

Missouri Division of Workforce Development
DWD Issuance 02-2017

Issued: August 11, 2017
Effective: August 11, 2017

Subject: Statewide Case Note Policy

1. Purpose: This Issuance updates the Division of Workforce Development's (DWD) Statewide Case Note Policy, applicable to all workforce programs, for entries in DWD's statewide electronic case-management system. This Issuance standardizes use of the term "Case Note" for consistency within the State and with usage by the U.S. Department of Labor's (DOL) Employment and Training Administration (DOLETA). This Issuance also advises on 2017 federal regulatory changes regarding customer records. This Issuance supersedes and rescinds previous guidance on this topic.¹

2. Background: Consistent and clear standard staff actions across all Local Workforce Development Areas (LWDA) and all funding sources are essential. It is imperative that all Missouri Job Center staff, Local Workforce Development Boards (Local WDB) and their subrecipients, as well as federal and State auditors, can recognize and discern each service and expenditure provided to, and made on behalf of, a workforce system customer. Accurate, adequate, and timely recording of Case Notes enables quality customer service.

This guidance meets benchmarks outlined in DOLETA's Training and Employment Guidance Letter (TEGL) 10-16²; the Final Rules³ for implementing the Workforce Innovation and Opportunity Act (WIOA)⁴; DOL guidance for data element validation; and active DWD Issuances.

Pursuant to the Final Rule⁵ for implementation of the nondiscrimination and equal opportunity provisions of WIOA, recipients must record demographic data regarding race/ethnicity, sex, age, and disability status (if known) of every **applicant, registrant, participant, trainee, and employee**. Beginning January 3, 2019, recipients also must note any limited English proficiency and preferred language of each **applicant registrant, participant, and trainee**. Demographic information must be stored in a manner that ensures confidentiality and must be used only for the purposes of recordkeeping and reporting.⁶

¹ DWD Issuance 09-2015, Change 1, "Statewide Service Notes Policy," December 23, 2015 (herein rescinded).

² U.S. Department of Labor, Employment and Training Administration, Training and Employment Guidance Letter (TEGL) 10-16, "Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs," December 19, 2016.

³ *Workforce Innovation and Opportunity Act, Final Rule*, ETA Docket 2015-0001, August 19, 2016, and *Workforce Innovation and Opportunity Act, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule*, ETA Docket 2015-0002, August 19, 2016.

⁴ Pub. L. 113-128 [29 U.S.C. 3101, et seq.].

⁵ 29 CFR Part 38 (effective January 3, 2017).

⁶ 29 CFR 38.41(b)(2).

The nondiscrimination Final Rule also adds *new obligations* to keep medical or disability-related information confidential, on separate forms and/or in separate files, physically or electronically secured.⁷ This information must not be entered into Case Notes, but Case Notes *may* indicate that information exists in the protected files. Specifically, on the guidance of the State WIOA Equal Opportunity Officer, neither the terms “pregnant” nor “pregnancy,” nor reference to the condition, should appear in Case Notes. Furthermore, access to protected disability or medical information must be restricted⁸ to:

- Program staff that are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity;
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency; and
- State or federal government officials engaged in enforcing the Part 38 Rules, any other laws administered by DOL, or any other federal laws. (This includes the DOL Civil Rights Center.⁹)

Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.¹⁰

This Issuance also includes acronym use for Individualized Employment Plan (EP) notations and further specifications on medical/disability note entries.

3. Substance:

As detailed in the **ATTACHMENT**, this policy:

- Directs the creation of a mandatory Initial Case Note for any participant moved to full participation status, at the time of enrollment;
- Requires real-time data entry; that is, Case Note creation *on the date of* consultation or service;
- Emphasizes brevity, but without omitting sufficient details for clarity, accuracy, and appropriateness of the service rendered; and
- Gives guidance on appropriate notations, including cautions against including personal opinions, customer confidential details that do not belong in Case Notes, or inappropriate information from or about noninvolved third parties.

4. Action:

Effective immediately, all DWD Supervisors, Functional Leaders, Local WDBs, and One-Stop Operators will distribute this policy to appropriate staff and implement its contents in local Missouri Job Center operating procedures.

5. Contact:

Direct any questions or comments regarding this Issuance to Steve Reznicek, Quality Assurance Manager, at (573) 522-3015, or steve.reznicek@ded.mo.gov.

6. References:

U.S. Department of Labor, Employment and Training Administration, Training and Employment Guidance Letter (TEGL) 10-16, “Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Title I, Title II, Title III, and Title IV Core Programs,” December 19, 2016.

⁷ 29 CFR 38.41(b)(3).

⁸ 29 CFR 38.41(b)(3)(i).

⁹ 29 CFR 38.44.

¹⁰ 29 CFR 38.41(b)(3)(ii).

20 CFR 680.210 (“Who may receive training services?”).

20 CFR 680.910 (“When may supportive services be provided to participants?”).

20 CFR 681.200 (“Who is eligible for youth services?”), et seq.

DWD Issuance 13-2016: “Confidentiality and Information Security Plan for the Workforce Development Statewide Electronic Case Management System” March 13, 2017.

DWD Issuance 21-2016: “Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs Eligibility and Documentation Technical Assistance Guidance Policy,” June 30, 2017.

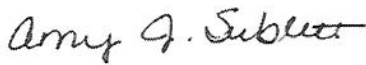
DWD Issuance 22-2016, “Workforce Innovation and Opportunity Act Youth Program Eligibility and Documentation Technical Assistance Guidance Policy,” June 30, 2017.

State of Missouri Methods of Administration 2015 (thereafter, Missouri State Nondiscrimination Plan 2017, when published).

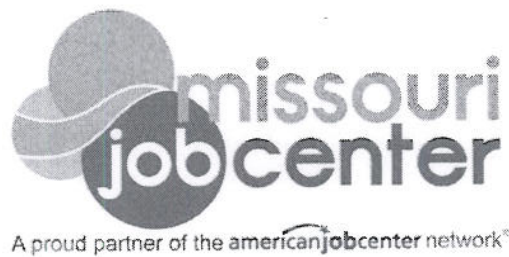
7. Rescissions: This Issuance supersedes and replaces DWD Issuance 09-2015, Change 1, “Statewide Service Notes Policy,” dated December 23, 2015.

8. Attachment: DWD Statewide Electronic Case Management System Case Note Policy.

The Missouri Division of Workforce Development is an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.
Missouri TTY Users can call (800) 735-2966 or dial 711.



Amy Sublett
Acting Director
Missouri Division of Workforce Development



STATEWIDE ELECTRONIC CASE MANAGEMENT SYSTEM CASE NOTE POLICY

Overview

Case Notes provide a fact-based description of a participant's interaction with the workforce system. Accurate, adequate, and timely recording of Case Notes is critical to provide quality participant service, track funding costs, and assist in compliance monitoring.

Case Notes should be entered **on the date** of discussion with the participant or the date services are provided. This real-time data entry allows for continuous and seamless service delivery. If time of day or caseload does not allow for creating a Case Note immediately, it should be completed the next business day, or as soon as possible.

Many of the Division of Workforce Development's (DWD) statewide electronic case management system services (e.g., self-directed job search) are automatically recorded in the seeker history. It is not necessary to write a Case Note for these automatic entries. (Nevertheless, as will be discussed, an Initial Case Note is mandatory.) If there is interaction with the participant and information is obtained beyond this, then a Case Note in line with the following requirements of this Policy must be recorded.

When writing Case Notes, keep in mind:

- Case Notes are part of the permanent record;
- Monitors and other staff providing services will read Case Notes; and
- The participant (or, in the case of a youth, the guardian) has the right to receive copies of Case Notes.

Purposes

Case Notes have a variety of purposes, including, but not limited to:

- Sharing information with the workforce system to facilitate seamless service delivery;
- Reminding the workforce system of information and ideas that have been discussed with the participant;
- Providing documentation to meet regulatory requirements, that will result in smoother local, state, and federal monitoring processes—and possibly fewer audit findings;
- Documenting information obtained from partners not using DWD's statewide electronic case management system;
- Documenting services offered as well as the source—and timeframe— of funding (i.e., specifying Workforce Innovation and Opportunity Act [WIOA] Title I programs or non-WIOA sources, Trade Adjustment Assistance, or National Dislocated Worker Grants), including training costs, Supportive Services, and other appropriate expenditures;
- Documenting progress toward the Goals and Objectives/Services on the individualized Employment Plan (EP);
- Adding, clarifying, or summarizing information in the electronic case management record;
- Helping locate participants for required follow-up contact; and
- Assisting DWD Central Office staff to:
 - Consider and process change requests;
 - Investigate participant complaints; and
 - Review records for compliance and quality of service.

Mandatory Initial Case Note

It is mandatory that any customer moved to participant status must have an Initial Case Note entered at the time of enrollment. This Initial Case Note must include information regarding: summary of eligibility, plan of activities to be offered, and how the plan will be implemented. Additionally, the Case Note is also a focal point for accountability to funding, so Supportive Services information must be included. This mandatory enrollment Initial Case Note must be entered for **all** active program participants at the time of enrollment.

Case Note Recording Requirements

Case Notes must be:

- **Concise and Stated in Simple, Clear Language.** The Case Note must document services received by the participant in the Missouri Job Center. Avoid long narratives and unnecessary information. Case Notes must be detailed enough to communicate necessary information. Acronyms and abbreviations are not appropriate unless **all staff** reading the Case Notes can easily understand them [*example: individualized Employment Plan (EP)*].
- **Related to the Participant's Ability to Participate in Services.** Information must pertain to the participant only. Nonessential information about spouses, children, other family members, friends, etc., must not be recorded.
- **Fact-based, Objective, Accurate.** Case Notes must contain only relevant facts. Assumptions or conjectures by staff and third parties must not be included.

Case Notes must not include:

- **Communications with Other Individuals.** In general, it is not appropriate to discuss the participant's Personally Identifiable Information with anyone other than the participant. Exceptions would be a youth who requires verbal and/or written approval of a parent or guardian, or a qualified¹ interpreter or translator for persons with hearing disabilities or limited English proficiency. For any of these exceptions, the Case Notes must indicate the name and relationship of the third party present in the conversation or made privy to the information.
- **Confidential Information.** Staff should avoid receiving or obtaining confidential (i.e., medical, criminal, legal, domestic violence) documentation unless it is pertinent and necessary for determining employment or training opportunities. If it is necessary to obtain confidential information, the Case Note should contain a generic explanation of the information; how it is related to employment and/or training; and identify the secure location of the information (i.e., "*Participant wants to be a mechanic, but needs to pursue other employment or training opportunities. See confidential file.*").
- **Medical- and Disability-Related Information.** Such information, including drug or alcohol related treatment or rehabilitation, as well as pregnancy, must be kept "confidential and separate" from the statewide electronic case management record and from the participant's main hardcopy or other confidential records. Electronic records must be password-protected, and paper records must be in a secure, locked location.²

Case Note Entries must address a Specific Topic

Information about a participant's employment and/or training is recorded over time in a series of Case Notes. These will cover topics including, but not limited to:

- Initial Case Note;
- Assessments (specify which assessment);
- Case reviews;
- Customer contacts (specific reason for contact);
- Customer information updates;
- 'Cut-and-paste' text must be specific to that customer's case;
- Document Submittal
- Funding approvals/funding denials;
- EP/Participation;

¹ 29 CFR 38.4(xx) and RSMo 209.321.

² DWD Issuance 13-2016: Confidentiality and Information Security Plan for the Workforce Development Statewide Electronic Case Management System, March 13, 2017.

- Job development;
- Case record corrections;
- Problem solving (e.g., addressing barriers, needs, and plans to address those needs);
- Progress evaluations;
- Referrals;
- Service started/service ended;
- Skills reviews;
- Supportive Services;
- Unemployment Insurance Required Job Services reporting; and
- Youth follow-up.

Appropriateness of Case Notes

Inappropriate—Case Notes must *not*:

- Contain irrelevant details;
- Discuss medical procedure or examination appointments for the participant or a family member
- Discuss pregnancy³;
- Include discussions of the participant's situation with third parties, including the participant's family or household, unless this information is volunteered by the relative (and if such information is volunteered, only include pertinent information on the participant's ability to participate in the program);
- Include any hearsay speculations from the participant's family or household;
- Contain anything in regard to drug treatment, rehabilitation, substance abuse, child custody, or legal actions;
- Contain background information or details about individuals other than the participant;
- Be subjective, draw conclusions, make judgments, or otherwise express opinions; and
- Contain unnecessary or subjective comments about the performance, nature, or duration of programs and services.

Appropriate—Case Notes *should*:

- Refer to specific dates;
- Contain all necessary information;
- Be detailed enough for anyone authorized to access the file to understand;
- Include justifications for Supportive Services;
- Include training dates; and
- Identify funding sources and timeframes covered with eligibility determinations.

³ Under the nondiscrimination rules for WIOA, pregnancy is a class protected from discrimination on the basis of sex; it is not a disability, although some specific pregnancy-related conditions may be considered disabilities. Information about pregnancy and pregnancy-related medical conditions must be isolated in the secure medical files (29 CFR 38.4(q)(3)(b)(ii), 29 CFR 38.7, 29 CFR 38.8, and 29 CFR 38.41(b)(3)).