson and Julie Strawn, *Built to Last: Why Skills Matter for Long-Run Success in Welfare Reform* (Center for Law and Social Policy, Apr. 2003) available at http://www.clasp.org/DMS/Documents/1051044516.05/BTL_report.pdf.

Whitney Smith, Jenny Wittner, Robin Spence, Andy Van Kleunen, *Skills Training Works: Examining the Evidence* (Workforce Alliance, Sept.2002) available at http://www.cjc.net/publications/4_Skills_Training_PDFs/skills_training_works_rpt.pdf.

GLOSSARY

GENERAL TERMS

Integrated language acquisition: An umbrella term used in this paper to refer to the wide range of programs that offer adult learners a combination of job training and English language acquisition.

Vocational English as a Second Language (VESL): One of several terms referring to job training programs that integrate English language acquisition with job training. VESL programs vary widely, but most concentrate on equipping limited English speaking adults with workplace English and basic job readiness skills.

Limited English Proficient (LEP): According to the U.S. Department of Justice, limited English proficiency encompasses “individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English.

WIA Title I

Workforce Investment Act, Title I: The Workforce Investment Act (WIA) of 1998 replaced the Job Training Partnership Act. WIA consolidated once separate laws governing job training, adult basic education and employment services. The overarching goal of WIA is to create a national workforce development system that addresses the needs of both employers and job seekers.

Employment and Training Administration, U.S. Department of Labor: The federal administrative agency responsible for monitoring state implementation of WIA and for offering guidance on interpretation of WIA.

Workforce Investment Boards (WIB): Workforce investment boards are state and local entities responsible for developing priorities and implementing WIA’s mandates. Each state WIBs must submit a five year strategic plan for WIA implementation to the U.S. Department of Labor and to assist in state-wide policy issues. Local WIBs are charged with the on the ground implementation of One-stop centers and for arranging for the array of services associated with the jurisdiction’s workforce development system.

One-Stop: WIA requires One-Stop centers in each local workforce investment area. One-Stops are meant to offer job seekers and employers a centralized location to access workforce development services. They provide job seekers with core employment services, access to job training, education and other supportive services. Local WIBs are responsible for the development and administration of One-Stops.

WIA Mandated Services: WIA mandates three sequential services: core, intensive and training (described below). It is important to note that federal law does not mandate a minimum time period before a person can move from one level of services to the next.

Core Services: Initial assessments, job search assistance, information about access to supportive services, employment counseling, unemployment compensation filing information.

Intensive Services: Development of individual employment plans, short term pre-vocational services, work experience activities, and case management for participants seeking training.

Training: Vocational skills training, on the job training, skills upgrading and retraining, adult education and literary activities, and customized training

Individual Training Accounts, ITA: Under WIA, individual training accounts are established for eligible job seekers. Job seekers select training providers from a list of training providers determined by the local WIB and then use vouchers from the training accounts to pay for the cost of training. Training providers must submit reports detailing their performance to remain eligible to receive vouchers.

Governor's Discretionary Fifteen percent: Fifteen percent of each of WIA's three funding streams are retained for statewide activities. The governor may spend up to one-third of these funds on administrative costs, and the remainder is meant to give states greater flexibility in developing programs to address local workforce conditions and emerging issues.

Performance Measures: Every state agency responsible for administering WIA Title I negotiates performance goals with the U.S. Department of Labor. States strive to meet these goals to be assured of continued funding. Performance goals are available in state plans.

Weighted performance measures: Weighted performance measures are a strategy to encourage training and service providers to serve adults with high barriers to employment. Weighted performance measures would consider factors such as English proficiency, work experience, educational attainment, physical and mental health issues, criminal records and local labor market conditions.

State Plans: State WIBs are responsible for developing and implementing five year strategic state plans. State plans are available online at:
www.doleta.gov/usworkforce/asp/planstatus.cfm

Mandatory One-Stop Partner: In order to centralize the delivery of services, WIA mandates that One-Stops establish partnerships with a number of services. These mandatory partners include:

- Adults, Dislocated Worker and Youth Activities under WIA Title I
- Unemployment Insurance/Employment Services
- Adult Education Activities
- Post secondary vocational education under the Carl D. Perkins Vocational and Applied Technology Education Act
- Welfare-to-work

- Rehabilitation activities authorized under the Rehabilitation Act of 1973
- Senior Community Employment Services through Title V of the Older Americans Act
- NAFTA/Trade Adjustment Act
- Veteran Employment and Training Activities
- Community Services Block Grant funded employment and training activities
- Department of Housing and Urban Development administered employment and training activities

WIA TITLE II

Adult Education and Family Literacy Act: The Adult Education and Family Literacy Act, Title II of the Workforce Investment Act, is the main funding stream for adult education and literacy programs. Specifically, WIA Title II's program mandate is "to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy services, in order to—1) assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency; 2) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and 3) assist adults in the completion of a secondary school education." Most states allocate the vast majority of their WIA Title II funds to adult schools and community colleges.

Office of Vocational and Adult Education (OVAE), U.S. Department of Education: The OVAE is the department within the U.S. Department of Education that administers the Adult Education and Family Literacy Act funds.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

TANF: A federal block grant created by the Personal Work Opportunity Reconciliation Act (PWORA) of 1996. TANF replaced the Aid to Families with Dependent Children (AFDC). TANF funds are not limited to cash-assistance and can be used towards training such as vocational education and English classes. TANF can also provide vital work supports such as childcare, transportation and work related equipment and clothing.

Maintenance of Effort (MOE): One of the conditions for states to receive TANF block grants is that states continue spending at least 75% of their 1994 contribution to Aid to Families with Dependent Children related programs. This state contribution is called maintenance of effort funds.

Assistance: TANF defines "assistance" as benefits meant to meet a family's ongoing needs such as cash assistance, vouchers, clothing, shelter, and utilities. Supportive services funded by federal TANF dollars for families that are not employed are also considered "assistance".

Work requirements: Parents receiving "assistance" under TANF must meet mandatory work requirements when the state determines that the individual is ready to engage in work or when s/he has received assistance for a total of 24 months, whichever is earlier. TANF

requires that half of the families receiving assistance to be engaged in a work-related activity as defined by the statute for at least 30 hours per week.

Work activities: Work activities are job related activities that the federal law considers appropriate for satisfying the mandatory work requirements imposed by TANF. Under federal law, 20 of the 30 hours must be spent in one of or a combination of the following nine activities:

- Unsubsidized employment
- Subsidized private sector employment
- Subsidized public sector employment
- Work experience
- On the job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training
- Providing child-care services to an individual who is participating in community service programs

The other ten hours can be served in those activities or by participating in the following three activities:

- Job skills training directly related to employment
- Education directly related to employment, and
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence.

5 year TANF time limit: TANF prohibits “assistance” to a family with an adult that has received 60 months of federal assistance. States may choose to use federal TANF funds to extend time limits, but no more than 20 percent of the caseload may exhaust the five-year limit. States may avoid the federal time limit altogether by assisting families with MOE funds.

Trade Adjustment and Reform Act of 2002

Trade Adjustment and Reform Act of 2002 (TAA): TAA offers training and income support to workers who lose their jobs or have their hours reduced because increased imports are directly competitive with their company. At the federal level, TAA is administered by the Employment and Training Administration of the U.S. Department of Labor. U.S. DOL works with the state agency charged with administering unemployment compensation to administer the TAA program through. TAA places a heavy emphasis on rapid reemployment and seamless integration of services for eligible workers through the WIA One-Stop system.

Trade Readjustment Allowance (TRA): TRAs are provided to eligible workers under the Trade Adjustment and Reform Act of 2002. TRAs are cash benefits equal to a workers’ unemployment compensation benefits for up to 52 weeks after they have exhausted unemployment compensation.