



WI-WIOA Career Interview Project, Center for Students with Disabilities
800 W. Main St., Whitewater, WI 53190

Frequently Asked Questions: 14c Certified Employers Wisconsin Workforce Innovation and Opportunity Act (WIOA) Career Interview Project

The following are answers to frequently asked questions that relate to the University of Wisconsin-Whitewater (UW-W) processes and procedures for the WI WIOA Career Interview Project. UW-Whitewater does not provide policy clarification or definitive guidance on compliance with WIOA. Those questions should be directed to the Department of Labor, Wage and Hour Division.

UW-Whitewater has a contract with the Wisconsin Department of Workforce Development, Division of Vocational Rehabilitation (DVR) to provide these interviews to all employees paid less than minimum wage. Interviews are scheduled according to the state fiscal year, July 1 – June 30 each year, in accordance with our contract with DVR. We may refer to this period as the interview cycle or interview year. The interviews are provided to help employers and employees comply with federal law. This is not research.

There are employees who work here, but travel during the winter months or are on medical leave for extended periods of time. They are considered active employees and their services are not terminated while they are gone. Do they still need to be interviewed?

Yes. We recognize that employees may leave, especially during the winter months. It is important that we provide interviews to everyone working under the 14 (c) license, even if they are gone for extended periods of time. Please contact us as soon as you know the date of their return and we will schedule an interview as quickly as possible. If an employee is on medical leave, but will probably return to work before June 30, please contact us to discuss, as we may be able to conduct their interview away from the work site.

It is ultimately up to the site to inform the University of Wisconsin-Whitewater (UW-W) interviewers of everyone who needs to be interviewed and to determine with the Department of Labor (DOL) whether they are in compliance for all employees. If the employees on extended absence from work are considered an existing employee (worked for more than 12 months), then please arrange with your interviewer to interview the employee only once. In general, we encourage sites to ask DOL and to err on the side of caution if there's any doubt.

What if the employee left the program (for any reason), but they came back to work?

If an end date/completion of services date is listed in your files, the date that employee returned for services is considered a new date of hire. Therefore, that employee would need 2 interviews within 12 months from that new date of hire.

What about employees who re-start after a period of community employment or at another 14 (c) certified employer or location?

Employers should seek clarification from the DOL related to these questions. UW-W will offer to provide the interview. It is the employer's responsibility to present documentation to the DOL upon request and to remain in compliance DOL special wage laws.

If an employee works at 2 different 14 (c) employers OR has recently moved from another 14 (c) employer, do they need to be interviewed twice?

No. Only one interview is needed each state fiscal year (July 1-June 30) regardless of location of the interview. Employers are encouraged to share the completion certificates with the appropriate releases of information from the employee or guardian. The employee or guardian are also encouraged to share the certificate with the new or second 14(c) certified employer.

If an employee is under 25 years old and moves to a different facility, do they need to go through DVR or do they just need 2 interviews?

For the WIOA career interviews, age makes no difference in requirements. The WIOA interview schedule runs on a state fiscal year July 1-June 30. If the hire date is after July 1 of the year, the individual needs two (2) interviews the first year of employment and annually afterwards. The first interview must occur in the first six months of employment and the second one before the first year anniversary of hire.

If an employee is willing to participate in the interview, but is unable to communicate, has behavior concerns, or is unable to understand the process, are they still interviewed?

Yes, we still want to meet them! An interview will be held to the best of the employees' ability and willingness to meet with us. We will still provide resources to the person and/or their guardian. The site will still receive a completion certificate. The interviewer will simply indicate "unsure" responses if the employee is unable to answer any categories of the discussion. There are also times that the employee or interviewer find a way together to communicate the information needed. We welcome information about communication strategies and needs in advance of the interview so that we can prepare the appropriate strategy. Also, we are happy to provide individual interviews if an employee would be more comfortable or can concentrate better one-on-one. Someone who knows the person's communication preferences or knows their behavioral support needs, like a guardian, family member, or residential provider sometimes attend as well. If the employee requires one-

on-one support from the 14c certified employer in their service plan for any reason, please notify the interviewer in advance to discuss whether 14c staff attendance is appropriate.

There are employees who work here a few days and also work in the community at or above minimum wage for a few days per week. Since they already work in the community, do they need to be interviewed?

Yes, an interview is required for anyone working under a 14 (c) certificate, regardless of location.

Is an interview required for an employee who was paid less than minimum wage (subminimum wage under the 14 (c) certificate) after July 2016, but is no longer getting paid subminimum wages?

As long as the employee will not ever go back to receiving subminimum wage in the current state fiscal year, an interview would not be required that year. We encourage you keep documentation for your own records as to when that change occurred. Also, please email your interviewer regarding these changes to the numbers of your employees making under minimum wage. This helps us keep our records accurate, as well.

We have an employee who communicates with American Sign Language (or another language). What is the process for arranging this accommodation?

Inform your interviewer/liaison as soon as possible (at least 2 weeks in advance.) Please share the employee's name and their scheduled interview date and time. We will then work with our contracted providers and to ensure an interpreter is available for the interview.

We are paying minimum wage to everyone now, do we still need interviews?

No. As long as your site does not currently have a 14 (c) license and employees are earning minimum wage or higher, they do not need an interview. We ask you send DVR and us documentation of this change: in writing to wiwioacp@uww.edu or by mail:

WI WIOA Career Interview Project
UW-Whitewater
2250 Andersen Library
800 West Main Street
Whitewater, WI 53190

*Example: This email/letter is to inform you that as of (date wages took effect), employees at (site name & location) began earning minimum wage or higher. Any further questions, please contact (vocational director or site coordinator name & phone number).

Our site is near the Wisconsin border. We have employees who live in another state. Do they need to be interviewed?

Yes. Wisconsin 14 (c) employers are responsible for ensuring that all employees working in Wisconsin are interviewed, no matter where they live. This ensures employers have the needed certificates for all of their employees, in the event that the DOL requests them.

We recognize that these interviews are taking place during the work day. Are we able to pay our employees for participating in them?

We can't say. We recommend asking DOL for guidance about wages for your employees.

Are we able to share our certifications with funders and support agencies like Managed Care Organizations (MCOs), IRIS Consultant Agencies, Counties, etc.?

Yes. We encourage sharing the information that is provided during these interviews, as long as you follow your release of information guidelines.

What is the process for release of information and your interviewers?

UW-Whitewater does not identify 14 (c) employer's legal obligations. Therefore, it's between the employer and the worker or their guardian to sign and obtain releases. The obligation rests with the site to have appropriate documentation to disclose information to us for the purposes of scheduling interviews. UW-Whitewater assumes that proper procedures are followed when we receive the list of all employees to be interviewed and when we interview each employee.

Release of Information:

We will not collect your Releases of Information. You are welcome to request and use the Blank/Template Consent to Release Information created to help sites without a standard form, or you may use a form that your management/legal team deems appropriate. We recommend employers gain the appropriate releases as soon as possible and keep them on file. UW-W will not need a copy for our records and will not request them from you.

We are required to have a copy of the certification paperwork on file for each employee. How do we receive the certification paperwork?

When interviews are completed, the employee and interviewer signs the certificate, as well as the guardian's signature, if present. At the end of each interview day, the site coordinator and the interviewer will meet to verify all information is complete and accurate. Employers can then make copies (for their files and for the employees.) UW-W retains all originals. A copy of each certificate is provided to the Division of Vocational Rehabilitation as well.

What happens if an employee does not show up for the scheduled interview?

It is really important to work closely with employees, their guardians, families, residential providers and others in their lives to schedule the interview for a time that they are able to attend. For example, we recommend scheduling for a day and time they are typically at your site and communicating about any upcoming trips or medical procedures that could impact their ability to attend. We have found that sites that remind employees of their scheduled interviews have better completion rates than those that only rely on the initial notification.

However, we know that unexpected events and illnesses occur and some employees will miss their scheduled interview. If you know in advance, please contact your interviewer. Your interviewer will work with you to document the employee as a “no show” for their interview. You are responsible for tracking employees who miss their first interviews and working with your interviewer to reschedule their interview during the interview cycle. UW-Whitewater will make at least 2 attempts to interview the employee. Please note that employees who miss multiple interviews risk not being interviewed during the interview cycle.

What if a guardian/family member cannot attend the interview? Who is allowed to attend the interviews?

Employers have found success in sharing the type of content discussed and the purpose of the interviews to those interested in attending with an employee. The discussion that takes place during the interview does not impact the employee’s services or ability to continue working at your site. There are no wrong answers and employees can choose to discuss only what they feel comfortable sharing. We also have heard and observed that employees find comfort in attending the interview with their peers. Interviewers verify guests to the interview have been invited by the employee or their guardian. We are happy to answer any questions invited guests have at the conclusion of the interview, if time allows. Any questions that are not addressed during the interview can be addressed via a phone call or email at a later date, as agreed upon by guardian and interviewer.

What is the process for these interviews?

Employers provide a list of all employees needing interviews to us at least two weeks in advance of the scheduled interviews. Employers schedule all employees for interviews based on a mutually agreed upon date with the interviewer. The ideal schedule has been groups of about 5 employees. This is a manageable size for the interview and employees and provides the opportunity to learn and support each other. Employees who want or would benefit from an individual interview (those needing interpretation or who have environmental/behavioral considerations) can be scheduled separately or in smaller groups. Please discuss any such circumstances with your interviewer.

When the interviewer is ready to start, we verify all guests have been invited (uninvited guests will be asked to leave), and then we will begin the interviews. We want to hear from the employees. There are no right or wrong answers. This is about the process and not the answers. Basically, we provide the opportunity for them to reflect and share as they are interested and able. It is understandable and perfectly ok if an employee doesn't remember, answers a question differently than their guardian or others would, or doesn't know how to answer a question. Guests may assist with rephrasing questions if directed by the interviewer, but are encouraged to listen otherwise to avoid disrupting the discussion among the employees and interviewer.

After the employees have a chance to discuss their experiences and interests, the interviewer engages the employees in a discussion about what they might do next as a result of the discussion and shares resources that are available to employees in their area. These resources are provided to employees to take with them and share with whomever they want. At the end, the interviewer reviews what was covered in the discussion and completes the certificates with each employee. Employees who decide they want to do something as a result of the discussion, like try a new resource, explore jobs, etc. are encouraged to share their interests and the resources with people who typically support them like their guardians, family, support staff, etc. to help them explore their options. No changes are required as a result of the interviews.

What happens if an employee refuses to do the interview?

The interviews are voluntary. They are also required for all people who want to continue working at less than minimum wage. If someone refuses when you are working on scheduling, we recommend that you explain the purpose of the interview and the outcomes if they choose to interview or not. If you find out someone refuses, please let us know so that we can work with you to document their refusal and determine options. UW-Whitewater staff will discuss the consequences of not participating with any employee or guardian who is considering refusal. Employers cannot continue to pay the employee subminimum wage if they refuse to interview during the interview cycle.