

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

Policy Number: 1.4

Originating Office: Workforce Investment Support Services

Subject: Workforce Innovation and Opportunity Act One-Stop Delivery System

Approved: GWDB – July 21, 2016

Revised: *Proposed:* GWDB Exec. Comm., September 9, 2016 ; GWDB, October 20, 2016 ratification.

Purpose: To provide guidance for the operation of the WIOA one-stop service delivery system.

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 part 200, 20 CFR Part 678 and 29 CFR §37; §38

Background: Title I of the Workforce Innovation and Opportunity Act (WIOA) assigns responsibility at the local, state and federal level to ensure the creation and maintenance of a One-Stop delivery system that enhances the range and quality of workforce development services that are accessible to individuals seeking assistance 20 CFR §678.300.

I. One-Stop Delivery System:

- A. The one-stop delivery system brings together workforce development, educational, and other human resource services in a seamless customer-focused delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers. 20 CFR §678.300(a).

- B. The system must include at least one comprehensive physical center in each local area as described in 20 CFR §678.305. The system may also have additional arrangements to supplement the comprehensive center including:
 - 1. An affiliated site or a network of affiliated sites where one or more partners make programs, services, and activities available as described in 20 CFR §678.310. A physical location is one that provides access to the programs, services, and activities of all

required partners. Providing services through “direct linkage” as defined in 20 CFR §305(d) is an allowable form of access to services. All affiliated sites must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR part 38. Administrative requirements for affiliated sites are further described in State Compliance Policy 1.20.

2. A network of eligible one-stop partners, as described in 20 CFR §678.400 through §678.410 through which each partner provides one or more of the programs, services, and activities that are linked, physically or technologically, to an affiliated site or access point that assures customers are provided information on the availability of career services, as well as other program services and activities, regardless of where they initially enter the public workforce system in the local area; and,
 3. Specialized centers that address specific needs, including those of dislocated workers, youth, or key industry sectors or clusters.
- C. Required one-stop partner programs must provide access to programs, services, and activities through electronic means, if applicable and practicable. This is in addition to providing access to services through the mandatory comprehensive physical one-stop center and any affiliated sites or specialized centers. The provision of programs and services by electronic methods such as web sites, telephones, or other means must improve the efficiency, coordination and quality of one-stop partner services. Electronic delivery must not replace access to such services at a comprehensive one-stop center or be a substitute to making services available at an affiliated site if the partner is participating in an affiliated site. Electronic delivery systems must be in compliance with the nondiscrimination and equal opportunity provisions of WIOA in sec. 188, and its implementing regulations in 29 CFR parts 38.
- D. The design of the local area’s one-stop system must be described in the Memorandum of Understanding (MOU) executed by the one-stop partners as described in 20 CFR §678.500.

II. Comprehensive One-Stop Center:

- A. A comprehensive one-stop center is a physical location where jobseeker and employer customers can access the programs, services and activities of all required one-stop partners. A comprehensive one-stop center must have at least one WIOA Title I staff person physically present.
- B. The comprehensive one-stop center must provide:
 1. Career services described in 20 CFR §678.430;
 2. Access to training services described in 20 CFR §680.200;
 3. Access to any employment and training activities carried out under sec. 134(d) of WIOA;
 4. Access to programs and activities carried out by one-stop partners

- listed in 20 CFR §678.400 through §678.410, including Wagner-Peyser employment services; and,
5. Workforce and labor market information.
- C. Customers must have access to these programs, services, and activities during regular business days at a comprehensive one-stop center. The local workforce development board may establish other service hours, at other times, to accommodate the schedules of individuals who work on regular business days. The state workforce development board will evaluate the hours of access to service as part of the evaluation of effectiveness in the one-stop certification process described in 20 CFR §678.800(b).
- D. “Access” to programs and services means having either: program staff physically present at the location; having partner program staff physically present at the one-stop appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or, providing direct linkage through technology to program staff who can provide meaningful information or services.
1. A “direct linkage” means providing direct connection at the one-stop, within a reasonable time, by phone or through real-time, web-based communication to a program staff member who can provide program information or services to the customer.
 2. A “direct linkage” does not include providing a phone number or computer website that can be used at an individual’s home; providing information, pamphlets, or materials; or, making arrangements for the customer to receive services at a later time or on a different day.
- E. All comprehensive one-stops must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR part 38.
- F. Required one-stop partners (20 CFR §678.400) include:
1. Programs authorized under Title I of WIOA, including: Adult, Dislocated Worker, Youth, Job Corps, YouthBuild, Native American programs, and Migrant and Seasonal Farmworker programs;
 2. Employment services authorized under the Wagner-Peyser Act (29 CFR 49 et. seq.), as amended by WIOA title III;
 3. Adult Education and Family Literacy Act (AEFLA) activities authorized under Title II of WIOA;
 4. The Vocational Rehabilitation program authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et. seq.) as amended by WIOA title IV;
 5. The Senior Community Service Employment program authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et. seq.);
 6. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical

- Education Act of 2006 (20 U.S.C. 2301 et. seq.);
7. Trade Adjustment Assistance activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271 et. seq.);
 8. Jobs for Veterans State Grants program authorized under chapter 41 of Title 38 U.S.C.;
 9. Employment and training activities carried out under the Community Services Block Grant (42 U.S.C. 9901 et. seq.);
 10. Employment and training activities carried out by the Department of Housing and Urban Development;
 11. Programs authorized under state unemployment compensation laws (in accordance with applicable federal law);
 12. Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and,
 13. Temporary Assistance for Needy Families (TANF) authorized under part A of Title IV of the Social Security Act (42 U.S.C. et. seq.), unless exempted by the Governor. The Governor may determine that TANF will not be a required partner in the state, or within some specific local areas in the state. In this instance, the Governor must notify the Secretaries of the U.S. Departments of Labor and Health and Human Services in writing of this determination 20 CFR §678.405(b).
- G. Additional partners that carry out a workforce development program, including federal, state or local programs and programs in the private sector may serve as part of the one-stop system if the local workforce development board(s) and chief elected official(s) approve the entity's participation (20 CFR §678.410). Additional partners may include, but are not limited to:
1. Employment and training programs administered by the Social Security Administration, including the Ticket To Work and Self-Sufficiency programs established under sec. 1148 of the Social Security Act (42 U.S.C. 1320b-19);
 2. Employment and training programs carried out by the Small Business Administration.
 3. Supplemental Nutrition Assistance Program (SNAP) employment and training programs authorized under secs. 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015 (d)(4));
 4. Client Assistance Program authorized under sec. 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);
 5. Programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et. seq.); and,
 6. Other appropriate federal, state or local programs, including employment, education and training programs provided by public libraries or in the private sector.

III. Memorandum of Understanding (MOU) for the One-Stop Delivery System

- A. The MOU is the product of local discussion and negotiation, and is an agreement developed and executed between the local workforce

development board(s), with the agreement of the chief local elected official(s) and the one-stop partners, relating to the operation of the one-stop delivery system in the local area. Negotiations will be conducted in accordance with the requirements of 20 CFR §678.510.

- B. The MOU must include:
 - 1. A description of services to be provided through the one-stop delivery system, including the manner in which the services will be coordinated and delivered through the system;
 - 2. A final plan, or an interim plan if needed, on how the costs of the services and the operating costs of the system will be funded, including funding of infrastructure costs (20 CFR §678.700 through 678.755) and funding of the shared services and operating costs of the one-stop delivery system (20 CFR §678.760). Appeals regarding costs will be reviewed by the state in accordance with 20 CFR §678.750.
 - 3. Methods for referring individuals between the one-stop operators and partners for appropriate services and activities.
 - 4. Methods to insure that the needs of workers, youth and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system.
 - 5. The duration of the MOU and procedures for amending it; and,
 - 6. Assurances that each MOU will be reviewed and, if substantial changes have occurred, renewed not less than once every three year period to insure appropriate funding and delivery of services.
- C. The MOU may contain any other provisions agreed to by the parties that are consistent with WIOA Title I, authorizing statutes and regulations of the one-stop partner programs, and the WIOA regulations (WIOA sec. 121(c)).
- D. When fully executed, the MOU must contain the signatures of the local workforce development board, one-stop partners, the chief local elected official(s), and the time period in which the agreement is in effect. The MOU must be updated not less than every three years to reflect any changes in the signatory official(s) of the local workforce development board, one-stop partners, and/or chief elected local official(s), or any changes in one-stop infrastructure funding.
- E. The Governor shall establish a process, described under section 102(b)(2)(D)(i)(IV), for a one-stop partner administering a program described in subsection (b)(1) to appeal a determination regarding the portion of funds to be provided under this paragraph. Such a determination may be appealed under the process on the basis that such determination is inconsistent with the requirements of this paragraph. Such process shall ensure prompt resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of section 182(e). ***A One-stop partner may appeal an infrastructure funding plan in***

writing, per established policy, to the Governor's Workforce Development Board whose decision is final.

IV. One-Stop Operators

- A. One-stop operators may be a single entity (public, private or non-profit) or a consortium of entities (20 CFR §678.600). If the consortium of entities is one of the one-stop partners, it must include a minimum of three of the one-stop partners as described in 20 CFR §678.400.
- B. In consultation and collaboration with core partners and the State of Nevada workforce development board, the local workforce development boards will issue a Request for Proposals (RFP) that incorporates the mandatory elements as follows:
 - 1. An applicant's proposal must provide a cost containment plan that delineates a process for controlling the operational expenses that cap the per FTE costs to 60 percent of the average FTE costs of their home office, and defines program goals within pre-planned budgetary constraints.
 - 2. Once proposals are received, the local workforce development board will convene an operator selection committee comprised of one member from the local workforce development board; the Nevada Department of Education; the Nevada Department of Health and Human Services; the Nevada Department of Employment, Training and Rehabilitation to select the one-stop operator.
 - 3. The local workforce development board will review the operator selection committee's recommendation for either approval/disapproval pursuant to all statutory or regulatory requirements, and provide a justification for any disapproval.
 - 4. The procurement process will follow Nevada's State Purchasing guidelines to insure transparency.
- C. The one-stop operator may operate one or more one-stop centers. There may be more than one, one-stop operator in a local area.
- D. The types of entities that may be a one-stop operator include:
 - 1. An institution of higher education;
 - 2. An employment service state agency established under the Wagner-Peyser Act;
 - 3. A community-based organization, nonprofit organization, or workforce intermediary;
 - 4. A private for-profit entity;
 - 5. A government agency;
 - 6. A local workforce development board, with the approval of the chief local elected official(s) and the Governor; or,
 - 7. Another interested organization or entity, which is capable of carrying out the duties of the one-stop operator, including a local chamber of commerce or labor organization.
- E. Elementary and secondary schools are not eligible as one-stop operators except for nontraditional public secondary schools such as

night and adult schools, or technical education schools.

- F. The state and local workforce development boards must insure that, in carrying out WIOA programs and activities, one-stop operators:
1. Disclose any potential conflict of interest (20 CFR §679.430);
 2. Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term career and training services;
 3. The one-stop operator can have no familial relationship to the 3rd degree of consanguinity, business, financial, or political ties with any member of the local workforce development board or its staff, or the local elected officials consortium, or any employee of a mandatory core program located within the one-stop center; and,
 4. Comply with federal and state regulations and procurement policies, including 20 CFR §683.295, 2 CFR part 200, Nevada Administrative Code (NAC) 333, and other applicable regulations and policies.

V. One-Stop Certification:

- A. The state workforce development board, in consultation with the local workforce development board and the chief local elected official(s), will establish objective criteria and procedures for the local workforce development boards to use when certifying one-stop centers (20 CFR §678.800).
- B. As provided in the Workforce Innovation and Opportunity Act of 2014 (WIOA), the establishment and certification of one-stop centers and the one-stop delivery system consists of a two-step process:
1. **Local:** Consistent with an approved state plan, a WIOA-compliant local workforce development board for a local area, with the agreement of the chief elected official for the local area, shall develop, designate, certify, and provide oversight with respect to the one-stop delivery system in the local area.
 2. **State:** The state workforce development board, in consultation with chief elected local officials and the local workforce development board, shall establish objective criteria and procedures for use by local workforce development boards in assessing at least once every three years the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).
- C. The on-site review is an essential component for certification of existing one-stop centers prior to the enactment of WIOA, in addition to the recertification one-stop centers. The on-site review provides the local workforce development boards and core partners of the workforce development system the opportunity to validate information provided in a one-stop operator's certification application, and to make inquiries that may arise post-review of the written material. Conversely, one-stop operators are provided with additional opportunities to supply

information, clarify specific points, or ask questions that they may have about the local workforce development board and/or core partners' expectations. Combined with the written application, the on-site review provides the local workforce development board and core partners with additional insight as to a one-stop operator's readiness for certification.

- D. Written notice shall be provided to one-stop operator applicants prior to the on-site review, which indicates the date and time of the visit, names of review team members and the organizations that they represent, and specific topic areas that will be covered. Once the on-site review is completed, a written feedback report will be provided to the one-stop operator applicant.
- E. Evaluation criteria will be reviewed and updated every two years as part of the review and modification of the state plan (20 CFR §676.135).
- F. When the local workforce development board is the one-stop operator, the state must certify the one-stop center.
- G. As of July 1, 2016, each one-stop delivery system must include the **“American Job Centers of Nevada”** or **“A proud partner of the American Job Center of Nevada”** identifier on all products, programs, activities, services, facilities, and related property and materials used in the one-stop system (20 CFR §678.900(b)).