

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
 500 EAST THIRD STREET, #200
 CARSON CITY, NEVADA 89713
 T: (775)684-3891 F: (775)684-3908

BRIAN SANDOVAL
GOVERNOR



LUTHER W. MACK, JR.
CHAIR

*****NOTICE OF PUBLIC MEETING*****

Meeting is subject to the provisions of the Nevada Open Meeting Law – [NRS 241.020](#)

PUBLIC ENTITY:	Governor's Workforce Development Board's (GWDB) Executive Committee
DATE AND TIME:	Monday, November 14, 2016 at 2 p.m.
LOCATION:	Department of Employment, Training and Rehabilitation 500 E. Third Street – <i>SAO Auditorium</i> Carson City, NV 89713
TELECONFERENCE: <i>(no video conference)</i>	Department of Employment, Training and Rehabilitation 2800 E. St. Louis Avenue – <i>Director's Conference Room</i> Las Vegas, NV 89104 1-888-363-4735 Access Code 6571948

Below is an agenda of all items to be considered. **Action may be taken on items noted **FOR POSSIBLE ACTION*.** Items on the agenda may be taken out of order presented; items may be combined for consideration by the public body; and, items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.

*****AGENDA*****

1. CALL TO ORDER - OPENING REMARKS	<i>Luther Mack</i> Chair
2. ROLL CALL- CONFIRMATION OF QUORUM	<i>Kristine Nelson</i> DETR's State Board Liaison
3. VERIFICATION OF PUBLIC POSTING	<i>Kristine Nelson</i>
4. FIRST PUBLIC COMMENT(S) Members of the public are invited for comment(s). NO action may be taken on a matter during public comments until the matter itself has been included on an agenda as an item for <i>possible action</i> , and properly noticed pursuant to NRS 241.020 . Due to time constraints, the Chair may limit public comments to three (3) minutes/person . Please clearly state and spell your full name.	
5. *FOR POSSIBLE ACTION Approval of GWDB Executive Committee's September 9, 2016 meeting minutes	<i>Luther Mack</i>

6. *FOR POSSIBLE ACTION <i>GWDB Bylaws</i> – APPROVAL of clarification of section 3.5: Conflicts with NRS 281A.420(5), per D.A.G. advisory	<i>Manny Lamarre</i> Director, Governor’s Office of Workforce Innovation (OWINN)
7. FOR DISCUSSION <i>GWDB Industry Sector Councils</i> - Reports	<i>Manny Lamarre</i>
8. FOR DISCUSSION <i>Nevada Young Adult Jobs and Training Opportunity</i> – Report	<i>Manny Lamarre</i>
9. FOR DISCUSSION <i>One-Stop Certification Criteria</i> – Discussion regarding certification criteria for One-Stop evaluations	<i>Manny Lamarre</i>
10. *FOR POSSIBLE ACTION Nevada State Compliance Policy (SCP) Revisions (WIOA): – 10(A): SCP 1.2 – 10(D): SCP 1.21 – 10(B): SCP 1.7 – 10(E): SCP 2.5 – 10(C): SCP 1.15 – 10(F): SCP 2.6 REMINDER: Items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.	<i>Grant Nielson</i> ESD Program Chief, DETR’s Workforce Investment Support Services
11. SECOND PUBLIC COMMENT(S) Members of the public are invited for comment(s). NO action may be taken on a matter during public comments until the matter itself has been included on an agenda as an item for <i>possible action</i> , and properly noticed pursuant to NRS 241.020 . Due to time constraints, the Chair may limit public comments to three (3) minutes/person . Please clearly state and spell your full name.	
12. ADJOURNMENT	

Governor’s Workforce Development Board’s Executive Committee Members

Dr. Luther Mack, Jr. - Chair Business – Washoe County WLM, LLC.	Marilyn Kirkpatrick Local Elected Official Clark County Commissioner	Jim New Workforce/Labor/Apprenticeships TMCC – Interim Vice President	William ‘Bill’ Stanley Workforce/Labor So. Nevada Building and Construction Trades Council
Debbie Banko Business – Clark County Link Technologies	Horacio Lopez Business – Clark County So. Nevada Courier Services	Patrick Sheets Business – Clark County Global C2 Integration Tech	Don Soderberg State Government – Core Program Director - DETR

NOTE: Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the DETR Director’s Office, in writing at: 2800 East St. Louis Ave Las Vegas, NV 89104; or, should call (702) 486-6511; if hearing impaired, dial TTY (800) 326-6868 or Nevada Relay 711; or send a fax request to (702)486-6426 as soon as possible and **no later than close of business on Friday, November 11, 2016.**

Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting at at least three (3) of the following locations: DETR, 2800 E. St. Louis, Las Vegas, NV; DETR, 500 East Third St., Carson City, NV; DETR, 1325 Corporate Blvd., Reno NV; NEVADA JOBCONNECT, 3405 S. Maryland Parkway, Las Vegas, NV; NEVADA JOBCONNECT, 4500 E. Sunset Road #40, Henderson, NV; NEVADA JOBCONNECT, 2827 N. Las Vegas Blvd., North Las Vegas, NV; NEVADA JOBCONNECT, 1929 N. Carson St., Carson City, NV; NEVADA JOBCONNECT, 172 Sixth St., Elko, NV; NEVADA JOBCONNECT, 480 Campton St., Ely, NV; NEVADA JOBCONNECT, 121 Industrial Way, Fallon, NV; NEVADA JOBCONNECT, 475 W. Haskell, #1, Winnemucca, NV; NEVADA JOBCONNECT, 4001 S. Virginia St., Suite G, Reno, NV; NEVADA JOBCONNECT, 2281 Pyramid Way, Sparks, NV; GRANT SAWYER OFFICE BUILDING, 555 E. Washington Ave., Las Vegas, NV; LEGISLATIVE BUILDING, 401 S. Carson St., Carson City, NV; NEVADAWORKS 6490 S. McCarran Blvd., Building A, Unit 1., Reno, NV; WORKFORCE CONNECTIONS, 6330 West Charleston Blvd. #150, Las Vegas, NV.

Notice of this meeting was posted on or before 9 a.m. on the third day prior to the meeting on the Internet at: DETR’s Public Meetings website - www.nvdetr.org, <http://nvdetr.org/publicmeetings.htm>; and Nevada’s Public Notice website at <https://notice.nv.gov/>, as required by [NRS 232.2175](#).

Supporting public material provided to Committee members for this meeting is posted on DETR’s Web site at www.nvdetr.org, <http://nvdetr.org/publicmeetings.htm>, and may be requested from the Director’s Office at 500 E. Third Street, Carson City, Nevada 89713; or call (775)684-3911; or fax (775)684-3908 **on or before the close of business on Friday, November 11, 2016.**

STATE OF NEVADA
GOVERNOR'S WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE

Governor's Workforce Development Board (GWDB)
Friday, September 9, 2016 – 10:00 a.m.

Department of Employment, Training and Rehabilitation
500 E. Third Street – SAO Auditorium
Carson City, NV 89713

Alternate Location: Some members of the board may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Department of Employment, Training and Rehabilitation
2800 E. St. Louis Avenue – Director's Conference Room
Las Vegas, NV 89104

MINUTES OF MEETING

- Present:** Dr. Luther Mack (Chair), Marilyn Kirkpatrick, Horatio Lopez, Jim New, Mike Raponi, Bill Stanley, Don Soderberg
- Absent:** Debbie Banko, Patrick Sheets
- Also present:** Kristine Nelson (DETR), Carlene Johnson (DETR), Lynda Parven (DETR Deputy Administrator, Employment Security), John Thurman (Nevadaworks), Beth Wicks (Nevadaworks), Milt Stewart (Nevadaworks), Manny Lamarre (OWINN, Governor's office), and Samantha Hill-Cruz (DETR)

1. OPENING REMARKS

Chair Luther W. Mack called the meeting to order, welcomed participants and made announcements.

2. ROLL CALL - CONFIRMATION OF A QUORUM

Per direction from Chair Mack, **Kristine Nelson** took roll call and confirmed the presence of a quorum.

3. VERIFICATION OF PUBLIC NOTICE POSTING

Kristine Nelson affirmed that the agenda and notice of the Governor's Workforce Development Board (GWDB) meeting on September 9, 2016 was posted pursuant to Nevada's Open Meeting Law, NRS 241.020.

4. FIRST PUBLIC COMMENT(S) NOTICE

Chair Mack read the notice into the record as follows: "Members of the public are invited to comment at this time; however, no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. At my discretion, in the interest of time, public comments will be limited to three minutes per person."

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were none.

5. *APPROVAL OF MINUTES

Chair Mack called for a motion to approve the July 13, 2016 draft minutes of the Executive Committee as submitted. There was one grammatical correction.

It was moved by Mr. Raponi and seconded by Mr. New to approve the July 13, 2016 draft minutes as corrected. Motion carried.

6. *** FOR POSSIBLE ACTION – Nevadaworks’ Local Plan – Approval of the Northern Local Workforce Development Board’s Local Plan**

Lynda Parven (DETR Deputy Administrator, Employment Security) stated that Agenda Item 6 for Nevadaworks’ Local Plan meets the requirements of the ACT (WIOA) and is alignment with the State Plan.

It was moved by Mr. New and seconded by Mr. Raponi to approve the northern Local Workforce Development Board’s Local Plan.

Discussion:

Mike Raponi made two corrections, the first on page 6, second paragraph to read “During the 2014/15 school year.” Secondly, where it is stated that 38 students dropped out of school every day, it should read “every school day.”

Horatio Lopez asked how many subcontractors or consultants are in place to facilitate the Local Plan in northern Nevada. **John Thurman, Nevadaworks** estimated that there are 17 adult dislocated worker and youth service providers throughout the 13 counties in northern Nevada.

Marilyn Kirkpatrick asked whether the list of service providers is posted. **Mr. Raponi** replied that the list of service providers with their contact information and services available is on the website.

It was moved by Mr. New and seconded by Mr. Raponi to approve the amended motion to approve the northern Local Workforce Development Board’s Local Plan as corrected. Motion carried.

7. ***FOR POSSIBLE ACTION – Workforce Connections’ Local Plan – Approval of the Southern Local Workforce Development Board’s Local Plan**

Lynda Parven stated that Agenda Item 7 for Workforce Connections’ Local Plan meets the requirements of the ACT (WIOA) and is alignment with Nevada’s Unified State Plan.

Mike Raponi stated that the MOU is currently with the Deputy Attorney General and technically has not been finalized. It is anticipated to be finalized and is currently under joint review. **Lynda Parven** pointed out that the attachment lists it as a draft MOU.

Jim New asked whether there are any anticipated issues, in view of the fact that a vote of approval refers to a draft version. **Mr. Raponi** replied that he anticipates no issues; however he will follow up with the Deputy Attorney General regarding the status of the process. All of the involved agencies have vetted and approved the Local Plan.

It was moved by Mr. New to approve the southern Local Workforce Development Board’s Local Plan contingent upon approval of the MOU.

Discussion:

Ms. Kirkpatrick stated that she was unaccustomed to passing a motion preemptively, in the hopes that the final plan will be approved as written. There are concerns regarding abiding by the open meeting law requirements. **Ms. Nelson** stated that if this committee approves the Local Plan, it still goes to the State Board’s meeting on October 20th for ratification. This particular plan still must be approved by the local elected officials, which will occur on the 13th. This committee would be approving the plan contingent upon the local elected officials’ approval in either case. If there are changes or the MOU is not settled at that point, the plan will not be ratified at the State Board meeting. If changes are made by the local elected officials, the approval would change from a ratification to a review and then approval by the full State Board, rather than just the ratification.

Ms. Kirkpatrick seconded. Motion carried.

8. ***FOR POSSIBLE ACTION/DISCUSSION – Nevada State Compliance Policy Revisions (WIOA)**

Ms. Parven reviewed the State Compliance Policy Revisions.

8(A) Policy 1.14: Details the requirements for on-the-job (OJT) training and customized training, which are strongly encouraged under WIOA.

Bill Stanley referred to the OJT section regarding apprenticeship programs. He asked how many registered programs there are and how many individuals are actually being placed into a registered apprenticeship program through the youth outreach programs. **Ms. Parven** stated that this information was not on hand, but she would provide it subsequent to the meeting.

Mr. Stanley asked what other OJT programs are offered in the State. **Ms. Parven** stated that OJT is offered through the providers of the WIOA Title I contract; there are contracts with various businesses throughout the State. **Mr. Stanley** requested statistics in this area also.

Ms. Kirkpatrick asked whether OJT students are tracked to ensure that training has actually led to a full-time job. **Ms. Parven** confirmed that the policy includes tracking of retention for four quarters. Businesses are also not required to report the field in which a person is working when they report their wages. Therefore, there is currently no mechanism to track whether a worker is working in the field in which for which they received training. **Don Soderberg** suggested a more expansive briefing on the scope of OJT and apprenticeships.

Mr. Stanley stated that many of the state apprentice board apprenticeships are not driven by a single employer but multi-employer groups through trust funds. The compliance policy most often refers to an employer in single form. The multi-employer groups are operated under and funded by trust funds and regulated by the Nevada Apprenticeship Committee. He expressed concern now that DETR is contributing towards the cost of OJT training programs that it be allowed to take some credit for this. **Mr. New** noted that the Executive Committee and the GWDB have responsibility for apprenticeship; however, the governance rests with the Labor Commissioner's Office with the State Apprenticeship Council. He agreed with Mr. Soderberg that it would be helpful for this Board to spend time discussing the complexities of the apprenticeship approval process and funding processes. In addition, it may wish to recommend changes during the upcoming legislative session.

Carlene Johnson (DETR) added that registered apprenticeship and OJT will be covered in a separate state compliance policy, as it is a much more complex process. Policy 1.14 is specific to regular OJT or customized training. Registered apprenticeship will be covered in much greater detail in an alternative state compliance policy, which is scheduled to be included for the next Executive Committee meeting.

Mr. Thurman clarified that the four quarter tracking begins after the individual has completed all training, including OJT and finished with all services provided under Title I.

Mr. Raponi asked for Mr. New's clarification on comments on apprentice governance. **Mr. New** replied that the State Apprenticeship Council is organized under the Labor Commissioner's Office, whereas this Workforce Development Board has apprenticeship representation as well. He questioned whether the understaffed Labor Commissioner's Office should continue to organize the State Apprenticeship Council.

Ms. Kirkpatrick inquired whether OJT dollars could be used for administrative data collection and suggested possibly using interns to track information. She further suggested a future meeting where all Executive Committee members could participate in person to discuss these issues. There was consensus for the desire for a more comprehensive conversation.

It was moved by Mr. Stanley and seconded by Mr. Lopez to approve State Compliance Policy 1.14. Motion carried.

8(B) Policy 1.4: In regards to the one-stop delivery system. This policy was approved by the GWDB on July 21st, 2016. One change was made to the bottom of page 5 and the top of page 6, which adds a sentence regarding an appeal process.

It was moved by Mr. New and seconded by Mr. Raponi to approve State Compliance Policy 1.14.

Discussion:

Mr. Lopez asked that more information on entrepreneurship business startups be provided at an upcoming meeting. **Ms. Parven** agreed to do so.

Motion carried.

8(B) Policy 2.4: Details the requirements for use expenditures under WIOA. Major changes under WIOA require that 75 percent of youth funds be spent on out of school youth and that 20 percent of young funds are required to provide work experience. A typo on the last page of the policy will be corrected.

Mr. Stanley referred to career pathways and pre-apprenticeship programs on page 1 under background and asked whether they include an OJT component. **Ms. Johnson** replied that this is correct. For the youth population, there are work experiences not necessarily tied to employment at the end, as most youth do not have a concrete plan for career choices. Through completion of work experience and pre-apprenticeship programs, they are better able to determine a career path choice.

Mr. Soderberg referred to page 6 and noted that the federal system has money passing through DETR's hands to local boards. In this section, there is a new concept, where local boards are allowed to spend 10 percent of the funds on their own. In a sense, this is an experimental process, and the local boards will be watched closely to determine if the money is being spent wisely and effectively. **Mike Raponi** asked whether the 10 percent reflects true administrative-related costs or whether some goes to the programmatic side to monitor local provider programs. **Ms. Parven** clarified that the 10 percent has nothing to do with cost. It is an amount that can be provided in services directly by the board versus a provider. It is not reflective of administrative costs versus program costs. **Mr. Stanley** asked how this affects the funding formula for in-school, out-of-school youth with the 80/20 split. **Ms. Parven** replied that this does not affect those formula totals. These funds must serve out-of-school youth and do not impact the split.

It was moved by Mr. New and seconded by Ms. Kirkpatrick to approve State Compliance Policy 2.4 as corrected. Motion carried.

9. *FOR POSSIBLE ACTION/DISCUSSION – Governor's Workforce Development Board Bylaws Revision

Manny Lamarre (Director, Governor's Office for Workforce Innovation (OWINN)), addressed the proposed revisions to the Governor's Workforce Development Board Bylaws. An example of the revisions is the change from Governor's Workforce Investment Board to Governor's Workforce Development Board. Other changes include citations of WIOA and WIA, further defining of Section 3.3 in reference to the definition of a quorum as well as updates with Executive Order 2016-08, which establish the Executive Committee as well as the revision of the Industry Sector Councils via Executive Order.

Ms. Kirkpatrick asked whether there is an expiration date on the Executive Order and whether such expiration would affect the Bylaws. **Mr. Lamarre** explained that the Executive Order goes through June, 2017. The Governor has stated that there is a budgetary Bill Draft Request (BDR) to establish OWINN as a permanent office, which ensures that the work and support for the Industry Sector Councils continues.

Mr. New referred to page 6, Section 3.3 referencing GWIB and as a housekeeping suggestion, this be replaced with state board for purposes of consistency. He also clarified that the membership for the Executive Committee clearly outlines representation from higher education and the K-12 system. However, in looking at the membership for the broader state board, it does not identify representation specifically from these two groups. There is a catch-all category for membership of the broad state board that says "any other representation that the Governor may deem necessary." The assumption is the Governor is free to appoint representation from higher education and K-12; however the membership on the Executive Committee seems to tie the Governor's hands by requiring him to appoint from higher education and K-12. **Mr. Raponi** agreed and suggested the need for clarification. He referred to the language under Section 2.1 and noted that it is dictated by WIOA. In terms of Executive Committee membership, he referred to number 7, "Other representation the Governor may deem necessary," or under 6, "Representatives of state government."

Ms. Kirkpatrick stated that in targeting in-school and out-of-school youth, a representative from education must be included. Apprenticeship programs typically go through higher education at some point. Higher education also serves on the sector councils. Membership of the WIOA Board is dictated by the Act. **Mr. Stanley** referred to Section 4.1.2, noting that it states, “5. One member presenting higher education,” and “6. One member representing either K-12 or local workforce training program.” Under Section 2, it refers to representation of business and workforce. Clearly, the current composition includes two individuals on the Executive Board with some involvement in apprenticeship training. **Mr. New** stated that there is a disconnect between the two sections. He added that Mr. Raponi provides a solution to the dilemma, by pointing out the reference to state employees, as K-12 and higher education could both be considered state employees. **Mr. Raponi** said that a decision should be made as to whether K-12 needs to be represented on the Executive Committee and the Board. It was discussed that there is currently one member from higher education on the state board and the Executive Board. **Ms. Kirkpatrick** added that they also serve on the sector councils.

Ms. Nelson clarified the sources of the memberships are outlined by WIOA. The sources for the Executive Committee membership arise from Executive Order 2016-08. Mr. Raponi stated that career and technical education at the secondary level must be aligned to the post-secondary level as well as the priorities on OWINN. As such, the bylaws should specify a representative from K-12, as this would be within the scope of the Executive Order. He stated his understanding of federal acts is that there are not prohibitions for a state to exceed requirements so long as the requirements in the act are met. **Ms. Kirkpatrick** suggested waiting for an upcoming legislative bill before spending significant time revising the current bylaws, which will carry through the legislative session. **Mr. Soderberg** agreed with Ms. Kirkpatrick, adding that he was not interested in revising the bylaws in any way that would constrain the current or any future governor’s discretion. He suggested passing the by-laws as written.

It was moved by Ms. Kirkpatrick and seconded by Mr. Stanley to accept the Governor’s Workforce Development Board Bylaws Revision. Motion carried.

10. DISCUSSION – DETR Director Updates

Mr. Soderberg stated that DETR is working on an RFP to have an industry expert evaluate local areas for the local boards, which currently consists of north and south. The expert would be asked to provide advice on suggested changes.

11. PUBLIC COMMENTS NOTICE (SECOND)

Chair Mack read the statement into the record: “Members of the public are invited to comment at this time; however no action may be taken on any matters during public comment until the matter itself has been included on an agenda as an item for possible action. In my discretion, in the interest of time, public comment will be limited to three minutes per person.” He invited comments from Carson City, Las Vegas or on the telephone.

Chair Mack invited comments from Carson City, Las Vegas or via telephone. There were none.

12. ADJOURNMENT

The September 9, 2016 meeting was adjourned.

STATE OF NEVADA



Governor's Workforce Development Board

Bylaws

Effective: **October 20, 2016**

The following document constitutes the rules of practice for the Governor's Workforce Development Board ('state board'), as authorized in [NRS 232.935](#).

CONTENTS

ARTICLE 1: Name, Authority, Duties, and Service Areas.....	3
Section 1.1. NAME	3
Section 1.2. LEGAL AUTHORITY.....	3
Section 1.3. DUTIES OF THE STATE BOARD.....	3
Section 1.4. AREAS SERVED	4
Section 1.5 DESIGNATED STATE AGENCY, BOARD STAFF AND CONTACT INFORMATION	4
ARTICLE 2: Membership, Terms of Office and Officers.....	5
Section 2.1. MEMBERSHIP	5
Section 2.2. TERMS OF OFFICE.....	5
Section 2.3. OFFICERS	5
ARTICLE 3: Meetings Procedures, Attendance, Quorum, and Voting Rights.....	6
Section 3.1. MEETING PROCEDURES	6
Section 3.2. ATTENDANCE	6
Section 3.3. QUORUM.....	6
Section 3.4. VOTING RIGHTS.....	7
Section 3.5. CONFLICT OF INTEREST	7
ARTICLE 4: Executive Committee, Councils, Subcommittees, and Workgroups.....	7
Section 4.1. EXECUTIVE COMMITTEE	7
Section 4.1.1. Appointment.....	8
Section 4.1.2. Membership	8
Section 4.1.3. Meetings & Quorum	8
Section 4.1.4. Duties.....	8
Section 4.2. INDUSTRY SECTOR COUNCILS	9
Section 4.3. OTHER STANDING COMMITTEES, SUBCOMMITTEES, and WORKGROUPS.....	9

ARTICLE 5: Amendment of Bylaws..... 9

 Section 5.1. BYLAW REVISION..... 9

 Section 5.2. BYLAW REVIEW 9

APPROVAL..... 10

ARTICLE 1: NAME, AUTHORITY, DUTIES, AND SERVICE AREAS

Section 1.1. NAME

The name of this board is the GOVERNOR'S WORKFORCE DEVELOPMENT BOARD (hereinafter the 'state board'; GWDB), *previously known as* the State Workforce Investment Board (SWIB) and the Governor's Workforce Investment Board (GWIB).

Section 1.2. LEGAL AUTHORITY

The state board was established in accordance with sec. 111 of the Workforce Investment Act of 1998 (WIA), and reauthorized in sec. 101 of the Workforce Innovation and Opportunity Act of 2014 (WIOA). The state board is codified in Nevada Revised Statutes [\(NRS\) 232.935](#), and through Governor's Executive Order No. [2015-08](#); modified through Governor's Executive Order No. [2016-08](#).

Section 1.3. DUTIES OF THE STATE BOARD

In accordance with WIOA Title I, subtitle A, chapter 1, sec. 101(d), the state board shall assist the Governor with:

1. The development, implementation and modification of the state plan.
2. The review of statewide policies, programs and recommendations on actions that should be taken by the state to align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system, including review and commentary on the state plan for programs and activities of one-stop partners that are not WIOA core programs.
3. The development of, and recommendations for, the continuous improvement of the workforce development system.
4. The development and update of comprehensive state performance accountability measures to assess the effectiveness of core programs in the state.
5. The identification and dissemination of information on best practices.
6. The review and development of statewide policies affecting the coordinated provision of services through the state's one-stop delivery system.
7. The development of strategies for implementing and funding technological improvements to facilitate access to, and improve the quality of, services and activities provided through the state's one-stop delivery system.

8. The development of strategies for aligning technology and data systems across one-stop partner programs to enhance service delivery and improve efficiencies in reporting on performance accountability measures.
9. The review and development of allocation formulas for the distribution of funds to local areas for employment and training activities for adults and youth workforce investment activities to local areas.
10. The preparation of annual reports.
11. The development of the statewide workforce and labor market information system, as described in the Wagner-Peyser Act (29 U.S.C. 491-2(e)).
12. The development of any other policies and recommendations that will encourage and promote improvements to the workforce development system in the state.

Section 1.4. AREAS SERVED

Nevada currently has two designated local workforce development areas: *northern* Nevada and southern Nevada. The following counties and cities are designated as local workforce development areas within those two respective regions:

Northern Nevada: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, and White Pine counties.

Southern Nevada: Clark, Esmeralda, Lincoln, Nye, Boulder City, Henderson, Las Vegas, and North Las Vegas.

Section 1.5 DESIGNATED STATE AGENCY, BOARD STAFF AND CONTACT INFORMATION

The Department of Employment, Training and Rehabilitation (DETR) is the designated state agency for administering WIOA.

500 E. Third Street
Carson City, NV 89713

The Office of Workforce Innovation (OWINN) is the designated entity to provide administrative support to the state board and its committees within the limits of available resources.

State Capitol Building
101 N. Carson Street
Carson City, NV 89701

ARTICLE 2: MEMBERSHIP, TERMS OF OFFICE AND OFFICERS

Section 2.1. **MEMBERSHIP**

In accordance with sec. 101(d) of WIOA, state board membership shall include:

1. The Governor or his/her designee;
2. One member from each chamber of the Nevada State Legislature, who shall be appointed by the appropriate presiding officer;
3. Two or more chief elected officials, who shall collectively represent cities and counties;
4. Representatives of businesses, as required by WIOA, who shall comprise a simple majority (51 percent) of the state board, and shall include business owners and business representatives from various industry sectors and business trade associations;
5. Representatives of workforce, as required by WIOA, who shall comprise no less than 20 percent of the state board, and shall include representatives of labor federations, labor organizations, and joint labor management or apprenticeship programs;
6. Representatives of state government, as required by WIOA, who are officials with primary responsibilities for the core programs contained in WIOA; and,
7. Any other representation the Governor may deem necessary.

Except for item 2.1.(2), membership of the state board is appointed by the Governor to represent diverse geographic areas of the state, and serve at the pleasure of the Governor.

Section 2.2. **TERMS OF OFFICE**

Members of the state board shall be appointed to serve three-year terms. There is no limit on the number of terms an individual may serve; however, a member may serve no more than two consecutive terms. After serving two consecutive terms, a former member is eligible to serve again after a two-year absence from the state board.

Section 2.3. **OFFICERS**

The officers of the state board shall be: chair and vice chair. The officers are designated by the Governor. The duties of the officers are:

Chair: The chair shall preside over all meetings of the state board, and shall have other duties as assigned by the Governor, the state board and/or these bylaws.

Vice Chair: The vice chair shall act as the chair in his/her absence, and shall have other duties as assigned by the Governor, the state board, the chair, and/or these bylaws.

ARTICLE 3: MEETINGS PROCEDURES, ATTENDANCE, QUORUM, AND VOTING RIGHTS

Section 3.1. MEETING PROCEDURES

The state board shall meet at least four times per year at a time and location to be determined at the prior meeting. The chair may call special meetings at his/her discretion.

All meetings shall comply with Nevada's Open Meeting Law, [NRS 241.020](#). Communications from persons not members of the state board must be made to the chair in writing at least 20 days before a regularly scheduled state board meeting, or made during published public comment period at the public meetings. All state board meetings and business will be conducted pursuant to Roberts Rules of Order (current version).

Minutes of the state board meetings shall be recorded and maintained by the designated state agency pursuant to [NRS 241.035](#).

Section 3.2. ATTENDANCE

State board members are expected to attend all meetings in person. State board members who miss three consecutive regular meetings may be recommended by the chair to the Governor for replacement. An exception may be granted when absences are justified for good cause. Said exception for retention must be made in writing to the chair.

Section 3.3. QUORUM

A quorum of the state board shall consist of a simple majority (51 percent) of the total membership positions required by WIOA, to-wit: 33. A quorum of any state board committee or subcommittee shall consist of a simple majority of the members of said committee, council and/or subcommittee.

If a quorum is present, the affirmative vote of the majority shall be an official act of the state board. Proxy votes are not be allowed for state board, committee, council, and/or subcommittee meetings.

Section 3.4. VOTING RIGHTS

Each member of the state board who is present shall cast one vote on any question.

In certain instances, voting members may designate, in writing, one alternate to represent them at board and committee meetings. Alternates must be approved by the Chair and, upon approval, shall have full voting privileges for the voting member.

Section 3.5. CONFLICT OF INTEREST

1. Except as provided in paragraph (2) of this section, a member of the state board shall:
 - a. When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon; or
 - b. When met with an actual conflict of interest, announce publicly the nature of the conflict and refrain from participating in any discussion or debate on the issue out of which the actual conflict arises and refrain from voting on the issue.



~~c. Be eligible to vote in case of an actual conflict if the member's vote is necessary to meet a requirement of a minimum number of votes to take official action, but not to participate in any discussion or debate on the issue out of which the actual conflict arises.~~

2. WIOA forbids a member from voting on a matter under consideration by the state board regarding the provision of services by such member (or by an entity that such member represents), without exception. A state board member shall announce publicly the nature of the conflict regarding provision of services by such member, refrain from participating in any discussion or debate on the matter and refrain from voting on the matter under any circumstance.

ARTICLE 4: EXECUTIVE COMMITTEE, COUNCILS, SUBCOMMITTEES, AND WORKGROUPS

Section 4.1. EXECUTIVE COMMITTEE

Pursuant to Governor's Executive Order No. [2016-08](#), the executive committee of the state board is formed to assist the work of the state board. The executive committee shall operate pursuant to its **Rules of Practice**, which were approved and ratified by the Governor's Workforce Development Board on April 21, 2016.

SECTION 4.1.1. APPOINTMENT

The executive committee shall be appointed by and serve at the pleasure of the Governor.

SECTION 4.1.2. MEMBERSHIP

The executive committee shall be appointed by and serve at the pleasure of the Governor, and shall be comprised of no more than nine members selected from the state board. Members shall include:

1. The current chair of the state board, who shall also serve as chair of the executive committee;
2. Four members representing businesses or the workforce;
3. One member representing state government;
4. One member representing local government;
5. One member representing higher education; and,
6. One member representing either K-12 education or local workforce training programs.

SECTION 4.1.3. MEETINGS & QUORUM

The executive committee may meet as often as necessary at the discretion of its chairperson, and all meetings shall be subject to Nevada's Open Meeting Law, [NRS 241.020](#).

A quorum of the executive committee shall consist of a simple majority (51 percent) of the total membership positions.

If a quorum is present, the affirmative vote of the majority shall be an official act of the executive committee.

SECTION 4.1.4. DUTIES

The executive committee shall evaluate reports from the Office of Workforce Innovation and make recommendations to the state board regarding the allocation of workforce development funds within the state board's purview.

Section 4.2. INDUSTRY SECTOR COUNCILS

The state board shall establish industry sector councils. The industry sector councils shall operate pursuant Governor’s Executive Order No. [2016-08](#), and their adopted Overview and Guidelines established on **July 14, 2016**.

Section 4.3. OTHER STANDING COMMITTEES, SUBCOMMITTEES, and WORKGROUPS

The state board may establish standing committees, councils, subcommittees, and workgroups as needed to carry out its duties and responsibilities.

Standing committees, councils and subcommittees may conduct public meetings, and are subject to Nevada’s Open Meeting Law, [NRS 241.020](#), and shall provide any reports and/or recommendations back to the state board for approval and/or ratification.

Any workgroups assigned by the state board shall not deliberate, as defined in [NRS 241.015\(2\)](#), and therefore shall not constitute a ‘public body’ as defined in [NRS 241.020\(4\)](#) and be bound by Nevada’s Open Meeting Law, [NRS 241.020](#). Said workgroups shall only work on ad hoc state board projects and present said workings to the state board at its public meetings.

Upon consultation with the Governor and the Office of Workforce Innovation, the state board chair shall appoint members to any standing committee, council and/or subcommittee.

ARTICLE 5: AMENDMENT OF BYLAWS

Section 5.1. BYLAW REVISION

These bylaws can be amended, repealed or new bylaws enacted at any regular or special meeting provided that said revision is agendized. Said action must be placed on a future agenda for *possible action*, properly posted and noticed to the state board and the public per Nevada’s Open Meeting Law, [NRS 241.020](#).

Section 5.2. BYLAW REVIEW

The chair of the state board shall assign the review of these bylaws to a committee to review on an annual basis.

APPROVAL

These bylaws have been approved by the Governor's Workforce Development Board's *Executive Committee* on September 9, 2016, and ratified on October 20, 2016 by the Governor's Workforce Development Board.



Chair, Governor's Workforce Development Board

October 20, 2016

Date



Governor's Workforce Development Board's *Executive Committee*

November 14, 2016 Meeting

PLACEHOLDER PAGE

7. FOR DISCUSSION

GWDB Industry Sector Council Reports*

- * Said report(s) will be disseminated to the Committee and interested parties *prior to* the November 14, 2016 meeting.

Per **NRS 241.020(5)**, a copy of this meeting's documentation will be available at the meeting for public viewing.



Governor's Workforce Development Board's *Executive Committee*

November 14, 2016 Meeting

PLACEHOLDER PAGE

8. FOR DISCUSSION

Nevada Young Adult Jobs and Training Opportunity Report *

* Said report(s) will be disseminated to the Committee and interested parties *prior to* the November 14, 2016 meeting.

Per **NRS 241.020(5)**, a copy of this meeting's documentation will be available at the meeting for public viewing.



Governor's Workforce Development Board's *Executive Committee*

November 14, 2016 Meeting

PLACEHOLDER PAGE

9. FOR DISCUSSION

One-Stop Certification Criteria *

* Said documentation will be disseminated to the Committee and interested parties *prior to* the November 14, 2016 meeting.

Per **NRS 241.020(5)**, a copy of this meeting's documentation will be available at the meeting for public viewing.

Policy Summary

State Compliance Policy (SCP) 1.2

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.2 to the Governor's Executive Committee for review and approval.

State Compliance Policy 1.2 communicates the policy to Local Areas for determining the Local Plan requirements.

The local plan is the primary vehicle for communicating the Local Board's (LWDB's) vision for the local workforce system and aligning and integrating local service delivery across Federal programs in a region to foster better alignment of Federal investments in job training, integrate service delivery across programs, and ensure that the workforce system is job-driven and matches employers with skilled individuals.

This policy provides guidance to the local boards on the purpose, required parties, procedure and content obligations as part of the Local Plan.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 1.2

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Local Plan

Issued: NEW; replacing WIA State Compliance Policy 1.2

Purpose: To provide Local Workforce Development Boards (LWDBs) Chief Elected Officials (CEOs) and American Job Center of Nevada (One-Stop Career Center Operators) with the Workforce Innovation and Opportunity Act (WIOA) requirements for the Local Plan.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §679.500-580

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

The local plan is the primary vehicle for communicating the LWDB's vision for the local workforce system and aligning and integrating local service delivery across Federal programs in a region to foster better alignment of Federal investments in job training, integrate service delivery across programs, and ensure that the workforce system is job-driven and matches employers with skilled individuals.

The LWDB, in partnership with the chief elected official for the local area involved, shall develop and submit a local plan to the Governor that meets the requirements in WIOA sec. 108. Since the local plan is only as effective as the partnerships that operationalize it, it must represent a collaborative process among local elected officials, boards, and required and other partners, including economic development, education, and private sector partners to create a shared understanding of the local area's workforce investment needs, a shared vision of how the workforce investment system can be designed to meet those needs, and agreement on the key strategies to realize this vision.

The local plan shall support the strategy described in the State plan in accordance with WIOA sec. 102(b)(1)(E), and otherwise be consistent with the State plan. The local plan serves as a 4-year action plan to develop, align, and integrate the region and local area's job-driven workforce development systems, and provides the platform to achieve the local area's visions and strategic and operational goals.

Local Board and appropriate CEOs must review the local plan every 2 years and submit a modification as needed, based on significant changes in labor market and economic conditions and other factors including changes to local economic conditions, changes in the financing available to support WIOA title I and partner-provided WIOA services, changes to the Local Board structure, or a need to revise strategies to meet performance goals.

The local plan is subject to the Sunshine Provisions of WIOA sec. 107(e) as to the public comment process.

Policy and Procedure:

WIOA sec. 108. and 20 CFR §679.560

(a) IN GENERAL.—Each local board shall develop and submit [after LEOs and Board approval] to the Governor a comprehensive 4-year local plan, in partnership with the chief elected official. The local plan shall support the strategy described in the State plan in accordance with [WIOA] section 102(b)(1)(E), and otherwise be consistent with the State plan. If the local area is part of a planning region, the local board shall comply with [WIOA] section 106(c) in the preparation and submission of a regional plan. At the end of the first 2-year period of the 4- year local plan, each local board shall review the local plan and the local board, in partnership with the chief elected official, shall prepare and submit modifications to the local plan to reflect changes in labor market and economic conditions or in other factors affecting the implementation of the local plan.

(b) CONTENTS.—The local plan shall include—

(1) a description of the strategic planning elements consisting of—

(A) an analysis of the regional economic conditions including—[if applicable]

(i) existing and emerging in-demand industry sectors and occupations; and

(ii) the employment needs of employers in those industry sectors and occupations;

(B) an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations;

(C) an analysis of the workforce in the region, including current labor force employment (and unemployment) data, and information on labor market trends, and the educational and skill levels of the workforce in the region, including individuals with barriers to employment;

(D) an analysis of the workforce development activities (including education and training) in the region, including an analysis of the strengths and weaknesses of such services, and the capacity to provide such services, to address the identified education and skill needs of the workforce and the employment needs of employers in the region;

(E) a description of the local board’s strategic vision and goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), including goals relating to the performance accountability measures based on primary indicators of performance described in [WIOA] section 116(b)(2)(A) in order to support regional economic growth and economic self-sufficiency; and
(F) taking into account analyses described in subparagraphs (A) through (D), a strategy to work with the entities that carry out the core programs to align resources available to the local area, to achieve the strategic vision and goals described in subparagraph (E);

(2) a description of the workforce development system in the local area that identifies the programs that are included in that system and how the local board will work with the entities carrying out core programs and other workforce development programs to support alignment to provide services, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), that support the strategy identified in the State plan under [WIOA] section 102(b)(1)(E);

(3) a description of how the local board, working with entities carrying out core programs, will expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, including how the local board will facilitate the development of career pathways and co-enrollment, as appropriate, in core programs, and improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable);

(4) a description of the strategies and services that will be used in the local area—
(A) in order to—
(i) facilitate engagement of employers, including small employers and employers in in-demand industry sectors and occupations, in workforce development programs;
(ii) support a local workforce development system that meets the needs of businesses in the local area;
(iii) better coordinate workforce development programs and economic development; and
(iv) strengthen linkages between the one-stop delivery system and unemployment insurance programs; and

(B) that may include the implementation of initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies, designed to meet the needs of employers in the corresponding region in support of the strategy described in paragraph (1)(F);

(5) a description of how the local board will coordinate workforce investment activities carried out in the local area with economic development activities

- carried out in the region in which the local area is located (or planning region), and promote entrepreneurial skills training and microenterprise services;
- (6) a description of the one-stop delivery system in the local area, including—
- (A) a description of how the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that such providers meet the employment needs of local employers, and workers and jobseekers;
 - (B) a description of how the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and through other means;
 - (C) a description of how entities within the one-stop delivery system, including one-stop operators and the onestop partners, will comply with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and
 - (D) a description of the roles and resource contributions of the one-stop partners;
- (7) a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area;
- (8) a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as described in section 134(a)(2)(A);
- (9) a description and assessment of the type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which description and assessment shall include an identification of successful models of such youth workforce investment activities;
- (10) a description of how the local board will coordinate education and workforce investment activities carried out in the local area with relevant secondary and postsecondary education programs and activities to coordinate strategies, enhance services, and avoid duplication of services;
- (11) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of transportation, including public transportation, and other appropriate supportive services in the local area;
- (12) a description of plans and strategies for, and assurances concerning, maximizing coordination of services provided by the State employment service under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) and services provided in the local area through the one-stop delivery system, to improve service delivery and avoid duplication of services;
- (13) a description of how the local board will coordinate workforce investment activities carried out under this title in the local area with the provision of adult education and literacy activities under title II in the local area, including a

description of how the local board will carry out, consistent with subparagraphs (A) and (B)(i) of [WIOA] section 107(d)(11) and [WIOA] section 232, the review of local applications submitted under title II;

(14) a description of the replicated cooperative agreements (as defined in section 107(d)(11)) between the local board or other local entities described in [WIOA] section 101(a)(11)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(11)(B)) and the local office of a designated State agency or designated State unit administering programs carried out under title I of such Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)) in accordance with section 101(a)(11) of such Act (29 U.S.C. 721(a)(11)) with respect to efforts that will enhance the provision of services to individuals with disabilities and to other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination;

(15) an identification of the entity responsible for the disbursement of grant funds described in [WIOA] section 107(d)(12)(B)(i)(III), as determined by the chief elected official or the Governor under [WIOA] section 107(d)(12)(B)(i);

(16) a description of the competitive process to be used to award the sub-grants and contracts in the local area for activities carried out under this title;

(17) a description of the local levels of performance negotiated with the Governor and chief elected official pursuant to [WIOA] section 116(c), to be used to measure the performance of the local area and to be used by the local board for measuring the performance of the local fiscal agent (where appropriate), eligible providers under subtitle B, and the one-stop delivery system, in the local area;

(18) a description of the actions the local board will take toward becoming or remaining a high-performing board, consistent with the factors developed by the State board pursuant to [WIOA] section 101(d)(6);

(19) a description of how training services under chapter 3 of subtitle B will be provided in accordance with [WIOA] section 134(c)(3)(G), including, if contracts for the training services will be used, how the use of such contracts will be coordinated with the use of individual training accounts under that chapter and how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided;

(20) a description of the process used by the local board, consistent with subsection (d), to provide an opportunity for public comment, including comment by representatives of businesses and comment by representatives of labor organizations, and input into the development of the local plan, prior to submission of the plan;

(21) a description of how one-stop centers are implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under this Act and programs carried out by one-stop partners; and

(22) such other information as the Governor may require.

(c) **EXISTING ANALYSIS.**—As appropriate, a local area may use an existing analysis in order to carry out the requirements of subsection (b)(1) concerning an analysis.

(d) PROCESS.—Prior to the date on which the local board submits a local plan under this section, the local board shall—

(1) make available copies of a proposed local plan to the public through electronic and other means, such as public hearings and local news media;

(2) allow members of the public, including representatives of business, representatives of labor organizations, and representatives of education to submit to the local board comments on the proposed local plan, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available;

~~[(3) obtain approval by LEOs and Board;]~~ and

~~[(4)]~~ include with the local plan submitted to the Governor under this section any such comments that represent disagreement with the plan.

(e) PLAN SUBMISSION AND APPROVAL.—A local plan submitted to the Governor under this section (including a modification to such a local plan) shall be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan (including such a modification), unless the Governor makes a written determination during the 90-day period that—

(1) deficiencies in activities carried out under this subtitle or subtitle B have been identified, through audits conducted under [WIOA] section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies;

(2) the plan does not comply with the applicable provisions of this Act; or

(3) the plan does not align with the State plan, including failing to provide for alignment of the core programs to support the strategy identified in the State plan in accordance with [WIOA] section 102(b)(1)(E).

Local Plan Purpose (20 CFR §679.500)

(a) The local plan serves as 4-year action plan to develop, align, and integrate service delivery strategies and to support the State's vision and strategic and operational goals. The local plan sets forth the strategy to:

(1) Direct investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure that individuals, including youth and individuals with barriers to employment, have the skills to compete in the job market and that employers have a ready supply of skilled workers;

(2) Apply job-driven strategies in the one-stop delivery system;

(3) Enable economic, education, and workforce partners to build a skilled workforce through innovation in, and alignment of, employment, training, and education programs; and

(4) Incorporate the local plan into the regional plan per [20 CFR]§ 679.540.

(b) In the case of planning regions, a regional plan is required to meet the purposes described in paragraph (a) of this section and to coordinate resources among multiple WDBs in a region.

(c) The Governor must establish and disseminate to Local WDBs and regional planning areas a policy for the submission of local and regional plans. The policy must set a

deadline for the submission of the regional and local plans that accounts for the activities required in plan development outlined in [20 CFR]§ 679.510 and 679.550.

Regional Planning Requirement (20 CFR §679.510)

(a) Local WDBs and chief elected officials within an identified planning region (as defined in WIOA secs. 106(a)(2)(B)–(C) and § 679.200) must:

- (1) Participate in a regional planning process that results in:
 - (i) The preparation of a regional plan, as described in paragraph (a)(2) of this section and consistent with any guidance issued by the Department;
 - (ii) The establishment of regional service strategies, including use of cooperative service delivery agreements;
 - (iii) The development and implementation of sector initiatives for in-demand industry sectors or occupations for the planning region;
 - (iv) The collection and analysis of regional labor market data (in conjunction with the State) which must include the local planning requirements at [20 CFR] § 679.560(a)(1)(i) and (ii);
 - (v) The coordination of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate;
 - (vi) The coordination of transportation and other supportive services as appropriate;
 - (vii) The coordination of services with regional economic development services and providers; and
 - (viii) The establishment of an agreement concerning how the planning region will collectively negotiate and reach agreement with the Governor on local levels of performance for, and report on, the performance accountability measures described in WIOA sec. 116(c) for local areas or the planning region.
- (2) Prepare, submit, and obtain approval of a single regional plan that:
 - (i) Includes a description of the activities described in paragraph (a)(1) of this section; and
 - (ii) Incorporates local plans for each of the local areas in the planning region, consistent with [20 CFR] § 679.540(a).

(b) Consistent with [20 CFR]§ 679.550(b), the Local WDBs representing each local area in the planning region must provide an opportunity for public comment on the development of the regional plan or subsequent plan modifications before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDBs must:

- (1) Make copies of the proposed regional plan available to the public through electronic and other means, such as public hearings and local news media;
- (2) Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education;
- (3) Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available; and
- (4) The Local WDBs must submit any comments that express disagreement with the plan to the Governor along with the plan.

- (5) Consistent with WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.
- (c) The State must provide technical assistance and labor market data, as requested by local areas, to assist with regional planning and subsequent service delivery efforts.
- (d) As they relate to regional areas and regional plans, the terms local area and local plan are defined in WIOA secs. 106(c)(3)(A)–(B).

[(6)] Plan must have LEOs and Board approval.

Regional Plan Approval Requirements (20 CFR §679.520)

Consistent with the requirements of [20 CFR]§ 679.570, the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after receipt of the plan unless the Governor determines in writing that:

- (a) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or
- (b) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements of 29 CFR part 38.
- (c) The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and § 676.105 of this chapter.

Regional Plan Modification Requirements (20 CFR §679.530)

- (a) Consistent with [20 CFR] § 679.580, the Governor must establish procedures governing the modification of regional plans.
- (b) At the end of the first 2-year period of the 4-year local plan, the Local WDBs within a planning region, in partnership with the appropriate chief elected officials, must review the regional plan and prepare and submit modifications to the regional plan to reflect changes:
- (1) In regional labor market and economic conditions; and
- (2) Other factors affecting the implementation of the local plan, including but not limited to changes in the financing available to support WIOA title I and partner-provided WIOA services.

Local Planning Reflected in the Regional Plan (20 CFR §679.540)

- (a) The regional plan must address the requirements at WIOA secs. 106(c)(1)(A)–(H), and incorporate the local planning requirements identified for local plans at WIOA secs. 108(b)(1)–(22).
- (b) The Governor may issue regional planning guidance that allows Local WDBs and chief elected officials in a planning region to address any local plan requirements through the regional plan where there is a shared regional responsibility.

Requirements For Developing the Local Plan (20 CFR §679.550)

- (a) Under WIOA sec. 108, each Local WDB must, in partnership with the appropriate chief elected officials, develop and submit a comprehensive 4-year plan to the Governor.

- (1) The plan must identify and describe the policies, procedures, and local activities that are carried out in the local area, consistent with the State Plan.
 - (2) If the local area is part of a planning region, the Local WDB must comply with WIOA sec. 106(c) and [20 CFR] § 679.510 through 679.540 in the preparation and submission of a regional plan.
- (b) Consistent with [20 CFR] § 679.510(b), the Local WDB must provide an opportunity for public comment on the development of the local plan or subsequent plan modifications before submitting the plan to the Governor. To provide adequate opportunity for public comment, the Local WDB must:
- (1) Make copies of the proposed local plan available to the public through electronic and other means, such as public hearings and local news media;
 - (2) Include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education;
 - (3) Provide no more than a 30-day period for comment on the plan before its submission to the Governor, beginning on the date on which the proposed plan is made available, prior to its submission to the Governor; and
 - (4) The Local WDB must submit any comments that express disagreement with the plan to the Governor along with the plan.
 - (5) Consistent WIOA sec. 107(e), the Local WDB must make information about the plan available to the public on a regular basis through electronic means and open meetings.
- [(6)] Plan must have LEOs and Board approval.***

Local Plan Approval Requirements (20CFR §679.570)

- (a) Consistent with the requirements at [20 CFR] § 679.520 the Governor must review completed plans (including a modification to the plan). Such plans will be considered approved 90 days after the Governor receives the plan unless the Governor determines in writing that:
- (1) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or
 - (2) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultations and public comment provisions, and the nondiscrimination requirements of 29 CFR part 38.
 - (3) The plan does not align with the State Plan, including with regard to the alignment of the core programs to support the strategy identified in the State Plan in accordance with WIOA sec. 102(b)(1)(E) and § 676.105 of this chapter.
- (b) In cases where the State is a single local area:
- (1) The State must incorporate the local plan into the State's Unified or Combined State Plan and submit it to the U.S. Department of Labor in accordance with the procedures described in § 676.105 of this chapter.
 - (2) The Secretary of Labor performs the roles assigned to the Governor as they relate to local planning activities.
 - (3) The Secretary of Labor will issue planning guidance for such States.

Local Plan Modification Requirements (20CFR §679.580)

- (a) Consistent with the requirements at § 679.530, the Governor must establish procedures governing the modification of local plans.
- (b) At the end of the first 2-year period of the 4-year local plan, each Local WDB, in partnership with the appropriate chief elected officials, must review the local plan and prepare and submit modifications to the local plan to reflect changes:
 - (1) In labor market and economic conditions; and
 - (2) Other factors affecting the implementation of the local plan, including but not limited to:
 - (i) Significant changes in local economic conditions;
 - (ii) Changes in the financing available to support WIOA title I and partner provided WIOA services;
 - (iii) Changes to the Local WDB structure; and
 - (iv) The need to revise strategies to meet local performance goals.

WIOA requires the development of four-year plans, and for these plans to be revisited/revised after the first two years. WIOA regulations direct LWBD to submit their local plans to DETR for review and approval after approval by the LEO and Board.

(20 CFR §680.320)

The Local Plan must describe the process to be used in selecting the providers under a contract for services.

Negotiating Local Performance

DETR provides performance suggestions based on Department of Labor recommended methods to the Local Boards. Local Boards review the recommendations and provide written responses regarding their local area.

Local Plan Due Dates

The Local Plan is due sixty (60) days after State Plan approval. Draft submittals to the State must have been presented and approved by the Local Elected Official and Local Board.

NOTE: Additional time will be given should communication from the Department of Labor issue different direction.

Local Plan Modification Procedures

At the end of the first 2-year period of the 4-year local plan, the LWDB, in partnership with the chief local elected officials, must review the plan and prepare and submit modifications to reflect changes in regional labor market, economic conditions or other factors affecting the implementation of the local plan, including but not limited to changes in the financing available to support WIOA Title I and partner-provided WIOA services. (20 CFR §679.530)

Local Plan Modification will follow the same process/timeline as outlined above. If a two year modification is not necessary, a formal letter will be sent to WISS from the LWDB indicating so.

**Workforce Investment Act
State Compliance Policies**

Section 1.2

Local Workforce Investment Board Plan

March 2005

I. Introduction:

The State Workforce Investment Board (SWIB) has developed a standardized format for the Local Workforce Investment Board Plan to assure the plans submitted conform to all the requirements of the Workforce Investment Act of 1998 and the Final Regulations dated August 11, 2000. (WIA Section 118, §661.345 and §661.350)

Local Workforce Investment Boards (LWIB) must use the elements of the Local Workforce Investment Plan (Plan), as provided in this policy when submitting either the two-year plan or any plan modifications to the State Workforce Investment Board.

II. Approval/Disapproval of Local Workforce Investment Plans:

- A. The SWIB and the Governor must review completed plans and must approve all such plans within ninety (90) days of their submission, unless the SWIB and the Governor determine in writing that: [§661.350(b)]
1. There are deficiencies identified in local workforce investment activities carried out under this subtitle that have not been sufficiently addressed; or
 2. The plan does not comply with Title I of WIA and the Final Regulations, including the required consultations, public comment provisions and the non-discrimination requirements of 29 CFR Part 37.

III. Publication Procedures for the Two-Year Plan and Modifications (TEGL 14-04 and §661.345):

- A. The LWIB must publish a summary of the plan 90 days prior to the beginning of the two (2) years covered by the plan. The summary shall be published in at least two newspapers of general circulation, including one in rural Nevada. The summary must include the location of the plan for general public review. Proof of publication is to be included with the two-year plan.
- B. The plan shall be reasonably available to the general public through such means as local news facilities, the public library, and public hearings. The SWIB must be notified of the dates of any public hearings.

IV. Plan Modification and Plan Revisions

- A. §661.355 requires that a modification be submitted if changes in local economic conditions, changes in the financing available (+/-15%) to support WIA Title I and partner-provided WIA services, changes to the LWIB structure, or a need to revise strategies to meet negotiated levels of performance.
- B. Modified and revised plans must include:
 - 1. A summary of the reason for modification or revision
 - 2. A corrected table of contents, if required
 - 3. Narrative changes must be bold face type for ease of review

V. Outline of the Local Workforce Investment Board Plan:

- A. Local Workforce Investment Plan Signature Sheet
- B. Table of Contents
- C. Assurances and Certifications
- D. Document List
- E. General Plan Information
 - 1. Goals and Objectives
 - 2. Local Workforce Investment Board
 - 3. Economic Development/Local Labor Area
 - 4. Performance Management
 - 5. One Stop System
 - 6. Coordination
 - 7. Public Comments/Process
- F. Organizational Structure
 - 1. Organization Chart
- G. Program Management
 - 1. Program Design
 - a. Priority and Special Populations
 - b. Assessment
 - c. Employment and Training Needs
 - d. Adult/Dislocated Worker
 - e. Youth
 - f. Rapid Response
 - g. Training Providers
 - h. Individual Training Accounts
 - i. Data Collection/Reporting Process
 - j. Monitoring
 - 2. Financial
 - 3. Incentive Grant

VI. Element of the Local Workforce Investment Board Plan:

A. Local Workforce Investment Plan Signature Sheet [§661.345(a)]

Local Workforce Investment Board Name and Address:

In accordance with the federal Workforce Investment Act, the undersigned Chief Local Elected Official and Local Workforce Investment Board chairperson have approved the Local Workforce Investment Board Plan and agree to operate, or cause to be operated, programs pursuant to this plan. The undersigned certifies that he/she concurs with the contents of this plan and agrees that this plan shall be carried out through contracted service providers as well as participating One-Stop Partners through the attached Memoranda of Understanding. The undersigned further certifies that no subgrant shall be executed without the concurrence of the designated local elected officials, the Local Workforce Investment Board, and the state of Nevada. This plan consists of this page, the Table of Contents, and all of the sections and attachments indicated on the Table of Contents.

Approved for the Local Workforce Investment Board

Signature of Chairperson

Date: _____

Approved for Local Elected Officials

Signature of Chief Elected Official

Date: _____

B. Table of Contents [When submitting plans, LWIBs must complete the Table of Contents using the format listed in Section V above of this Policy.]

C. Assurances and Certifications

CERTIFICATION REGARDING LOBBYING

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of

Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more that \$100,000 for each such failure.

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

Approved for the Local Workforce Investment Board

Signature of Chairperson

Date: _____

Approved for Local Elected Officials

Signature of Chief Elected Official

Date: _____

CERTIFICATION REGARDING

DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

(BEFORE SIGNING CERTIFICATION, READ ATTACHED INSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**INSTRUCTIONS FOR CERTIFICATION
(Debarment)**

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the Department of Labor's (DOL) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the DOL determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered and erroneous certification, in addition to other remedies available to the Federal Government, the DOL may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the DOL if at any time the prospective primary participant learns his or her certification was erroneous when submitted or has become erroneous by reason of charged circumstances.

5. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the DOL for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the DOL.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions,” provided by the DOL, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed what is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the DOL may terminate this transaction for cause or default.

Approved for the Local Workforce Investment Board

Signature of Chairperson

Date: _____

Approved for Local Elected Officials

Signature of Chief Elected Official

Date: _____

NONDISCRIMINATION AND EQUAL OPPORTUNITY

REQUIREMENTS OF WIA

(1) As a condition to the award of financial assistance under WIA from the Department of Labor, the grant applicant assures, with respect to operation of the WIA funded program or activity and all agreements or arrangements to carry out the WIA-funded program or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act 1998, including the Nontraditional Employment for Women Act of 1991 (where applicable); title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirement imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 34. The United States has the right to seek judicial enforcement of this assurance.

(2) The grant applicant certifies that it has developed and maintains a “Methods of Administration” pursuant to 29 CFR 34.33.

(3) The grant applicant is attaching information pursuant to 29 CFR 34.24 (a)(3)(ii) where applicable, including the name of any Federal agency other than the Department of Labor’s Directorate of Civil Rights that conducted a civil rights compliance review or complaint investigation during the two preceding years in which the grant applicant was found to be in noncompliance; and shall identify the parties to, the forum of, and case numbers pertaining to, any administrative enforcement actions or lawsuits filed against it during the two years prior to its application which allege discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or participation in WIA.

Note: No findings of noncompliance in the last two years.

Approved for the Local Workforce Investment Board

Signature of Chairperson

Date: _____

Approved for Local Elected Official

Signature of Chief Elected Official

Date: _____

CERTIFICATION REGARDING DRUG-FREE

WORKPLACE REQUIREMENTS

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee to provide in the space below the primary address of the Administrative entity in connection with this grant.

(Name of Organization, street address, city, and zip code):

Name of Organization: _____

Street Address: _____

City: _____

Zip Code: _____

Name and Title of Authorized Signatory: _____

Signature: _____

Date: _____

Approved for the Local Workforce Investment Board

Signature of Chairperson

Date: _____

Approved for Local Elected Officials

Signature of Chief Elected Official

Date: _____

ASSURANCES/CERTIFICATIONS - the LWIB assures and certifies that all programs and activities funded under the Workforce Investment Act will comply with:	LWIB POLICY AND/OR PROCEDURE TITLE, EFFECTIVE/ REVISION DATE
1. GENERAL PLANNING:	
a. Section 117, §661.300, §661.305, §661.315 & §661.325, which establishes the Local Workforce Investment Board (LWIB), its functions and certification requirements. (<i>Please attach copy of current LWIB agreements and membership list.</i>)	
b. Section 117 (d) and §661.350, which establishes the responsibilities of the LWIB in respect to all stages of program planning, policy setting, oversight, evaluation, and implementation. The LWIB meeting agendas and minutes of meetings, which indicate the extent of the LWIB's involvement in the WIA program are available for review upon request.	
c. §661.305 (a)(1), which ensures the LWIB, in partnership with local elected officials, is responsible for developing the Local Workforce Investment Board Plan, including the involvement by representatives of participating One-Stop Partners.	
d. Section 118(c)(1&2) and §661.345(b & c), which requires the local board to make available copies of a proposed plan to the public through such means as public hearings and the local media; allow members of the local board and members of the public including representatives of business and labor organizations, to submit comments on the proposed local plan to the local board, not later than the end of the 30-day period beginning on the date on which the proposed local plan is made available; and include with the local plan submitted to the Governor any comments that express disagreement with the plan.	
e. That the proposed plan, annual modifications and plan revisions have been made available for public review and comment. [§661.345(b)] If applicable, date of public hearing: _____ <i>If comments were received, copies of these responses should be attached.</i>	

ASSURANCES/CERTIFICATIONS - the LWIB assures and certifies that all programs and activities funded under the Workforce Investment Act will comply with:	LWIB POLICY AND/OR PROCEDURE TITLE, EFFECTIVE/ REVISION DATE
f. Section 118 (b)(1)(A-C), which requires the LWIB to use appropriate labor market and demographic analysis as the basis for planning programs to ensure (1) a systematic assessment of local labor market needs and problems; and (2) that occupational training provided is in occupations for which job opportunities exist and at the level of skills required by private employers.	
g. Section 134(d)(4)(A)(iii) and §663.310 (c), which requires training provided with funds made available under this Act shall be only for occupations for which there is a demand in the area served or in another area to which the participant is willing to relocate, and consideration in the section of training programs may be given to training in occupations determined to be in sectors of the economy which have a high potential for sustained demand or growth.	
2. PROGRAM DESIGN:	
a. §662.230, which requires access to mandated One-Stop Partners core services through the One-Stop delivery system.	
b. §663.110, §663.115, §663.220, §663.230, §663.310, and §§664.200-220, which define eligibility requirements for adult and dislocated worker core, intensive, and training services, as well as youth services.	
3. PROGRAM MANAGEMENT:	
a. Section 188, §667.275, and 29 CFR Part 37, which requires the LWIB and all subrecipients not to discriminate in employment or in the provisions of services based on race, religion, color, national origin, sex, age, marital status, arrest without conviction, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in programs funded under the Act.	
b. §667.266 and §667.275(3)(b) which requires the LWIB and its subrecipients not to place participants in the construction operation, or maintenance of any facility which is used or to be used for sectarian instruction or as a place for religious worship.	

ASSURANCES/CERTIFICATIONS - the LWIB assures and certifies that all programs and activities funded under the Workforce Investment Act will comply with:	LWIB POLICY AND/OR PROCEDURE TITLE, EFFECTIVE/ REVISION DATE
c. Workforce Investment Act Letter (WIAL 3-99), which requires that participation in programs and activities financially assisted in whole or in part under this act shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees, and other individuals authorized by the Attorney General to work in the United States.	
d. §667.630, which requires that programs funded under the Act, will be administered in full compliance with safeguards against fraud and abuse.	
e. §667.200(d), which requires LWIB and its subrecipient/ subcontractors to comply with the debarment and suspension regulations.	
f. Section 188, 29 CFR Part 37, and 667.275 (a)(3), which requires all recipients to provide physical and programmatic accessibility and reasonable accommodation to WIA program services in compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.	
g. 29 CFR Part 37.34, which requires that all grant recipients and their subrecipients must indicate in recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or to the public at large that the WIA Title I program or activity described “is an equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities.” These materials must indicate that the program or service provider may be reached by telephone, and must state the telephone number of the Telephone for Deaf and Deafened (TDD) or relay services used as required in 29 CFR Part 37.9(c).	
h. 29 CFR Parts 37.29-33, which requires public notice of EEO provisions.	
i. §667.274, which requires that LWIB and its subrecipients assure compliance with State and Federal health and safety laws as well as to assure the maintenance of workers’	

ASSURANCES/CERTIFICATIONS - the LWIB assures and certifies that all programs and activities funded under the Workforce Investment Act will comply with:	LWIB POLICY AND/OR PROCEDURE TITLE, EFFECTIVE/ REVISION DATE
compensation insurance on all WIA work-related activities.	
j. §667.600(f), which requires LWIB and its subrecipients to develop a system for the handling of complaints of discrimination from participants in accordance with the Section 188(a) of the Act, regulations and policies issued by the State.	
k. NRS 281.210, WIA Section 117(g) and §667.200(g)(1&2), which requires LWIB to establish local safeguards/policies to assure against nepotism by persons in an administrative capacity with regard to nepotism.	
l. §667.200(e), which requires all recipients and subrecipients to comply with the restrictions on lobbying.	
m. §667.262(a), which requires that no WIA funds be spent on employment generating activities, economic development, and other similar activities, unless they are directly related to training for eligible individuals. [Note: employer outreach and job development activities are directly related to training for eligible participants]	
n. §667.264, which lists activities prohibited under Title 1 of WIA.	
o. §667.268 (a)(1), which lists prohibitions relating to the use of WIA funds to encourage business relocation.	
p. §667.270, which lists safeguards to ensure that participants in WIA employment and training activities do not displace other employees.	
q. §667.300, which requires LWIB and its subrecipients to collect and report information on post-program outcomes for all adult, dislocated workers and youth participants and report to the State.	
r. §663.800, which requires the LWIB, in consultation with participating One-Stop Partners and other community service providers, to develop a policy on supportive services that ensures resource and service coordination in the local area. The policy should address procedures for referral to	

ASSURANCES/CERTIFICATIONS - the LWIB assures and certifies that all programs and activities funded under the Workforce Investment Act will comply with:	LWIB POLICY AND/OR PROCEDURE TITLE, EFFECTIVE/ REVISION DATE
supportive services, including how such services will be funded when they are not available from other sources. The LWIB must ensure that accurate information is provided about the availability of support services as part of core services offered to customers.	
4. MONITORING:	
a. As part of the statewide monitoring system, the LWIB must develop a sub-state monitoring and oversight plan which provides for oversight and monitoring of WIA activities of its subrecipients and contractors in order to: determine that expenditures have been made against the cost categories and within the cost limitations specified in the Act, regulations, and State polices; determine whether or not there is compliance with other provisions of the Act, regulations, and applicable laws regulations, and State policies; and provide technical assistance as necessary. The plan must also include a monitoring schedule; corrective action procedures including the timely resolution of identified problems; procedures for reporting findings and resolution of identified problems; procedures for reporting findings/resolutions to the State; and procedures for documenting and retaining sufficient information to demonstrate compliance with the Act and Regulations. [667.400 (c)(1) and §667.410]	
5. FINANCIAL MANAGEMENT:	
a. §667.210 and §667.220, which requires the LWIB and its subrecipients to comply with cost limitations provisions for expenditures of allocated funds.	
b. §667.200(c), which requires recipients to follow the Federal allowable cost principles identified in 29 CFR 95.27 and 97.22.	
c. Circular A-133, §667.200(b), 29 CFR Parts 97.26, and 95.26, which require the LWIB to establish an audit and audit resolution system and process in accordance with these provisions.	
6. RECORDS AND REPORTS:	

ASSURANCES/CERTIFICATIONS - the LWIB assures and certifies that all programs and activities funded under the Workforce Investment Act will comply with:	LWIB POLICY AND/OR PROCEDURE TITLE, EFFECTIVE/ REVISION DATE
a. §667.300(a)(b) & (d) requires that all grant recipients report financial, participant and performance data in accordance with instructions issued by DOL and with established time frames.	
b. 29 CFR Parts 97.42 and 95.53 that requires all fiscal and participant records, including supporting documents, be retained for three (3) years after the grantee submits its final expenditure report for that funding period. Records for nonexpendable property must be retained for a period of three years after final disposition of the property. The grantee ensures records are retained until any litigation, audit, or claim has been finally resolved.	
c. §667.400(c)(2) and §667.410 (b), which requires access and the right to examine and audit all records, books, papers, tapes or documents pertinent to the grant to the state or its designated agent.	
d. §667.300(e) requires the LWIB to prepare and submit an Annual Report to the State in a format to be determined by the Board and DOL.	
7. MISCELLANEOUS:	
a. §661.355, which requires LWIB to modify/revise the local plans in the manner and format required by the State; and to obtain written approval and concurrence from the State before implementing any program modifications/revisions to the plan.	

Approved for the Local Workforce Investment Board

Signature of Chairperson

Date: _____

Approved for Local Elected Officials

Signature of Chief Elected Official

Date: _____

D. Document List

Using the format provided below list all relevant documentation, which is to be considered a part of this plan, including at a minimum the following:

1. Current LWIB agreement and membership list
2. Current Youth Council membership list
3. Proof of publication
4. Copy of public comments, if applicable
5. Copy of local MOU between LWIB and the One-Stop Partners
6. LWIB Administrative Organization Chart

E. General Plan Information

1. Goals and Objectives

The primary goal of Nevada's Workforce Investment System is to:

“Make the Workforce Investment System the first choice of all employers and job seekers in Nevada”

Briefly describe how the LWIB plans on meeting the following objectives:

- a. Improve the quality of Nevada's workforce to meet the needs of Nevada's employers.
 - b. Enhance the productivity and competitiveness of the State of Nevada.
 - c. Increase the employment retention and profits of employers utilizing the Workforce Investment System.
 - d. Reduce welfare dependency and increase self-sufficiency.
 - e. Increase occupational skill attainment by job seekers.
 - f. Increase the employment retention and earnings of employees.
- 2. Local Workforce Investment Board (LWIB)** (WIA Section 117, §661.305, §661.315 and §661.325):
- a. Describe the organization and structure of the LWIB, including the organizations and entities represented on the Board.
 - b. Describe the process your area used to identify and select your Board members.
 - c. Describe how the Local Board will carry out its role and responsibilities outlined in 661.305.
 - d. Describe how the LWIB will coordinate and interact with the State Workforce Investment Board.
 - e. Describe how local elected officials fulfill their role as decision-making partners with the LWIB.

- 3. Youth Council (Council)** [WIA Section 117 (h)(2&4), §661.335, §661.340 and 664.110(c):
 - a. Describe the process the LWIB uses to select Council members.
 - b. Describe the role and responsibilities of the Council including its oversight responsibilities of local youth programs.
- 4. Economic Development/Local Labor Area [WIA Section 118(a)(1)(A-C) and §661.350 (a)(1&2)]**
 - a. Describe how the needs of employers, job seekers and workers in the local workforce investment area are identified.
 - b. Describe how coordination with employers and economic development officials occurs in the development of the local workforce investment system.
 - c. Describe how the current and projected employment opportunities in both the private and public sectors and job skills necessary to obtain such employment opportunities are identified.
 - d. What data sources are used to support these projected opportunities?
 - e. Describe the current demographic characteristics of the general and eligible population.
 - f. Describe the geographic areas to be included.
- 5. Performance Management [WIA Section 136 and §661.350(a)(4)]**
 - a. Indicate, in the charts following, the levels of performance negotiated with the lead state agency on behalf of the Governor for each of the local measures identified in §666.100.

Table for Local Workforce Area Performance Indicators and Goals

WIA Requirement at Section 136(b)	State Standards		Local Workforce Area Performance Goals	
	Program Year		Program Year	
	2005	2006	2005	2006
ADULTS				
Entered Employment Rate				
Retention Rate in Unsubsidized Employment				
Adult Earnings Change in 6 months				
Employment and Credential Rate				
DISLOCATED WORKERS				
Entered Employment Rate				
Retention Rate in Unsubsidized Employment				
Earnings Replacement Rate				
Employment and Credential Rate				
YOUTH (AGES 19-21)				
Entered Employment Rate				
Retention Rate in Unsubsidized Employment				
Earnings Change in 6 months				

WIA Requirement at Section 136(b)	State Standards		Local Workforce Area Performance Goals	
	Program Year		Program Year	
	2005	2006	2005	2006
Credential Rate: Attainment of Educational or Occupational Skills Credential				
YOUTH 14-18				
Skill Attainment Rate: Attainment of Basic, Work Readiness and/or Occupational Skills				
HS Diploma or Equivalent Attainment Rate				
Youth Retention Rate in Post-Secondary Education, Advanced Training, Military, Employment, Qualified Apprenticeships				
Job Seeker Customer Satisfaction				
Employer Customer Satisfaction				

- b. Describe any additional indicators of performance established by the LWIB.
- c. Describe how customer satisfaction data will be evaluated and used to improve services and customer satisfaction.
- d. Describe how the LWIB will evaluate performance. What corrective actions (including sanctions and technical assistance) will the LWIB take if performance falls short of expectations?
- 6. One Stop System [WIA Section 121 and §661.350 (3)(i-ii)]**
 - a. Describe the One-Stop delivery system designated in the local area including:
 - 1) How the LWIB ensures continuous improvement of eligible providers of service and ensures that such providers meet the employment needs of local employers and participants.

- 2) Describe how the LWIB designates and certifies One-Stop Operators in the local area.
 - 3) What mandated partners in §662.200 are participating in the local One-Stop system and how access to each participating partner's core services will be provided in accordance with §662.230.
- 7. Coordination - The Act requires coordination between the LWIB and the programs/agencies listed in Section 112 (b)(8)(A) to enhance the provision of services and avoid duplication of services with these programs/ agencies.**
- a. Briefly describe the linkages established for each of the programs/ agencies listed including type of agreement(s) with each.
 - b. Describe the requirements for coordination of WIA training funds and other grant assistance. (§663.320)
- 8. Public Comments/Process [WIA Section 117(e), §661.345 (b)(1-4) and §661.350 (a)(8)].**
- Describe the process used by the LWIB to provide opportunity for public comment, including comment by representatives of business and labor organizations and input into the development of the local plan, prior to submission of the plan to the SWIB.

F. Organizational Structure

1. **Organization Chart** - attach an Organizational Chart, which includes all program activities with an explanation how this structure enables the LWIB to best accomplish its goals.

G. Program Management

1. Program Design

- a. **Priority and Special Populations** [WIA Sections 101(25), 134 and §663.600 (c)]
Describe the criteria established to determine the availability of funds and the process by which any priority for services to recipients of public assistance and other low-income individuals will be applied under WIA Section 134 (d)(2)(E), if applicable.
- b. **Assessment**
Describe the policy(s)/guidelines established for service providers in conducting the assessment process for both youth and adult (core, intensive and training services) participants.
- c. **Employment and Training Needs**
Briefly describe how the LWIB will identify and meet the employment and training needs of dislocated workers; displaced homemakers; low-income individuals; public aid recipients and individuals with multiple barriers to employment.
- d. **Adults/Dislocated Workers (WIA Section 134, §663.150 and §663.155)**
 - 1) **Core Services**
 - Describe the core services to be provided to adults and dislocated workers [WIA Section 134(d)(2)].
 - Describe how these core services will be delivered. (§663.155)

- Describe any core services an individual must receive before receiving intensive services (§663.160), including any minimum time period for participation in core services before receiving intensive services (§663.165).
- 2) Intensive Services [WIA Section 134 (d)(3)(C)]**
- Describe the intensive services to be provided to adults and dislocated workers. (§663.200)
 - Describe how these intensive services will be delivered. (§663.210)
 - Describe the eligibility criteria for adults and dislocated workers to receive intensive services. (§663.220)
 - Describe the criteria to determine whether an employed worker needs intensive services to obtain or retain employment leading to “self sufficiency.” (§663.230)
 - Describe any intensive services an individual must receive prior to receiving training services (§663.240), including any minimum time period for participation in intensive services to be eligible for training services. (§663.250)
- 3) Training Services [WIA Section 134(d)(4)(D)]**
- Describe the criteria for individuals to receive training services. (§663.310)
 - Describe what supporting documentation will be required when training services have been deemed appropriate for an individual.
 - Demand Occupations: describe what supporting documentation will be required to ensure that the selection of a program of training services is linked to employment opportunities either in the local area or in another to which the individual is willing to locate. [§663.310(c)]
- 4) On-the-Job Training (OJT)/Customized Training [WIA Section 101(31) and §663.700, §663.705, §663.710 and §663.720]**
- Describe the criteria used by the LWIB to determine the appropriate length of time for an OJT contract.
 - Describe or attach the guidelines/policy(s) established for providing OJT or Customized Training Activities.
- 5) Supportive Services [WIA Sections 101(46), 134(e)(2-3) and §663.800, §663.805, §663.810 and §663.815]**
Either attach a copy of the policy or:
- Describe how participants are determined to be eligible for supportive services.
 - Describe what types of supportive services will be available.
 - Describe what limits on the amounts or duration of funds for supportive services have been established. (§663.810)
 - Describe how the level of needs-related payments will be determined. (§663.840)

e. Youth (WIA Section 129)

- 1) Describe the use and control of the five (5) percent window for the

- non-economically disadvantaged participants. (§664.220)
- 2) Describe the design framework for youth program design (§664.405) in the local area to include the ten program elements listed below: [WIA Section 129(c)(2) and §664.410]
 - Tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies;
 - Alternative secondary school offerings;
 - The summer employment opportunities that link academic and occupational learning as part of the menu of services required in §664.410 (a);
 - Paid and unpaid work experience, including internships and job shadowing to be provided; [WIA Section 129 (c)(2)(D) and §664.460 and §664.470]
 - Occupational skills training;
 - Leadership development opportunities available at the local level as described in §664.420 [WIA Section 129 (c)(2)(F)];
 - Supportive services available to youth [WIA Sections 101(46), 129(c)(2)(G) and §664.440];
 - Adult mentoring for a duration of at least twelve (12) months that may occur both during and after program participation;
 - Follow-up services to be provided youth at the local level [WIA Section 129 (c)(2)(G) and §664.450];
 - Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.
 - 3) Describe how the LWIB will ensure that service providers adhere to the 30% minimum expenditure requirement for out of school youth programs. (§664.320)
- f. Rapid Response [WIA Section 118 (b)(5), §665.300, §665.310, §665.320 and §665.330]**
- 1) Describe Rapid Response participation at the local level.
- g. Training Providers (WIA Sections 122 & 123, §663.505, §663.510 and §663.515)**
- 1) Describe the competitive and non-competitive processes that will be used to award grants and contract for activities under Title I including how potential bidders are being made aware of the availability of grants and contracts.
 - 2) Describe how the local Board will identify training providers to be recommended for certification as eligible for receipt of WIA vouchers from Individual Training Accounts (ITAs).
 - 3) Describe the process for requesting a training provider be removed from the eligible service provider list.
 - 4) Describe how the consumer report (performance information) (§663.570) will be prepared and updated, including any supplemental information to be provided customers in supporting informed customer choice and achievement of local performance measures.

- 5) Describe the process for identifying eligible providers of youth services. (WIA Section 123)
- 6) Identify the criteria to be used in awarding grants to provide youth services including criteria used to identify effective and ineffective youth activities and providers.

h. Individual Training Accounts (ITAs) are the primary method for the payment of occupational skills training under the WIA. [WIA Section 134(d)(4)(G), §661.350 (a)(5 &10), §663.410, and §663.420]

- 1) Describe the limitations that have been placed on ITAs such as on the dollar amount and/or duration.
- 2) Describe or attach a policy which covers the following:
 - a) How the customer will receive assessment, counseling and individual development plan through intensive services prior to the issuance of an ITA.
 - b) How the customer will learn of demand occupations or skills for which an ITA may be issued and how exceptions to the list will be handled.
 - c) How the ITA policy will be communicated in simple, understandable language to customers of the one-stop center.
 - d) How the customer will have access to the list of eligible providers through the one-stop system.
 - e) What the ITA covers, e.g., books, fees and other educational materials in addition to tuition.
 - f) How the value of each ITA will be determined (e.g., will there be a cap on value, will the cap vary for certain institutions, occupations or populations, etc.).
 - g) A process for documenting how other sources of funding were first sought (e.g., Pell Grants, one-stop programs and other sources).
 - h) The internal procedure for ITA issuance, including the appearance of the ITA document that is given to the customer, who may issue the ITA to a customer, whether any signatures are required, etc.
 - i) A process for tracking expenditures of all resources paying for the individual's training, including WIA Title I funds.
 - j) How the customer will be kept informed of his/her account status.
 - k) Any exceptions for using ITAs for payment of training services.

i. Data Collection/Reporting Process (TEGL 14-00 and 14-00 Change 1).

- 1) Describe how performance information will be gathered and reported.
- 2) Describe common data systems in place to track progress.
- 3) Describe how customer satisfaction information will be collected.

j. Monitoring [§667.410 (a)]

- 1) Describe the oversight role and responsibilities of the LWIB

including providing technical assistance as necessary and appropriate, monitoring its own WIA activities and those of its subrecipients in order to:

- a) Determine that expenditures have been made against the cost categories and within the cost limitations specified in the Act and the regulations.
- b) Determine whether or not there is compliance with other provisions of the Act and the regulations and other applicable laws and regulations.

k. Financial (§667.200 to §667.275, 29 CFR Parts 95 and 97)

- 1) Describe the financial control and fund activity procedures to assure proper dispersal of and accounting for federal funds in accordance with generally accepted accounting principles applicable in Nevada at the local level.
- 2) Describe how fiscal control and accounting procedures, including those of subrecipients, will be sufficient to:
 - Provide information pertaining to subgrant and contract awards, obligations, unobligated balances, assets, expenditures and income;
 - Provide effective internal control to safeguard assets and insure their proper use;
 - Allow comparison of actual expenditures with budgeted amounts for each subgrant;
 - Provide source documentation to support accounting records;
 - Allow proper charging of costs and cost allocations;
 - Permit preparation of required reports;
 - Trace transfer of funds to be a level of expenditure adequate to establish that funds have not been used in violation of the applicable restrictions on use of funds; and
 - Permit transfer of program income, potential stand in costs and other funds that are allowable.

l. Incentive Grants (§666.400), if applicable:

- Describe the process of applying for incentive grants at the local level.
- Describe the methodology and criteria for awarding Incentive Grants to local area providers.
- Describe the guidelines/policy(s) regarding the use of local incentive funds.

End of Elements of Local Workforce Investment Board Plan

NOTE:

NO public comments received.

- Nevadaworks had **no** public comment on **SCP 1.2.**
- Workforce Connections had **no** public comment on **SCP 1.2.**

Policy Summary

State Compliance Policy (SCP) 1.7

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.7 to the Governor's Executive Committee for review and approval.

WIOA sec. 134(c)(3)(E) provides a statutory priority for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient. The priority for these populations is not a criterion for eligibility for services under this program; rather, it is a statutory emphasis on providing individualized career services and training services to these populations under this program.

State Compliance Policy 1.7 communicates the policy to Local Areas for Priority of Service to the WIOA Adult Program. This policy provides guidance on the statutory priority requirements.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 1.7

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Priority of Service-Adult

Issued: NEW; replacing WIA State Compliance Policy 1.7

Purpose: To provide Local Workforce Development Boards (LWDBs) Chief Elected Officials (CEOs) and American Job Center of Nevada (One-Stop Career Center Operators) with the Workforce Innovation and Opportunity Act (WIOA) requirements for Priority of Service for the Adult program.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §680.600, TEGL 3-15.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

Under WIA, priority with adult funds was to be provided in the event that funding was limited; that provision was removed from WIOA.

WIOA sec. 134(c)(3)(E) provides a statutory priority for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient. The priority for these populations is not a criterion for eligibility for services under this program; rather, it is a statutory emphasis on providing individualized career services and training services to these populations under this program.

Policy and Procedure:

WIOA sec. 134(c)(3)(E)

PRIORITY.—With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for

receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to such priority.

(20 CFR §680.600)

(a) WIOA sec. 134(c)(3)(E) states that priority for individualized career services (see [20 CFR]§ 678.430(b)) and training services funded with title I adult funds must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (as defined in WIOA sec. 3(5)(B)) in the local area).

(b) States and local areas must establish criteria by which the one-stop center will apply the priority under WIOA sec. 134(c)(3)(E). Such criteria may include the availability of other funds for providing employment and training-related services in the local area, the needs of the specific groups within the local area, and other appropriate factors.

(c) The priority established under paragraph (a) of this section does not necessarily mean that these services only may be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The Local WDB and the Governor may establish a process that also gives priority to other individuals eligible to receive such services, provided that it is consistent with priority of service for veterans (see [20 CFR] § 680.650) and the priority provisions of WIOA sec. 134(c)(3)(E), discussed above in paragraphs (a) and (b) of this section.

(20 CFR §680.610)

Funds allocated to the dislocated workers are not subject to this priority requirement.

Priority for Adult Funds

WIOA also expanded the priority to include individuals who are basic skills deficient as defined in WIOA section 3(5).

Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the following order:

(i) First, to veterans and eligible spouses who are also included in the groups given statutory priority for WIOA adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services provided with WIOA adult formula funds.

(ii) Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.

(iii) Third, to veterans and eligible spouses who are not included in WIOA's priority groups.

(iv) Last, to non-covered persons outside the groups given priority under WIOA.

NOTE: When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

Local boards must have written policy and procedures describing how this priority will be documented and obtained in the local area.

Reference SCP 1.18 for Priority of Services to Veterans.

Reference SCP 1.6, 1.8 and Data and Performance Desk Reference at http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm for program definition, required file content and data entry requirements.

**Workforce Investment Act
State Compliance Policies**

SECTION: 1.7

Priority of Services

August 2005

I. Criteria For Priority Of Services:

In the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. Local Workforce Investment Boards (LWIBs) shall provide a determination of fact that funds allocated to a local area for provision of adult employment and training activities is limited, necessitating the prioritization of intensive and training services. This determination shall be submitted as part of the Local Workforce Plan or in subsequent modifications, as appropriate, and shall demonstrate that the LWIB considered the following criteria [§663.600, Section 134(d)(4)(E)]:

- A. The availability of funds other than Title I adult funds for providing employment and training-related services in the local area;
- B. The employment and training needs of specific groups targeted for service by the LWIB; and
- C. Any other factors used by the LWIB in making the determination.

II. Eligibility For Priority Services [§663.600(C), Section 101(25)]:

- A. In terms of eligibility, a low-income individual is defined as one who:
 - 1. Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program;
 - 2. Received an income, or is a member of a family that received a total family income, for the six (6) month period prior to application for intensive or training services [exclusive of unemployment compensation, child support payments, payments and old-age and survivors insurance received under section 202 of the Social Security Act (42 U.S.C. 402)] that, in relation to family size, does not exceed the higher of:
 - a. the poverty line (*State will issue annually*); or
 - b. 70 percent of the lower living standard income level (*State will issue annually*);
 - 3. Is a member of a household that receives (or has been determined within the

six (6) month period prior to application for the program involved, to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

4. Qualifies as a homeless individual as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302); or
5. Is a foster child on behalf of whom state or local government payments are made;
6. Has a disability and whose own income meets the requirements described in 1 or 2 above still qualifies as low-income even if the individual's family does not meet those requirements (§663.640).

B. Eligibility Documentation for Low Income Individuals:

LOW INCOME: PRIORITY OF SERVICES	
<p>1. Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program;</p>	<p>1. Copy of public assistance records/check 2. Food stamp card/receipt</p>
<p>2. Received an income, or is a member of a family that received a total family income, for the six (6) month period prior to application for intensive or training services, exclusive of unemployment compensation, child support payments, payments and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402) that, in relation to family size, does not exceed the higher of:</p> <ol style="list-style-type: none"> a. the poverty line; or b. 70 percent of the lower living standard income level; 	<p>1. Pay stubs 2. Public assistance/social agency records 3. Most recent tax return 4. Birth certificate(s) 5. Telephone verification from Social Security office</p>
<p>3. Is a member of a household that receives (or has been determined within the six (6) month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);</p>	<p>1. Food stamp card/receipt 2. Public assistance records, etc.</p>

LOW INCOME: PRIORITY OF SERVICES	
4. Qualifies as a homeless individual as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);	Written statement from social service agency, shelter, individual providing temporary shelter
5. Is a foster child on behalf of whom state or local government payments are made;	<ol style="list-style-type: none"> 1. Court documentation 2. Written statement from state/local agency 3. Medical card, etc.
6. An individual with a disability	<ol style="list-style-type: none"> 1. School records; 2. Social service records/referral 3. Physician's statement

NOTE:

NO public comments received.

- Nevadaworks had **no** public comment on **SCP 1.7.**
- Workforce Connections had **no** public comment on **SCP 1.7.**

Policy Summary

State Compliance Policy (SCP) 1.15

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.15 to the Governor's Executive Committee for review and approval.

Support Services are available to eligible Adults and Dislocated Workers participating in WIOA Career and Training services as necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3). Needs-related payments are designed to provide a participant with resources for the purpose of enabling them to participate in training services. This policy provides guidance on participant eligibility, service limitations, file, electronic record and Local Board policy requirements.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 1.15

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Adult/Dislocated Worker Support Services & Needs Related Payments

Issued: NEW; replacing WIA State Compliance Policy 1.15

Purpose: To provide the Workforce Innovation and Opportunity Act (WIOA) requirements for Adult and Dislocated Worker Support Services & Needs Related Payments.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §680.900-970; TEGL 3-15.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, local workforce development board (LWDB) members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

A key principle in WIOA is to provide local areas with the authority to make policy and administrative decisions and the flexibility to tailor the workforce system to the needs of the local community. To ensure maximum flexibility, this guidance provides local areas the discretion to provide the supportive services they deem appropriate, subject to the limited conditions prescribed by WIOA. Local Boards must develop written policies and procedures to ensure coordination with other entities to ensure the highest quality, most comprehensive service provision possible; prevent duplication of resources and services; and establish limits on the amount and duration of these services. Local Boards are encouraged to develop policies and procedures that ensure that supportive services are WIOA-funded only when these services are not available through other agencies and that the services are necessary for the individual to participate in Title I activities. Supportive services may be made available to anyone participating in Title I career or training services.

Needs-related payments are designed to provide a participant with resources for the purpose of enabling them to participate in training services. ETA recognizes that many individuals in need of training services may not have the resources available to participate in the training. Needs-related payments can help individuals meet their non-training expenses and help them to complete training

successfully. According to section 134(d)(3)(B) of WIOA, a participant must be enrolled in a training program described in section 134(c)(3) of WIOA in order to receive needs-related payments.

Policy and Procedure:

Support Services (WIOA sec. 134(d)(2))

Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under [WIOA] section 133(b)(2)(B), may be used to provide supportive services to adults and dislocated workers, respectively—

- (A) who are participating in programs with activities authorized in paragraph (2) or (3) of subsection (c)[participating in career and training services]; and
- (B) who are unable to obtain such supportive services through other programs providing such services.

(WIOA sec. 3(59))

The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under this Act.

NOTE: Needs related payments are available only to individuals enrolled in training services.

Support Services for Adult and Dislocated Workers (20 CFR §680.900)

Supportive services for adults and dislocated workers are defined at WIOA sec. 3(59) and secs. 134(d)(2) and (3). Local WDBs, in consultation with the one-stop [American Job Centers of Nevada] partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. The policy should address procedures for referral to such services, including how such services will be funded when they are not otherwise available from other sources. The provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is one of the career services that must be available to adults and dislocated workers through the one-stop delivery system. (WIOA sec. 134(c)(2)(A)(ix) and [20 CFR]§ 678.430 of this chapter). Local WDBs must ensure that needs-related payments are made in a manner consistent with [20 CFR] § 680.930, 680.940, 680.950, 680.960, and 680.970. Supportive services are services that are necessary to enable an individual to participate in activities authorized under WIOA sec. 134(c)(2) and (3).

These services may include, but are not limited to, the following:

- (a) Linkages to community services;
- (b) Assistance with transportation;
- (c) Assistance with child care and dependent care;
- (d) Assistance with housing;
- (e) Needs-related payments, as described at [20 CFR]§ 680.930, 680.940, 680.950, 680.960, and 680.970;
- (f) Assistance with educational testing;
- (g) Reasonable accommodations for individuals with disabilities;
- (h) Legal aid services;
- (i) Referrals to health care;
- (j) Assistance with uniforms or other appropriate work attire and work related tools, including such items as eyeglasses and protective eye gear;

- (k) Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- (l) Payments and fees for employment and training-related applications, tests, and certifications.

Support Services Participant Eligibility (20 CFR §680.910)

- (a) Supportive services may only be provided to individuals who are:
 - (1) Participating in career or training services as defined in WIOA secs. 134(c)(2) and (3); and
 - (2) Unable to obtain supportive services through other programs providing such services.
- (b) Supportive services only may be provided when they are necessary to enable individuals to participate in career service or training activities.

Support Service Limitations (20 CFR §680.920)

- (a) Local WDBs may establish limits on the provision of supportive services or provide the one-stop center with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants.
- (b) Procedures also may be established to allow one-stop centers to grant exceptions to the limits established under paragraph (a) of this section.

Needs Related Payments (WIOA sec. 134(d)(3))

(A) IN GENERAL.—Funds allocated to a local area for adults under paragraph (2)(A) or (3), as appropriate, of section 133(b), and funds allocated to the local area for dislocated workers under section 133(b)(2)(B), may be used to provide needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services under subsection (c)(3).

(B) ADDITIONAL ELIGIBILITY REQUIREMENTS.—In addition to the requirements contained in subparagraph (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services—

- (i) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or
- (ii) if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.

(C) LEVEL OF PAYMENTS.—The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of—

- (i) the applicable level of unemployment compensation; or
- (ii) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.

(20 CFR §680.930)

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs related payments a participant must be enrolled in training.

Adult Participant Eligibility Requirements (20 CFR §680.940)

Adults must:

- (a) Be unemployed;
- (b) Not qualify for, or have ceased qualifying for, unemployment compensation; and
- (c) Be enrolled in a program of training services under WIOA sec. 134(c)(3).

Dislocated Worker Participant Eligibility Requirements (20 CFR §680.950)

To receive needs-related payments, a dislocated worker must:

- (a) Be unemployed, and:
 - (1) Have ceased to qualify for unemployment compensation or trade readjustment allowance under [Trade Adjustment Act] (TAA); and
 - (2) Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or
- (b) Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

Training Delay (20 CFR §680.960)

Needs related payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days. The Governor may authorize local areas to extend the 30-day period to address appropriate circumstances.

If local areas choose to do so, the availability of such extension and circumstance must be noted in policy. Documentation for the extension must be noted in Management Information System (MIS) comments/case notes, and be kept in the participant's case file. Reference MIS Data and Performance Desk Reference Guide at

http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm for proper use of the HOLD tab as part of the training delay.

Determining Level of Needs Related Payments (20 CFR §680.970)

- (a) The payment level for adults must be established by the Local WDB. For statewide projects, the payment level for adults must be established by the State WDB.
- (b) For dislocated workers, payments must not exceed the greater of either of the following levels:
 - (1) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
 - (2) The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies.

Local boards must have written policy and ensure that needs-based payments are made in a manner consistent with 20 CFR §680.930 through 680.970. Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are one of the supportive services authorized by WIOA. Unlike other supportive services, in order to qualify

for needs-related payments a participant must be enrolled in training. The provision of needs-related payments is a discretionary local area activity.

Funds allocated to the local area may be used to provide needs-related payments to adults and dislocated workers, respectively, who meet eligibility requirements.

SUPPORTIVE SERVICE PROHIBITIONS (2 CFR §200; WIOA sec. 181, 184)

1. Payment toward goods or services incurred or received prior to the participant's enrollment in WIOA is prohibited.
2. Fines and penalties may not be paid with WIOA funds under any circumstances.
3. WIOA funds cannot be used to cover the cost of certain legal fees. *If this type of assistance is contemplated, and as appropriate per federal regulation, the LWDB must approve by entering a comment/case note into the MIS as appropriate.*
4. Bad debts cannot be paid with WIOA funds; debts meet this definition at the point they are turned over to a collection agency for further action.
5. Interest expense cannot be paid with WIOA resources. Revolving credit payments or other periodic loan payments are normally comprised of both interest and principal.
6. *Payments for real or personal property that bears title (i.e. - automobiles, homes, etc.) cannot be made with WIOA funds.*
7. The purchase of goods or services that are illegal under any federal, state, local, or municipal law or statute cannot be made with WIOA funds.
8. The purchase of tobacco products, alcoholic beverages or firearms is prohibited.
9. WIOA funds cannot be used to pay for union dues.
10. WIOA funds cannot be used to pay deposits, rental or otherwise.
11. WIOA funds may not be used for foreign travel *or training*.
12. Payments for participant memberships, dues and subscriptions are not allowed unless it is a specific requirement of a training program, or necessary and reasonable as a condition of employment.
13. Entertainment costs. Costs of entertainment, including amusement, diversion, and social activities and any associated costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable, except where specific costs that might be otherwise considered entertainment have a programmatic purpose and are authorized either in the approved budget for the federal award or with prior written approval of the federal awarding agency. (2 CFR 200.438, 2 CFR 215, 2 CFR 230)

LWDB Policy Requirements Summary

Each item provided must be documented thoroughly in case notes and all accompanying paperwork retained in the participant case file. Description must provide enough information to determine what is being purchased or authorized, the price, duration if applicable and narrative documenting that the costs are reasonable and necessary.

Boards Must Have Written Policy Defining the Following per 20 CFR §680.900 and TEGL 3-15, unless otherwise stated below:

- Define all Support Service that are to be administered in the local area (reference list at 20 CFR §680.900 which may not be all inclusive), include an acceptable description of each support service.

- Define “necessary to enable an individual to participate” and how the need and rationale will be documented in Individual Employment Plan (IEP) and Management Information System (MIS) comments/case notes.
- Address coordination of available resources in the local area including referral procedures and how it will be documented in MIS Comments/case notes.
- Define how each type of support service will be funded. (WIOA sec. 184)
- Include LWDB limitations on maximum amount of funding and or maximum length of time, if applicable. Policy must include how the established limits will be applied consistently for all participants. (20 CFR §680.920)
- ***Address the procedure for use of MIS Sector Tab. Reference TAG 14-2 http://detr.state.nv.us/workforce_investment_pages/TechnicalAssistanceGuides/TAG_14-2.pdf where applicable.***
- Policy must include the procedure for handling unclaimed gift cards/items used in supplying support services and include a return policy addressing unopened and opened/used items. (WIOA sec. 184)
- Address what support services may be provided once participants have exited and entered follow-up service and include when participants are no longer eligible for support services.
- Address participant training attendance verification requirements before issuing support services.
- Define eligibility requirements for Needs Related Payments consistent with 20 CFR §680.930-970 as well as documentation requirements in MIS Services Screen and comments/case notes.
- Determine the payment levels of Needs Related Payments for participants in the Adult program including documentation requirements in MIS comments/case notes. (WIOA sec.134(d)(3))
- Address the payment level requirements for Needs Related Payments for Dislocated Worker participants including documentation requirements in MIS comments/case notes. (WIOA sec. 134(d)(3))
- Address prohibited items as listed above and as described in legislation. (2 CFR 200.100-521, WIOA sec. 181, 184)

NOTE: Best financial practices include validation by signature of the participant for all support service items including receipts of goods.

Participant Case File Requirements

The participant case file must contain at a minimum and per Local Board requirements;

- ***All financial documentation including, quote if any, purchase order/requisition, receipts, time frames if applicable and additional documentation to support the purchase for this participant. (i.e. rental assistance would require some form of documentation to tie the individual to the rental property)***

Required MIS Case Note/Comment

- ***Reference MIS Data and Performance Desk Reference Guide for specific data entry requirements at: http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm***

- *MIS comments/case notes sufficient to determine what was purchased, from where, the cost, for what purpose the purchase was made and the date range, if applicable, it represents.*
- *The need and inability to obtain this service elsewhere in the community for the support service/needs related payment service.*
- *Co-enrollment details as to shared costs and services if any.*
- *Purchase Order/Invoice details sufficient to determine the need for the purchase, what was purchased, from where, time frames and costs.*

Sector Tab

Reference TAG 14-2

**Workforce Investment Act
State Compliance Policies**

SECTION: 1.15 Supportive Services & Needs-Related Payments

August 2005

I. Supportive Services:

- A. Supportive services for eligible adults and dislocated workers provide assistance with such things as (see WIA State Compliance Policy 1.6 for eligibility requirements) [§663.800, Sections 101(46) and 134(e)(2)(3)]:
 - 1. Child care
 - 2. Transportation
 - 3. Dependent care
 - 4. Housing
 - 5. Needs-related payments

- B. Local Workforce Investment Boards (LWIBs), in consultation with the One-Stop partners and other community service providers, must develop supportive services policies that (§663.800):
 - 1. Ensure resource and service coordination in the local area; and
 - 2. Provide procedures for referral to coordinated services, including how such services will be funded when they are not otherwise available from other sources.

- C. LWIBs must ensure that the provision of accurate information about the availability of supportive services in the local area, as well as referral to such activities, is provided as one of the core services available to adults and dislocated workers through the One-Stop delivery system [§663.800, Section 134(d)(2)(H)].

- D. The LWIBs may establish limits on the provision of supportive services or provide the One-Stop operator with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants. Procedures may also be established by the LWIB to allow One-Stop operators to grant exceptions to the established limits on a case-by-case basis (§663.810).

II. Needs-Related Payments:

- A. Needs-related payments provide financial assistance to participants for the purpose of enabling individuals to participate in training activities. Such

payments must be one of the supportive services detailed in I.A. of this policy and in WIA Section 134(e)(3) (see WIA State Compliance Policy 1.6 for eligibility requirements) (§663.815).

- B. LWIBs must develop the levels of need-related payments for eligible adults and dislocated workers. For eligible dislocated workers, established levels of needs-related payments must not exceed the greater of either of the following levels [§663.840, Section 134(e)(3)(C)]:
 - 1. For participants who were eligible for unemployment compensation as a result of the qualifying dislocation, the payment may not exceed the applicable weekly level of the unemployment compensation benefit; or
 - 2. For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. The weekly payment level must be adjusted to reflect changes in total family income as determined by LWIB policies.

- C. Needs-related payments may be provided to eligible participants waiting to begin training classes if the participant has been accepted in a training program that will begin within thirty (30) calendar days. The LWIB may establish procedures to determine under what circumstances the thirty (30) day period may be extended [§663.830, Section 134(e)(3)(B)].

Workforce Connections Proposed Policy Changes

SCP 1.15 Adult/Dislocated Worker- Support Services and Needs Related Payment
(Policy dated October 2016)

On page 1, in the **Authorities/References:** section, please remove “Sec” from the sentence since 113-128 refers to Public Law 113-128 (not sections).

Authorities/References: Workforce Innovation and Opportunity Act P.L. ~~113-128-See 113-128~~; 20 CFR §680.900-970; TEGL 3-15.

On page 5, in the **SUPPORTIVE SERVICE PROHIBITIONS** section, please highlight in **bold, italic type** the state-imposed requirement in Item #3. Please provide a citation for Item #6. Please highlight the state-imposed requirement language in Item #11. Please replace Item #13 Entertainment Cost language with 2 CFR 200.438 language that allows entertainment costs for programmatic purposes.

SUPPORTIVE SERVICE PROHIBITIONS (2 CFR §200; WIOA sec. 181, 184)

1. Payment toward goods or services incurred or received prior to the participant’s enrollment in WIOA is prohibited.
2. Fines and penalties may not be paid with WIOA funds under any circumstances.
3. WIOA funds cannot be used to cover the cost of certain legal fees. *If this type of assistance is contemplated, the LWDB must approve by entering a comment/case note into the MIS as appropriate.*
4. Bad debts cannot be paid with WIOA funds; debts meet this definition at the point they are turned over to a collection agency for further action.
5. Interest expense cannot be paid with WIOA resources. Revolving credit payments or other periodic loan payments are normally comprised of both interest and principal.
6. Payments for real or personal property that bears title (i.e. - automobiles, homes, etc.) cannot be made with WIOA funds (?Citation).
7. The purchase of goods or services that are illegal under any federal, state, local, or municipal law or statute cannot be made with WIOA funds.
8. The purchase of tobacco products, alcoholic beverages or firearms is prohibited.
9. WIOA funds cannot be used to pay for union dues.
10. WIOA funds cannot be used to pay deposits, rental or otherwise.
11. WIOA funds may not be used for foreign travel *or training*.
12. Payments for participant memberships, dues and subscriptions are not allowed unless it is a specific requirement of a training program, or necessary and reasonable as a condition of employment.
13. Entertainment costs. ~~Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable. Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.~~ Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.
(2 CFR 200.438, 2 CFR 215, 2 CFR 230)

NOTE:

- Nevadaworks had **no** public comment on **SCP 1.15.**

Policy Summary

State Compliance Policy (SCP) 1.21

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 1.21 to the Governor's Executive Committee for review and approval.

State Compliance Policy 1.21 communicates the policy for Adult and Dislocated Worker in Work Experience, Internships, Registered Apprenticeships (RA) and Transitional Jobs. These activities can be an effective training strategy that can provide additional opportunities for participants and employers in both finding high quality work and in developing a high quality workforce. This policy provides guidance on participant, and employer eligibility and on files, electronic record, performance and Local Board policy.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 1.21

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Work Experience (WEX), Internships, Registered Apprenticeship and Transitional Jobs.

Issued: NEW

Purpose: To provide the Workforce Innovation and Opportunity Act (WIOA) requirements for Work Experience, Internships, Registered Apprenticeship and Transitional Jobs for the Adult and Dislocated Worker programs.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in ***bold, italic type***.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §680.180-195, 330 & 700-750, TEN 13-12; TEGL 02-07; TEN 44-11; TEGL 3-15.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, local workforce development board (LWDB) members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

Work-based training is employer-driven with the goal of unsubsidized employment after participation. Generally, work-based training involves a commitment by an employer or employers to fully employ successful participants after they have completed the program.

Work-based training can be an effective training strategy that can provide additional opportunities for participants and employers in both finding high quality work and in developing a high quality workforce. Each of these work-based models can be effectively used to target different job seeker and employer needs. Providers of Work-based training must be providing the highest quality training to participants and are subject to performance and dissemination requirements of WIOA sec. 134(a)(2)(B)(v) and 122(h), separate from that of the Eligible Training Provider List (ETPL).

NOTE: Additional Work based training programs can be found by referencing SCP 1.14 and 1.19.

Work Experience (WEX); Internship-

Are planned, structured, time-limited learning experiences that take place in a workplace. They may be paid or unpaid, as appropriate and be provided in the private for-profit, non-profit, or public sectors. Labor standards apply to any internship or work experience in which an employee/employer relationship exists under applicable law. An internship or work experience for a participant in WIOA is classified as an Individualized Career Service as described in 20 CFR § 678.430(b). Internships and work experiences provide a helpful means for an individual to gain experience that leads to unsubsidized employment.

Care must be taken when matching the participant to a job site taking into consideration the demonstrated aptitudes/interests, the location (transportation) and availability of supervising staff.

Registered Apprenticeship (RA)-

RA programs offer employment and a combination of on-the-job learning and related technical and theoretical instruction through a training provider. Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula, usually in a classroom, until the completion of their apprenticeship programs. Components of RAs include structured On-the-Job training, related training and instruction, rewards in skill gains and national occupational credentials. RA programs automatically qualify to be placed on the State and LWDB list (ETPL). RA programs must appear on the list to be utilized. *Each program is reviewed by the LWDB on a quarterly basis to insure continued endorsement by the RA Council.*

Transitional Jobs-

Are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history, and are combined with comprehensive career and supportive services. They differ from traditional work experience in that the participant must be paid. The goal of transitional jobs is to establish a work history for the individual that demonstrates success in the workplace, and develops the skills that lead to entry into and retention in unsubsidized employment. Unlike On the Job Training (OJT) there is no assumption that the individual will be retained in their transitional job after the experience is over, though that would be a successful experience and outcome.

Policy and Procedure:

Work Experience (WEX)/Internships (20 CFR §680.180)

For the purposes of WIOA sec. 134(c)(2)(A)(xii)(VII), an internship or work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. An internship or other work experience may be arranged within the private for profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience setting where an employee/employer relationship, as defined by the Fair Labor Standards Act, exists. Transitional jobs are a type of work experience, as described in [20 CFR]§ 680.190 and 680.195.

Registered Apprenticeship **(20 CFR §680.330)**

Registered apprenticeships automatically qualify to be on a State's eligible training provider list (ETPL) as described in [20 CFR] § 680.470.

(a) ITAs [Individual Training Accounts] can be used to support placing participants in registered apprenticeship through:

- (1) Pre-apprenticeship training, as defined in [20 CFR] §681.480 of this chapter; and
- (2) Training services provided under a registered apprenticeship program.
- (b) Supportive services may be provided as described in [20 CFR]§ 680.900 and 680.910.
- (c) Needs-related payments may be provided as described in [20 CFR] § 680.930, 680.940, 680.950, 680.960, and 680.970.
- (d) Work-based training options also may be used to support participants in registered apprenticeship programs (see [20 CFR] § 680.740 and 680.750).

(20 FR § 680.740)

- (a) OJT [On the Job Training] contracts may be entered into with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program consistent with [20 CFR]§ 680.700. Depending on the length of the registered apprenticeship and State and local OJT policies, these funds may cover some or all of the registered apprenticeship training.
- (b) If the apprentice is unemployed at the time of participation, the OJT must be conducted as described in [20 CFR] § 680.700. If the apprentice is employed at the time of participation, the OJT must be conducted as described in [20 CFR] § 680.710.

(20 CFR § 680.750)

There is no Federal prohibition on using both ITA and OJT funds when placing participants into a registered apprenticeship program. See [20 CFR] § 680.330 on using ITAs to support participants in registered apprenticeship.

Transitional Jobs (WIOA sec. 134(c)(3)(D), 134(d)(5))

Transitional Jobs are a WIOA Training Service as described in [WIOA sec.]134(c)(3)(D). The local board may use not more than 10 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that—

- (A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history;
- (B) are combined with comprehensive employment and supportive services; and
- (C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment.

If local areas choose to use transitional jobs as part of their service delivery strategy, they should adopt policies and identify employers (public, private or nonprofit) that can provide quality experiences for individuals to eventually obtain unsubsidized employment. Additionally, these policies should include plans on the amount reimbursements would be for the jobs, what supportive services should be included, and any limits on the duration of the transitional job.

(20 CFR §680.190)

A transitional job is one that provides a time-limited work experience, that is wage-paid and subsidized, and is in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the LWDB. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

Funding (20 CFR §680.195)

The local area may use up to 10 percent of their combined total of adult and dislocated worker allocations for transitional jobs as described in [20 CFR] § 680.190. Transitional jobs must be combined with comprehensive career services (see [20 CFR] § 680.150) and supportive services (see [20 CFR] § 680.900).

WIOA sec. 122(h)

(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, INCUMBENT WORKER TRAINING, AND OTHER TRAINING EXCEPTIONS.—

(1) IN GENERAL.—Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f) [of WIOA sec 122].

(2) COLLECTION AND DISSEMINATION OF INFORMATION.—

A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

WIOA sec.181

(a) BENEFITS.—

(1) WAGES.—

(A) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

(B) RULE OF CONSTRUCTION.—The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall not be applicable for individuals in territorial jurisdictions in which section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) does not apply.

(2) TREATMENT OF ALLOWANCES, EARNINGS, AND PAYMENTS.—

Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

(b) LABOR STANDARDS.—

(1) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.— No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.

(2) DISPLACEMENT.—

(A) PROHIBITION.—A participant in a program or activity authorized under this title (referred to in this section as a “specified activity”) shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(B) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job if—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(4) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers’ compensation law applies, workers’ compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

(5) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in programs and activities under this title shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(6) OPPORTUNITY TO SUBMIT COMMENTS.—Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.

(7) NO IMPACT ON UNION ORGANIZING.—Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(c) GRIEVANCE PROCEDURE.—

(1) IN GENERAL.—Each State and local area receiving an allotment or allocation under this title shall establish and maintain a procedure for grievances or complaints alleging

violations of the requirements of this title from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint. [Reference State Compliance Policy 4.3]

(2) INVESTIGATION.—

(A) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in paragraph (1) if—

(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or

(ii) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

(B) ADDITIONAL REQUIREMENT.—The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.

(3) REMEDIES.—Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—

(A) to suspension or termination of payments under this title;

(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;

(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and

(D) where appropriate, to other equitable relief.

(4) RULE OF CONSTRUCTION.—Nothing in paragraph (3) shall be construed to prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.

(d) RELOCATION.—

(1) PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.—No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(2) PROHIBITION ON USE OF FUNDS AFTER RELOCATION.—

No funds provided under this title for an employment or training activity shall be used for customized or skill training, on-the-job training, incumbent worker training, transitional employment, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(3) REPAYMENT.—If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State *[or local area]* that has violated such paragraph (or that has provided funding to an entity that has violated such paragraph) to

repay to the United States an amount equal to the amount expended in violation of such paragraph.

(e) **LIMITATION ON USE OF FUNDS.**—No funds available to carry out an activity under this title shall be used for employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, that are not directly related to training for eligible individuals under this title. No funds received to carry out an activity under subtitle B shall be used for foreign travel.

(f) **TESTING AND SANCTIONING FOR USE OF CONTROLLED SUBSTANCES.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, a State *[or local area]* shall not be prohibited by the Federal Government from—

(A) testing participants in programs under subtitle B for the use of controlled substances; and

(B) sanctioning such participants who test positive for the use of such controlled substances.

(2) **ADDITIONAL REQUIREMENTS.**—

(A) **PERIOD OF SANCTION.**—In sanctioning participants in a program under subtitle B who test positive for the use of controlled substances—

(i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and

(ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.

(B) **APPEAL.**—The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.

(C) **PRIVACY.**—A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.

(3) **FUNDING REQUIREMENT.**—In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).

(g) **SUBGRANT AUTHORITY.**—A recipient of grant funds under this title shall have the authority to enter into sub-grants in order to carry out the grant, subject to such conditions as the Secretary may establish.

LWDB Policy Requirements Summary

Boards Must Have Written Policy Defining the Following

- Eligibility of participant, where applicable, and training provider in each Work- based Training service.
- Documentation and reporting of Performance and methods of Dissemination of Work-based Training activities to the public.

- Definition of Self Sufficient Wage in the local area.
- Contract requirements for OJT providers and participants, including file, MIS, financial activities/records, job descriptions specific to employment, progress reports.
- WEX/Internship policy/procedures including requirements in documentation, contract requirements, payment to participant, duration timelines, job site safety precautions, participant progress reports, selection of employers taking into account necessary state and federal requirements. (WEX and Intern participants are employed by the WIOA Service Provider and must be provided all State and Federally requirements including those of minimum wage laws, FICA and Workers Compensation coverage)
- RA procedures policy/procedures in coordination of activities, documentation of wage/increases, skills gain, and appropriate participant exit timeframes.
- Policy and procedures as to in identifying employers, amount of reimbursements, what support services to provide and any limits to duration of the Transitional Job.

Required Participant File Content (WIOA sec. 134, 181, 194, 20 CFR§ 680.700-750, Data Element Validation)

The participant case file must contain at a minimum and per Local Board requirements;

- *Administered assessments and the Individual Employment Plan (IEP) wherein the participant's interests, abilities and needs are identified and related to the WEX, Internship, Pre-Apprenticeship, RA, or Transitional Job activity/employment.*
- *The WEX/Internship Contract; contract modification if any.*
- *RA Contract or documentation identifying all components, time frames, salary etc.*
- *Job Description for the participating Work-based training*
- *Progress Reports (content and interim per Local Board policy)*
- *Financial documentation(including time sheets, invoices and payroll records) as to costs associated with WEX/Internship*

Required Case Note/Comment

- *The need for the training service has been properly documented*
- *Co-enrollment details as to shared costs and services if any*
- *Contact with participant/ Work-based Employer*
- *Start and end dates, invoice details in time frames and costs*
- *Receipt of progress reports, performance and necessary steps taken to improve below standard performance*

Reference MIS Data and Performance Desk Reference Guide for specific data entry requirements at:

http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm

NOTE: Should separate files, such as financial records, be maintained by service providers, these files must be present at time of monitoring.

Workforce Connections Proposed Policy Changes

SCP 1.21 Work Experience (WEX), Internships, Registered Apprenticeship and Transitional Jobs
(Policy dated October 2016)

On page 1, in the **Background:** section, please add “including On-the-Job Training” to clarify where OJTs are codified in SCP and highlight the “Note” sentence in **bold, italic type** to identify as a state-imposed requirement.

Background:

Work-based training is employer-driven with the goal of unsubsidized employment after participation. Generally, work-based training involves a commitment by an employer or employers to fully employ successful participants after they have completed the program.

Work-based training can be an effective training strategy that can provide additional opportunities for participants and employers in both finding high quality work and in developing a high quality workforce. Each of these work-based models can be effectively used to target different job seeker and employer needs. Providers of Work-based training must be providing the highest quality training to participants and are subject to performance and dissemination requirements of WIOA sec.

134(a)(2)(B)(v) and 122(h), separate from that of the Eligible Training Provider List (ETPL). ***NOTE: Additional Work based training programs including On-the-Job training can be found by referencing SCP 1.14 and 1.19.***

On page 2, in the **Registered Apprenticeship (RA)** section, please highlight the last sentence in **bold, italic type** to identify state-imposed requirement.

Registered Apprenticeship (RA)-

RA programs offer employment and a combination of on-the-job learning and related technical and theoretical instruction through a training provider. Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula, usually in a classroom, until the completion of their apprenticeship programs. Components of RAs include structured On-the-Job training, related training and instruction, rewards in skill gains and national occupational credentials. RA programs automatically qualify to be placed on the State and LWDB list (ETPL). They must appear on the list to be utilized. ***Each program is reviewed by the LWDB on a quarterly basis to insure continued endorsement by the RA Council.***



nevada**works**

Coordinating Workforce Development for Northern Nevada

October 18, 2016

Grant Nielson, Chief of WISS
500 East Third Street
Carson City, NV 89713

RE: Public comment regarding State Compliance Policies 1.21 & 2.6

Mr. Nielson:

Nevadaworks respectfully submits the following as public comment on State Compliance Policies 1.21 & 2.6:

- SCP 1.21 & SCP 2.6, Page 2, 5th sentence under Pre-Apprenticeship; Registered Apprenticeship (RA):- Per WIOA 121(h)(1), OJT/Customized Training/Incumbent Worker Training/WEX Providers are exempt from the ETPL. Please clarify: "They must appear on the list to be utilized."

Thank you for the opportunity to provide public comment. If you have any questions, please let me know.

Sincerely,

Milt Stewart
Program Manager

Policy Summary

State Compliance Policy (SCP) 2.5

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 2.5 to the Governor's Executive Committee for review and approval.

State Compliance Policy 2.5 communicates policy for Youth Support Services, Needs Related Payments and Incentive payments. Support Services are available to eligible Youth participating in WIOA services and as necessary to enable an individual to participate in activities authorized under WIOA. Needs-related payments are designed to provide a participant with resources for the purpose of enabling them to participate in WIOA Youth services. Incentives are permitted for recognition and achievement directly tied to training activities and work experiences.

This policy provides guidance on participant eligibility, service limitations, file, electronic record and Local Board policy requirements.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 2.5

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Youth- Support Services, Needs Related Payment, Incentive Payments

Issued: NEW

Purpose: To provide the Workforce Innovation and Opportunity Act (WIOA) requirements for Youth Support Services, Needs Related Payments and Incentive Payments.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §681.570&640; 20 CFR §680.900-960; 2 CFR §200; TEGL 3-15; TAG 14-2.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, local workforce development board (LWDB) members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

Support Services: A key principle in WIOA is to provide local areas with the authority to make policy and administrative decisions and the flexibility to tailor the workforce system to the needs of the local community. To ensure maximum flexibility, this guidance provides local areas the discretion to provide the supportive services they deem appropriate, subject to the limited conditions prescribed by WIOA. Local Boards must develop written policies and procedures to ensure coordination with other entities to ensure the highest quality, most comprehensive service provision possible; prevent duplication of resources and services; and establish limits on the amount and duration of these services. Local Boards are encouraged to develop policies and procedures that ensure that supportive services are WIOA-funded only when these services are not available through other agencies and that the services are necessary for the individual to participate in Title I activities. Youth supportive services may be made available to participants as indicated in the fourteen program elements listed in 20 CFR §681.460.

Needs-Related Payments are designed to provide a participant with resources for the purpose of enabling them to participate in training services. ETA recognizes that many individuals in need of training services may not have the resources available to participate in the training. Needs-related payments can help individuals meet their non-training expenses and help them to complete training

successfully. According to section 134(d)(3)(B) of WIOA, a participant must be enrolled in a training program described in section 134(c)(3) of WIOA in order to receive needs-related payments.

Incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences.

Policy and Procedure:

Support Services (20 CFR 681.570)

Supportive services for youth, as defined in WIOA sec. 3(59), are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following:

- (a) Linkages to community services;
- (b) Assistance with transportation;
- (c) Assistance with child care and dependent care;
- (d) Assistance with housing;
- (e) Needs-related payments;
- (f) Assistance with educational testing;
- (g) Reasonable accommodations for youth with disabilities;
- (h) Legal aid services;
- (i) Referrals to health care;
- (j) Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- (k) Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- (l) Payments and fees for employment and training-related applications, tests, and certifications.

(WIOA sec. 3(59))

The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under this Act.

NOTE: Needs related Payments are available only to Youth ages 18-24 and enrolled in WIOA youth services.

Support Services Participant Eligibility (20 CFR §680.910)

- (a) Supportive services may only be provided to individuals who are:
 - (1) Participating in career or training services as defined in WIOA sec. 134(c)(2) and (3); and
 - (2) Unable to obtain supportive services through other programs providing such services.
- (b) Supportive services only may be provided when they are necessary to enable individuals to participate in career service or training activities.

Support Service Limitations (20 CFR §680.920)

(a) Local WDBs may establish limits on the provision of supportive services or provide the one-stop center [American Job Center of Nevada] with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants.

(b) Procedures also may be established to allow one-stop centers to grant exceptions to the limits established under paragraph (a) of this section.

Needs Related Payments

As described in WIOA sec. 129(c)(2)(G) and WIOA sec. 3(59) supportive services include needs-related payments. Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs related payments a participant must be enrolled in training.

Training Delay (20 CFR §680.960)

Needs-related payments may be paid while a participant is waiting to start training classes provided the participant has been accepted in a training program that will begin within thirty (30) calendar days. Local areas may extend the 30 day period on an exception basis to address appropriate circumstances. *If local areas choose to do so, the availability of such extension and circumstance must be noted in policy. Documentation for the extension must be noted in Management Information System (MIS) comments/case notes, and be kept in the participant's case file. Reference MIS Data and Performance Desk Reference Guide at http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm for proper use of the HOLD tab as part of the training delay.*

Youth Incentive Payments (20 CFR §681.640)

Incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences. The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are:

- (a) Tied to the goals of the specific program;
- (b) Outlined in writing before the commencement of the program that may provide incentive payments;
- (c) Align with the local program's organizational policies; and
- (d) Are in accordance with the requirements contained in 2 CFR part 200.

Monetary payment may be given to a WIOA Youth participant for successful participation and achievement of expected outcomes as defined in the Individual Service Strategy (ISS) upon completion of established benchmarks or upon final program completion. Incentives may be used to retain youth in a program and must be tied to training, education, or work readiness. Such achievements must be documented in the participants file as the basis for an incentive payment. Guidelines for the payment of incentives to youth participants must be described in local policy. NOTE: Supportive Services may be provided to individuals enrolled in the Youth program and per LWDB policy, for at least one year after the date of exit from the WIOA program, provided the service is necessary to retain employment or continue in a post-exit training program, and there

is a financial need documented in the participant file. Follow-up services may be provided beyond 12 months at the state and LWDB discretion.

SUPPORTIVE SERVICE PROHIBITIONS (2 CFR §200; WIOA sec. 181, 184)

1. Payment toward goods or services incurred or received prior to the participant's enrollment in WIOA is prohibited.
2. Fines and penalties may not be paid with WIOA funds under any circumstances.
3. WIOA funds cannot be used to cover the cost of certain legal fees. *If this type of assistance is contemplated, and as appropriate as per federal regulation, the LWDB must approve by entering a comment/case note into the MIS as appropriate.*
4. Bad debts cannot be paid with WIOA funds; debts meet this definition at the point they are turned over to a collection agency for further action.
5. Interest expense cannot be paid with WIOA resources. Revolving credit payments or other periodic loan payments are normally comprised of both interest and principal.
6. *Payments for real or personal property that bears title (i.e. - automobiles, homes, etc.) cannot be made with WIOA funds.*
7. The purchase of goods or services that are illegal under any federal, state, local, or municipal law or statute cannot be made with WIOA funds.
8. The purchase of tobacco products, alcoholic beverages or firearms is prohibited.
9. WIOA funds cannot be used to pay for union dues.
10. WIOA funds cannot be used to pay deposits, rental or otherwise.
11. WIOA funds may not be used for foreign travel *or training*.
12. Payments for participant memberships, dues and subscriptions are not allowed unless it is a specific requirement of a training program, or necessary and reasonable as a condition of employment.
13. Entertainment costs. Costs of entertainment, including amusement, diversion, and social activities and any associated costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable, except where specific costs that might be otherwise considered entertainment have a programmatic purpose and are authorized either in the approved budget for the federal award or with prior written approval of the federal awarding agency. (2 CFR 200.438, 2 CFR 215, 2 CFR 230)

LWDB Policy Requirements Summary

Each item provided must be documented thoroughly in case notes/Comments and all accompanying paperwork retained in the participant case file. Description must provide enough information to determine what is being purchased or authorized, the price, duration if applicable and narrative documenting that the costs are reasonable and necessary.

Boards Must Have Written Policy Defining the following per 20 CFR §681.570 and TEGL 3-15, unless otherwise stated below:

- Define all Support Service that are to be administered in the local area (reference list at 20 CFR §681.570 which may not be all inclusive), include an acceptable description of each support service.
- Define “necessary to enable an individual to participate” and how the need and rationale will be documented in Individual Service Strategy (ISS) and Management Information System (MIS) comments/case notes.

- Address coordination of available resources in the local area including referral procedures and how it will be documented in MIS Comments/case notes.
- Define how each type of support service will be funded. (WIOA sec. 184)
- Include LWDB limitations on maximum amount of funding and or maximum length of time, if applicable. Policy must include how the established limits will be applied consistently for all participants. (20 CFR §680.920)
- ***Address the procedure for use of MIS Sector Tab. Reference TAG 14-2 http://detr.state.nv.us/workforce_investment_pages/TechnicalAssistanceGuides/TAG_14-2.pdf where applicable.***
- Policy must include the procedure for handling unclaimed gift cards/items used in supplying support services and include a return policy addressing unopened and opened/used items. (WIOA sec. 184)
- Address what support services may be provided once participants have exited and entered follow-up service and include when participants are no longer eligible for support services.
- Address participant training attendance verification requirements before issuing support services.
- Local boards must have written policy and ensure that needs-based payments are made in a manner consistent with 20 CFR §680.930 through 680.970. Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in a training service. The provision of needs-related payments is a discretionary local area activity. The policy must define participant eligibility, any established limitations, determine level of payment, MIS and file data requirements, and applicable limitations.
- Address prohibited items as listed above and as described legislation. (2 CFR 200.100-521, WIOA sec. 181, 184)
- Outline youth incentive requirements in purchasing of, payment of and storage of (i.e. gift cards), per 20 CFR §681.640 and 2 CFR part 200 including eligibility, documentation and MIS data requirements.

NOTE: Best financial practices include validation by signature of the participant for all support service items including receipts of goods.

Participant Case File Requirements

The participant case file must contain at a minimum and per Local Board requirements;

- ***All financial documentation including, quote if any, purchase order/requisition, receipts, time frames if applicable and additional documentation to support the purchase for this participant. (i.e. rental assistance would require some form of documentation to tie the individual to the rental property)***

Required MIS Case Note/Comment

- ***Reference MIS Data and Performance Desk Reference Guide for specific data entry requirements at: http://detr.state.nv.us/workforce_investment_pages/workforceinvestment.htm***
- ***MIS comments/case notes sufficient to determine what was purchased, from where, the cost, for what purpose the purchase was made and the date range, if applicable, it represents.***

- *The need and inability to obtain this service elsewhere in the community for the support service/needs related payment service.*
- *Co-enrollment details as to shared costs and services if any.*
- *Purchase Order/Invoice details sufficient to determine the need for the purchase, what was purchased, from where, time frames and costs.*
- *Incentive details as to the recognized achievement, monetary value and financial documentation.*

Sector Tab

Reference LWDB policy and TAG 14-2 for proper use of this tab.

Workforce Connections Proposed Policy Changes

SCP 2.5 Youth- Support Services, Needs Related Payment, Incentive Payments
(Policy dated October 2016)

On page 1, in the **Authorities/References:** section, please remove “Sec” from the sentence since 113-128 refers to Public Law 113-128 (not sections).

Authorities/References: Workforce Innovation and Opportunity Act P.L. ~~113-128, Sec 113-128~~; 20 CFR §681.570&640; 20 CFR §680.900-960; 2 CFR §200; TEGL 3-15; TAG 14-2.

On page 2, in the **(WIOA sec. 3(59))** section, please replace “youth training and work experiences (WEX)” with “WIOA Youth Services” since DOL Final Rules states needs related payments are allowed for youth ages 18-24 enrolled in WIOA youth services.

(WIOA sec. 3(59))

The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under this Act.

NOTE: Needs related Payments are available only to Youth ages 18-24 and enrolled in ~~youth training activities and work experiences (WEX)~~ WIOA Youth Services.

On pages 3 to 4, in the **Youth Incentive Payments** section, please add WIOA language to the Note sentence to clarify follow-up services (including supportive services) must be provided for at least 12 months and “Follow-up services may be provided beyond 12 months at the State or Local WDB's discretion.”

Youth Incentive Payments (20 CFR §681.640)

Incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences. The local program must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are:

- (a) Tied to the goals of the specific program;
- (b) Outlined in writing before the commencement of the program that may provide incentive payments;
- (c) Align with the local program’s organizational policies; and
- (d) Are in accordance with the requirements contained in 2 CFR part 200.

Monetary payment may be given to a WIOA Youth participant for successful participation and achievement of expected outcomes as defined in the Individual Service Strategy (ISS) upon completion of established benchmarks or upon final program completion. Incentives may be used to retain youth in a program and must be tied to training, education, or work readiness. Such achievements must be documented in the participants file as the basis for an incentive payment. Guidelines for the payment of incentives to youth participants must be described in local policy.

NOTE: Supportive Services may be provided to individuals enrolled in the Youth program and per LWDB policy, for ~~up to~~ at least one year after the date of exit from the WIOA program, provided the

service is necessary to retain employment or continue in a post-exit training program, and there is a financial need documented in the participant file. ***Follow-up services may be provided beyond 12 months at the State or LWDB's discretion.***

On page 4, in the **SUPPORTIVE SERVICE PROHIBITIONS** section, please highlight in **bold, italic type** the state-imposed requirement in Item #3. Please provide a citation for Item #6. Please highlight the state-imposed requirement language in Item #11. Please replace Item #13 Entertainment Cost language with 2 CFR 200.438 language that allows entertainment costs for programmatic purposes.

SUPPORTIVE SERVICE PROHIBITIONS (2 CFR §200; WIOA sec. 181, 184)

1. Payment toward goods or services incurred or received prior to the participant's enrollment in WIOA is prohibited.
2. Fines and penalties may not be paid with WIOA funds under any circumstances.
3. WIOA funds cannot be used to cover the cost of certain legal fees. ***If this type of assistance is contemplated, the LWDB must approve by entering a comment/case note into the MIS as appropriate.***
4. Bad debts cannot be paid with WIOA funds; debts meet this definition at the point they are turned over to a collection agency for further action.
5. Interest expense cannot be paid with WIOA resources. Revolving credit payments or other periodic loan payments are normally comprised of both interest and principal.
6. Payments for real or personal property that bears title (i.e. - automobiles, homes, etc.) cannot be made with WIOA funds (***?Citation***).
7. The purchase of goods or services that are illegal under any federal, state, local, or municipal law or statute cannot be made with WIOA funds.
8. The purchase of tobacco products, alcoholic beverages or firearms is prohibited.
9. WIOA funds cannot be used to pay for union dues.
10. WIOA funds cannot be used to pay deposits, rental or otherwise.
11. WIOA funds may not be used for foreign travel ***or training***.
12. Payments for participant memberships, dues and subscriptions are not allowed unless it is a specific requirement of a training program, or necessary and reasonable as a condition of employment.
13. Entertainment costs. ~~Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable.~~ Costs of entertainment, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency.
(2 CFR 200.438, 2 CFR 215, 2 CFR 230)



nevada**works**

Coordinating Workforce Development for Northern Nevada

October 19, 2016

Grant Nielson, Chief of WISS
500 East Third Street
Carson City, NV 89713

RE: Public comment regarding State Compliance Policy 2.5

Mr. Nielson:

Nevadaworks respectfully submits the following as public comment on State Compliance Policy (SCP) 2.5:

- SCP 2.5, page 5, 9th bullet: Please clarify what the “and storage of” language is referring to.

Thank you for the opportunity to provide public comment. If you have any questions, please let me know.

Sincerely,

Milt Stewart
Program Manager

Policy Summary

State Compliance Policy (SCP) 2.6

As part of its' responsibility to provide guidance and direction to the Local Workforce Development Areas (Local Areas), DETR follows federal guidance in creating policy to implement the Workforce Innovation and Opportunity Act (WIOA). These policies are necessary for efficient and stable operations of the workforce system in the State of Nevada. As such, DETR has provided SCP 2.6 to the Governor's Executive Committee for review and approval.

State Compliance Policy 2.6 communicates the requirements for Youth Work Experience (WEX), and work-based training services of Internship, Pre-Apprenticeship, Registered Apprenticeship (RA) and On-the Job Training. These activities can be an effective training strategy than can provide additional opportunities for participants and employers in both finding high quality work and in developing a high quality workforce.

This policy provides guidance on participant and employer eligibility and on file, electronic record, performance and Local Board policy requirements.

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act
State Compliance Policy (SCP)**

Policy Number: 2.6

Originating Office: DETR; Workforce Investment Support Services (WISS).

Subject: Youth- Work Experience (WEX)/ Internships, Pre-Apprenticeship, Registered Apprenticeship (RA) and On the Job Training.

Issued: NEW

Purpose: To provide the Workforce Innovation and Opportunity Act (WIOA) requirements for Work Experience/ Internships, Pre-Apprenticeship and RA for the Youth programs.

State Imposed Requirements: This directive contains some state-imposed requirements. These requirements are printed in ***bold, italic type***.

Authorities/References: Workforce Innovation and Opportunity Act P.L. 113-128; 20 CFR §681.480 & 590-600; 20 CFR §680.330 & 700-750; TEN 13-12; TEGL 02-07; TEN 44-11; TEGL 3-15.

ACTION REQUIRED:

Upon issuance bring this guidance to the attention of all WIOA service providers, local workforce development board (LWDB) members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

Work-based training is employer-driven with the goal of unsubsidized employment after participation. Generally, work-based training involves a commitment by an employer or employers to fully employ successful participants after they have completed the program.

Work-based training can be an effective training strategy that can provide additional opportunities for participants and employers in both finding high quality work and in developing a high quality workforce. Each of these work-based models can be effectively used to target different job seeker and employer needs. Providers of work-based training must be providing the highest quality training to participants and are subject to performance and dissemination requirements of WIOA sec. 134(a)(2)(B)(v) and 122(h), separate from that of the Eligible Training Provider List (ETPL).

Work Experience (WEX)/Internship-

Are planned, structured, time-limited learning experiences that take place in a workplace. They may be paid or unpaid, as appropriate and be provided in the private for-profit, non-profit, or public sectors. Labor standards apply to any internship or work experience in which an employee/employer relationship exists under applicable law. An internship or work experience for a participant in WIOA is classified as an Individualized Career Service as described in 20 CFR § 678.430(b). Internships and work experiences provide a helpful means for an individual to gain experience that leads to unsubsidized employment.

Care must be taken when matching the participant to a job site taking into consideration the demonstrated aptitudes/interests and maturity of the participant, the location (transportation), availability of supervising staff and hazards of the work environment.

Pre-Apprenticeship; Registered Apprenticeship (RA)-

Pre-apprenticeship is defined as a program or set of strategies designed to prepare individuals to enter and succeed in a Registered Apprenticeship program and has a documented partnership with at least one, if not more, Registered Apprenticeship program(s).

RA programs offer employment and a combination of on-the-job learning and related technical and theoretical instruction through a training provider. Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula, usually in a classroom, until the completion of their apprenticeship programs. Components of RAs include structured On-the-Job training, related training and instruction, rewards in skill gains and national occupational credentials. RA programs automatically qualify to be placed on the State and LWDB list (ETPL). RA Programs must appear on the list to be utilized. *Each program is reviewed by the LWDB on a quarterly basis to insure continued endorsement by the RA Council.*

On-the-Job Training (OJT)—OJT is available to youth, adults and dislocated workers. OJT is a type of training that is provided by a private, private-non-profit or public sector employer to a participant. During the training, the participant is engaged in productive work in a job for which he or she is paid, and the training provides the knowledge or skills essential to the full and adequate performance of the job.

Policy and Procedure:

Youth Work Experience Priority (20 CFR§ 681.590)

(a) Local youth programs must expend not less than 20 percent of the funds allocated to them to provide ISY [In school Youth] and OSY[Out of School Youth] with paid and unpaid work experiences that fall under the categories listed in [20 CFR] § 681.460(a)(3) and further defined in [20 CFR] § 681.600.

(b) Local WIOA youth programs must track program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting. The percentage of funds spent on work experience is calculated based on the total local area youth funds expended for work experience rather than calculated separately for ISY and OSY. Local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement.

Youth WEX Components (20 CFR § 681.600)

- (a) Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Consistent with [20 CFR] § 680.840 of this chapter, funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. Work experiences provide the youth participant with opportunities for career exploration and skill development.
- (b) Work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the work site.
- (c) The types of work experiences include the following categories:
- (1) Summer employment opportunities and other employment opportunities available throughout the school year;
 - (2) Pre-apprenticeship programs;
 - (3) Internships and job shadowing; and
 - (4) On-the-job training (OJT) opportunities as defined in WIOA sec. 3(44) and in [20 CFR] § 680.700 of this chapter.

Pre-Apprenticeships (20 CFR §681.480)

A pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et. seq.) (referred to in this part as a “registered apprenticeship” or “registered apprenticeship program”) and includes the following elements:

- (a) Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved;
- (b) Access to educational and career counseling and other supportive services, directly or indirectly;
- (c) Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- (d) Opportunities to attain at least one industry-recognized credential; and
- (e) A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

Registered Apprenticeship (20 CFR §680.330)

Registered apprenticeships automatically qualify to be on a State’s eligible training provider list (ETPL) as described in [20 CFR] § 680.470.

- (a) ITAs [Individual Training Account] can be used to support placing participants in registered apprenticeship through:

- (1) Pre-apprenticeship training, as defined in [20 CFR] § 681.480 of this chapter; and
 - (2) Training services provided under a registered apprenticeship program.
- (b) Supportive services may be provided as described in [20 CFR] § 680.900 and 680.910.
- (c) Needs-related payments may be provided as described in [20 CFR] § 680.930, 680.940, 680.950, 680.960, and 680.970.
- (d) Work-based training options also may be used to support participants in registered apprenticeship programs (see [20 CFR] § 680.740 and 680.750).

On the Job Training (OJT)
(WIOA sec. 3(44))

ON-THE-JOB TRAINING.—The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that—

- (A) provides knowledge or skills essential to the full and adequate performance of the job;
- (B) is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, except as provided in [WIOA] section 134(c)(3)(H), for the extraordinary costs of providing the training and additional supervision related to the training; and
- (C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

OJT Requirements (20 CFR § 680.700)

- (a) OJT is defined at WIOA sec. 3(44). OJT is provided under a contract with an employer or registered apprenticeship program sponsor in the public, private non-profit, or private sector. Through the OJT contract, occupational training is provided for the WIOA participant in exchange for the reimbursement, typically up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and supervision related to the training. In limited circumstances, as provided in WIOA sec. 134(c)(3)(h) and [20 CFR] § 680.730, the reimbursement may be up to 75 percent of the wage rate of the participant.
- (b) OJT contracts under WIOA title I, must not be entered into with an employer who has received payments under previous contracts under WIOA or WIA if the employer has exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.
- (c) An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant’s IEP [Individual Employment Plan or ISS, Individual Service Strategy].

OJT Payments to Employers (20 CFR § 680.720)

(a) OJT payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participants while in the OJT.

(b) Employers may be reimbursed up to 50 percent of the wage rate of an OJT participant, and up to 75 percent using the criteria in [20 CFR] § 680.730, for the extraordinary costs of providing the training and additional supervision related to the OJT.

(c) Employers are not required to document such extraordinary costs.

OJT Reimbursement Rate Increase Requirements (20 CFR § 680.730)

(a) The Governor may increase the reimbursement rate for OJT contracts funded through the statewide employment and training activities described in [20 CFR] § 682.210 of this chapter up to 75 percent, and the Local WDB also may increase the reimbursement rate for OJT contracts described in [20 CFR] § 680.320(a)(1) up to 75 percent, when taking into account the following factors:

(1) The characteristics of the participants taking into consideration whether they are “individuals with barriers to employment,” as defined in WIOA sec. 3(24); (2) The size of the employer, with an emphasis on small businesses;

(3) The quality of employer-provided training and advancement opportunities, for example if the OJT contract is for an in-demand occupation and will lead to an industry-recognized credential; and

(4) Other factors the Governor or Local WDB may determine to be appropriate, which may include the number of employees participating, wage and benefit levels of the employees (both at present and after completion), and relation of the training to the competitiveness of the participant.

(b) Governors or Local WDBs must document the factors used when deciding to increase the wage reimbursement levels above 50 percent up to 75 percent.

OJT and RAs (20 CFR § 680.740)

(a) OJT contracts may be entered into with registered apprenticeship program sponsors or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program consistent with [20 CFR] § 680.700. Depending on the length of the registered apprenticeship and State and local OJT policies, these funds may cover some or all of the registered apprenticeship training.

(b) If the apprentice is unemployed at the time of participation, the OJT must be conducted as described in [20 CFR] § 680.700. If the apprentice is employed at the time of participation, the OJT must be conducted as described in [20 CFR] § 680.710.

Combining ITA and OJT Funds (20 CFR § 680.750)

There is no Federal prohibition on using both ITA and OJT funds when placing participants into a registered apprenticeship program. See [20 CFR] § 680.330 on using ITAs to support participants in registered apprenticeship.

(Performance-WIOA sec. 122(h))

(h) ON-THE-JOB TRAINING, CUSTOMIZED TRAINING, INCUMBENT WORKER TRAINING, AND OTHER TRAINING EXCEPTIONS.—

(1) IN GENERAL.—Providers of on-the-job training, customized training, incumbent worker training, internships, and paid or unpaid work experience

opportunities, or transitional employment shall not be subject to the requirements of subsections (a) through (f) [of WIOA sec 122].

(2) COLLECTION AND DISSEMINATION OF INFORMATION.—A one-stop operator in a local area shall collect such performance information from providers of on-the-job training, customized training, incumbent worker training, internships, paid or unpaid work experience opportunities, and transitional employment as the Governor may require, and use the information to determine whether the providers meet such performance criteria as the Governor may require. The one-stop operator shall disseminate information identifying such providers that meet the criteria as eligible providers, and the performance information, through the one-stop delivery system. Providers determined to meet the criteria shall be considered to be identified as eligible providers of training services.

(General WIOA sec.181)

(a) BENEFITS.—

(1) WAGES.—

(A) IN GENERAL.—Individuals in on-the-job training or individuals employed in activities under this title shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

(B) RULE OF CONSTRUCTION.—The reference in subparagraph (A) to section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall not be applicable for individuals in territorial jurisdictions in which section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) does not apply.

(2) TREATMENT OF ALLOWANCES, EARNINGS, AND PAYMENTS.—

Allowances, earnings, and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 et seq.).

(b) LABOR STANDARDS.—

(1) LIMITATIONS ON ACTIVITIES THAT IMPACT WAGES OF EMPLOYEES.—No funds provided under this title shall be used to pay the wages of incumbent employees during their participation in economic development activities provided through a statewide workforce development system.

(2) DISPLACEMENT.—

(A) PROHIBITION.—A participant in a program or activity authorized under this title (referred to in this section as a “specified activity”) shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

(B) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—A specified activity shall not impair an existing contract for services or collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) OTHER PROHIBITIONS.—A participant in a specified activity shall not be employed in a job if—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the participant; or

(C) the job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(4) HEALTH AND SAFETY.—Health and safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of participants engaged in specified activities. To the extent that a State workers' compensation law applies, workers' compensation shall be provided to participants on the same basis as the compensation is provided to other individuals in the State in similar employment.

(5) EMPLOYMENT CONDITIONS.—Individuals in on-the-job training or individuals employed in programs and activities under this title shall be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work.

(6) OPPORTUNITY TO SUBMIT COMMENTS.—Interested members of the public, including representatives of businesses and of labor organizations, shall be provided an opportunity to submit comments to the Secretary with respect to programs and activities proposed to be funded under subtitle B.

(7) NO IMPACT ON UNION ORGANIZING.—Each recipient of funds under this title shall provide to the Secretary assurances that none of such funds will be used to assist, promote, or deter union organizing.

(c) GRIEVANCE PROCEDURE.—

(1) IN GENERAL.—Each State and local area receiving an allotment or allocation under this title shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of this title from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint. [Reference State Compliance Policy 4.3]

(2) INVESTIGATION.—

(A) IN GENERAL.—The Secretary shall investigate an allegation of a violation described in paragraph (1) if—

(i) a decision relating to such violation has not been reached within 60 days after the date of the filing of the grievance or complaint and either party appeals to the Secretary; or

(ii) a decision relating to such violation has been reached within such 60 days and the party to which such decision is adverse appeals such decision to the Secretary.

(B) **ADDITIONAL REQUIREMENT.**—The Secretary shall make a final determination relating to an appeal made under subparagraph (A) no later than 120 days after receiving such appeal.

(3) **REMEDIES.**—Remedies that may be imposed under this section for a violation of any requirement of this title shall be limited—

(A) to suspension or termination of payments under this title;

(B) to prohibition of placement of a participant with an employer that has violated any requirement under this title;

(C) where applicable, to reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and

(D) where appropriate, to other equitable relief.

(4) **RULE OF CONSTRUCTION.**—Nothing in paragraph (3) shall be construed to prohibit a grievant or complainant from pursuing a remedy authorized under another Federal, State, or local law for a violation of this title.

(d) **RELOCATION.**—

(1) **PROHIBITION ON USE OF FUNDS TO ENCOURAGE OR INDUCE RELOCATION.**—No funds provided under this title shall be used, or proposed for use, to encourage or induce the relocation of a business or part of a business if such relocation would result in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(2) **PROHIBITION ON USE OF FUNDS AFTER RELOCATION.**—

No funds provided under this title for an employment or training activity shall be used for customized or skill training, on-the-job training, incumbent worker training, transitional employment, or company-specific assessments of job applicants or employees, for any business or part of a business that has relocated, until the date that is 120 days after the date on which such business commences operations at the new location, if the relocation of such business or part of a business results in a loss of employment for any employee of such business at the original location and such original location is within the United States.

(3) **REPAYMENT.**—If the Secretary determines that a violation of paragraph (1) or (2) has occurred, the Secretary shall require the State *[or local area]* that has violated such paragraph (or that has provided funding to an entity that has violated such paragraph) to repay to the United States an amount equal to the amount expended in violation of such paragraph.

(e) **LIMITATION ON USE OF FUNDS.**—No funds available to carry out an activity under this title shall be used for employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, that are not directly related to training for eligible individuals under this title. No funds received to carry out an activity under subtitle B shall be used for foreign travel.

(f) **TESTING AND SANCTIONING FOR USE OF CONTROLLED SUBSTANCES.**—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State *[or local area]* shall not be prohibited by the Federal Government from—

(A) testing participants in programs under subtitle B for the use of controlled substances; and

(B) sanctioning such participants who test positive for the use of such controlled substances.

(2) ADDITIONAL REQUIREMENTS.—

(A) PERIOD OF SANCTION.—In sanctioning participants in a program under subtitle B who test positive for the use of controlled substances—

(i) with respect to the first occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 6 months; and

(ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a State may exclude the participant from the program for a period not to exceed 2 years.

(B) APPEAL.—The testing of participants and the imposition of sanctions under this subsection shall be subject to expeditious appeal in accordance with due process procedures established by the State.

(C) PRIVACY.—A State shall establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.

(3) FUNDING REQUIREMENT.—In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).

(g) SUBGRANT AUTHORITY.—A recipient of grant funds under this title shall have the authority to enter into sub-grants in order to carry out the grant, subject to such conditions as the Secretary may establish.

Summary of OJT Eligibility Requirements

Participant Eligibility:

- The participant has received at least one of the fourteen youth program elements and has been unable to gain or retain employment and has been determined to need training ; and
- Has an Individual Employment Plan (IEP/ISS), wherein the participant’s interests, abilities and needs are identified and related to the OJT employment; **OR**
- If employed, earn less than the self-sufficiency hourly wage and includes a skills gap assessment; and
- Has an Individual Employment Plan (IEP/ISS), wherein the participant’s interests, abilities and needs are identified and related to the OJT employment; and
- Training relates to the introduction of new technologies; or
- Training relates to the introduction of new production or service procedures; or
- Training relates to an employment promotion requiring additional skills or workplace literacy

NOTE: Reference SCP 1.14 for the following OJT requirements.

Written Assurances (WIOA Sec. 134, 181, 194, 20 CFR 680.700-750, WIOA Contract Assurances Attachment C):

Employer Eligibility (WIOA 194 & 181, 20 CFR 680.700-730, 683.200)

OJT Contract Requirements (WIOA sec 134, 181, 194, 20 CFR 680.700-750)

Occupation Eligibility (WIOA sec. 134)

Monitoring and Oversight (2 CFR 200, WIOA sec. 183 & 184)

LWDB Policy Requirements Summary

Boards Must Have Written Policy Defining the Following

- Eligibility of participant, where applicable, and training provider in each Work-based Training service.
- Documentation and reporting of Performance and methods of Dissemination of Work-based Training activities to the public.
- Definition of Self Sufficient Wage in the local area.
- Contract requirements for OJT providers and participants, including file, MIS, financial activities/records, job descriptions specific to employment, progress reports.
- WEX/Internship policy/procedures including requirements in documentation, contract requirements, payment to participant, duration timelines, job site safety precautions, participant progress reports, selection of employers taking into account necessary state and federal requirements. (WEX and Intern participants must be provided all state and federal requirements for workers compensation coverage by WIOA service providers, WIOA sec. 181(b)(4)).
- Pre-Apprenticeship/RA procedures policy/procedures in coordination of activities, documentation of wage/increases, skills gain, and appropriate participant exit timeframes.

Required Participant File Content (WIOA sec. 134, 181, 194, 20 CFR§ 680.700-750, Data Element Validation)

The participant case file must contain at a minimum and per Local Board requirements;

- *Administered assessments and the ISS wherein the participant's interests, abilities and needs are identified and related to the WEX/Internship, Pre-Apprenticeship, RA, activity/employment or OJT*
- *The WEX/Internship, OJT Contract; contract modification if any*
- *The WEX/Internship, OJT Job Description*
- *Pre-Apprenticeship/RA Contract or documentation identifying all components, time frames, salary etc.*
- *Progress Reports (content and interim per Local Board policy)*
- *Financial documentation(including time sheets, invoices and payroll records) as to costs associated with WEX/Internship*

Required Case Note/Comment

- *The need for the training service has been properly documented*
- *Co-enrollment details as to shared costs and services if any*
- *Contact with participant and Employer/Training Provider*
- *Start and end dates, invoice details in time frames and costs*
- *Receipt of progress reports, performance and necessary steps taken to improve below standard performance*

Workforce Connections Proposed Policy Changes

SCP 2.6 Youth- Work Experience (WEX), Internships, Pre-Apprenticeship, Registered Apprenticeship (RA) and On the Job Training
(Policy dated October 2016)

On page 1, in the **Authorities/References:** section, please remove “Sec” from the sentence since 113-128 refers to Public Law 113-128 (not sections).

Authorities/References: Workforce Innovation and Opportunity Act P.L. ~~113-128, Sec 113-128~~; 20 CFR §681.480 & 590-600; 20 CFR §680.330 & 700-750; TEN 13-12; TEGL 02-07; TEN 44-11; TEGL 3-15.

On page 2, in the **Pre-Apprenticeship; Registered Apprenticeship (RA)** section, please highlight the last sentence in **bold, italic type** to identify state-imposed requirement.

Pre-Apprenticeship; Registered Apprenticeship (RA)-

Pre-apprenticeship is defined as a program or set of strategies designed to prepare individuals to enter and succeed in a Registered Apprenticeship program and has a documented partnership with at least one, if not more, Registered Apprenticeship program(s).

RA programs offer employment and a combination of on-the-job learning and related technical and theoretical instruction through a training provider. Apprentices are employed at the start of their apprenticeship and work through a series of defined curricula, usually in a classroom, until the completion of their apprenticeship programs. Components of RAs include structured On-the Job training, related training and instruction, rewards in skill gains and national occupational credentials. RA programs automatically qualify to be placed on the State and LWDB list (ETPL).

They must appear on the list to be utilized. *Each program is reviewed by the LWDB on a quarterly basis to insure continued endorsement by the RA Council.*

On page 9, in the **Summary of OJT Eligibility Requirements** section, please delete “has received at least one career service and” since this is not a WIOA youth program and bullet and indent further the 7 items so that “and” items and “or” items in the series can be clearly followed.

Summary of OJT Eligibility Requirements

Participant Eligibility:

- The participant ~~has received at least one career service and~~ has been unable to gain or retain employment and has been determined to need training; and ~~•H~~has an Individual Employment Plan (IEP/ISS), wherein the participant’s interests, abilities and needs are identified and related to the OJT employment; **OR**
- If employed, earn less than the self-sufficiency hourly wage and includes a skills gap assessment; and ~~•H~~has an Individual Employment Plan (IEP/ISS), wherein the participant’s interests, abilities and needs are identified and related to the OJT employment;

And,

- Training relates to the introduction of new technologies; or

- Training relates to the introduction of new production or service procedures; or
- Training relates to an employment promotion requiring additional skills or workplace literacy

NOTE: Reference SCP 1.14 for the following OJT requirements.

Written Assurances (WIOA Sec. 134, 181, 194, 20 CFR 680.700-750, WIOA Contract Assurances Attachment C):

Employer Eligibility (WIOA 194 & 181, 20 CFR 680.700-730, 683.200)

OJT Contract Requirements (WIOA sec 134, 181, 194, 20 CFR 680.700-750)

Occupation Eligibility (WIOA sec. 134)

Monitoring and Oversight (2 CFR 200, WIOA sec. 183 & 184)

On page 10, in the **LWDB Policy Requirements Summary** section, please delete language mandating wages to be paid when stipends not requiring FICA, etc. may be allowable.

LWDB Policy Requirements Summary

Boards Must Have Written Policy Defining the Following

- Eligibility of participant, where applicable, and training provider in each Work- based Training service.
- Documentation and reporting of Performance and methods of Dissemination of Work-based Training activities to the public.
- Definition of Self Sufficient Wage in the local area.
- Contract requirements for OJT providers and participants, including file, MIS, financial activities/records, job descriptions specific to employment, progress reports.
- WEX/Internship policy/procedures including requirements in documentation, contract requirements, payment to participant, duration timelines, job site safety precautions, participant progress reports, selection of employers taking into account necessary state and federal requirements. ~~(WEX and Intern participants are employed by the WIOA Service Provider and must be provided all State and Federally requirements including those of minimum wage laws, FICA and Workers Compensation coverage)~~
- Pre-Apprenticeship/RA procedures policy/procedures in coordination of activities, documentation of wage/increases, skills gain, and appropriate participant exit timeframes.



nevada**works**

Coordinating Workforce Development for Northern Nevada

October 18, 2016

Grant Nielson, Chief of WISS
500 East Third Street
Carson City, NV 89713

RE: Public comment regarding State Compliance Policies 1.21 & 2.6

Mr. Nielson:

Nevadaworks respectfully submits the following as public comment on State Compliance Policies 1.21 & 2.6:

- SCP 1.21 & SCP 2.6, Page 2, 5th sentence under Pre-Apprenticeship; Registered Apprenticeship (RA)-: Per WIOA 121(h)(1), OJT/Customized Training/Incumbent Worker Training/WEX Providers are exempt from the ETPL. Please clarify: "They must appear on the list to be utilized."

Thank you for the opportunity to provide public comment. If you have any questions, please let me know.

Sincerely,

Milt Stewart
Program Manager