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Yolo County Workforce Innovation Board

A proud partner of America's Job Center of CaliforniaSM network.

American's Job Center of California - One-Stop Career Center Locations
West Sacramento 500-A Jefferson Blvd., Building A (916) 375-6300 x4327
Woodland 25 N. Cottonwood St (530) 661-2750 x4327

Board Members

- All Phase Security Inc.
- Buckhorn Steakhouse/
Putah Creek Café
- California Dept. of
Rehabilitation
- California Employment
Development
Department
- City of Woodland
Economic
Development
- Clark Pacific
- DMG Mori
- La Cooperative
Campesina
- Los Rios Community
College District
- Olam Tomato
Processors
- Optimum Zendejas
Home Loans
- PrideStaff
- Sacramento Central
Labor Council (4)
- Seminis Vegetable
Seeds
- The Scoop Frozen
Yogurt Shop
- West Sacramento
Chamber of
Commerce
- Woodland Aviation
- Woodland Adult
Education
- Woodland Community
College
- Yolo Food Bank
- Yolo Employment
Services, Inc

> > NOTICE OF PUBLIC MEETING < <

Workforce Innovation Board

March 9, 2016

8:00 – 10:30 AM

America's Job Center of California / Clarksburg Room / 25 North Cottonwood St., Woodland

AGENDA

8:30 a.m. Call to Order – Pledge of Allegiance

1. **Swearing-In of WIB Officers** – Yolo County Supervisor Don Saylor to conduct the Swearing-In Ceremony of new officers: Gary Pelfrey-Chair, Denice Seals-Vice Chair, and Maggie Campbell-2nd Vice Chair
2. **Welcome Comments, Introductions and Group Discussion**
3. **Public Comment / Announcements – Non-Agenda Items**
Workforce Innovation Board (WIB) members, staff, or the public may address the WIB on subjects relating to employment and training in Yolo County. A time limit of 3 minutes may be imposed. No action may be taken on non-agenda items.
4. **Guest Speaker – Ian Winbrock, Executive Director of Future Ready**
5. **Establish Quorum**
6. **Consider Agenda Approval**
7. **Consent Agenda – *Approved with one motion unless item withdrawn for discussion***
 - a. Ratify Executive Committee WIB Recommendation on February 24, 2016 to Approve Local Board Recertification Request for Program Years 2016-18 (Attachment) **Page 1**
8. **Regular Agenda**
 - a. Approve WIB Minutes – January 27, 2016 (Attachment) **Page 24**
 - b. Approve Policy Bulletin No. 16-2/Residency Requirements as recommended by the Executive Committee on February 24, 2016 (Attachment) **Page 27**
 - c. Approve Policy Bulletin No. 16-3/Selective Service Registration Requirements as recommended by the Executive Committee on February 24, 2016 (Attachment) **Page 29**
 - d. Approve Policy Bulletin No. 16-4/Adult Program Priority of Service as recommended by the Executive Committee on February 24, 2016 (Attachment) **Page 33**
 - e. Appoint two additional WIB members to the Executive Committee as recommended by the Executive Committee on February 24, 2016. Note: Per the WIB Bylaws, the WIB may appoint other WIB members to serve on the Executive Committee, provided that the total Executive Committee membership shall be less than a majority of the full WIB membership. (Attachment) **Page 38**
9. **Information Items**
 - a. Receive Executive Committee WIB recommendation to approve Request to Transfer WIOA PY 2015-15 Funds (Attachment) **Page 39**
 - b. Receive Workforce Services Draft Directive (WSDD) 133/Biennial Local Area Self-Assessment (Attachment) **Page 43**
 - c. Receive WSDD-134/Consultant Services and Pay (Attachment) **Page 49**
 - d. Receive WSDD-135/Non-Discrimination and Equal Opportunity Procedures (Attachment) **Page 53**
 - e. Receive WSDD-136/Transfer of Funds – WIOA Adult/Dislocated Worker Programs (Attachment) **Page 91**

- f. Receive WSD-137/FFATA Compensation Data Reporting Requirements (Attachment) **Page 97**
- g. Receive Workforce Services Directive (WSD) 15-12/WIOA Memorandums of Understanding (Attachment) **Page 103**
- h. Receive WSD 15-13/Local Board Recertification (Attachment) **Page 113**
- i. Receive WSD 15-14/WIOA Adult Program Priority of Service (Attachment) **Page 138**
- j. Receive WSD 15-15/Allowable Costs (Attachment) **Page 147**
- k. Receive WSD 15-16/Final State-Level W-PA and WIA Title IB Local Area Performance Goals for PY 2015-16 (Attachment) **Page 153**
- l. Receive Workforce Services Information Notice (WSIN) 15-21/Implementation of the CalJOBSSM Customer Relationship Management Module (Attachment) **Page 160**
- m. Receive WSIN 15-22/Grand Application Opportunity – Social Innovation Fund pay for Success Cooperative Agreement (Attachment) **Page 162**
- n. Receive WSIN 15-23/WIOA MOU Regional Training Sessions (Attachment) **Page 163**
- o. Receive WSIN 15-24/CalJOBSSM Training Activity Service Codes for the ETPL (Attachment) **Page 165**
- p. Receive WSIN 15-25/Grant Application Opportunity – Linking to Employment Activities Pre-Release (LEAP-2) Through Specialized AJC Locations (Attachment) **Page 168**
- q. Receive WSIN 15-26/Grant Application Opportunity – Tech Hire Partnership Grants (Attachment) **Page 169**
- r. Receive WSIN 15-27/Grant Application Opportunity – Strengthening Working Families initiative (Attachment) **Page 170**
- s. Receive WSIN 15-28/CalJOBSSM User Group Meeting May 2016 (Attachment) **Page 171**

10. WIOA Update

11. Reports

- a. Gary Pelfrey, WIB Chair
- b. Elaine Lytle, Executive Director
- c. Maggie Campbell, Ad Hoc Committee Chair

12. Other Business That May Come Before the Board

13. Adjourn

Next Meeting:

May 11, 2016 – Yolo County Health and Human Services Agency
 America's Job Center of California
 25 North Cottonwood St., Woodland / Clarksburg Room

Accommodation: In accordance with Section 202 of the Americans with Disabilities Act, if you require special assistance, meeting materials to be in an alternative format, auxiliary aids, or other person to assist you while attending the meeting, we will provide reasonable accommodation to allow participation. Contact Cyndi Sechler at (530) 661-2750 ex. 4327 at least 3 business days prior to the meeting to facilitate arrangement.

For more about the Yolo County Workforce Innovation Board log on to www.yoloworks.org



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TO: Members of the Workforce Innovation Board (WIB)

FROM: Gary Pelfrey, WIB Chair

DATE: March 9, 2016

SUBJECT: LOCAL BOARD RECERTIFICATION REQUEST FOR PROGRAM YEARS 2016-18

RECOMMENDED ACTION

Ratify the February 24, 2016, Executive Committee approval of the Local Workforce Development Board Recertification Request for Program Years 2016-18 and authorization of the WIB Chair to sign. In addition, recommend the Board of Supervisors approve and sign.

REASON FOR RECOMMENDED ACTION

Policy Bulletin No. 16-4 provides local guidance and establishes the procedures regarding priority of service for veterans and eligibility spouses, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with WIOA adult funds.

BACKGROUND

The WIOA staff of the Health and Human Services Agency (HHSA) completed the Local Workforce Development Board Recertification Request for Program Years 2016-18 based on guidance provided in Workforce Services Directive 15-13 dated January 22, 2016.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes Titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and Rehabilitation Act of 1973. In general, WIOA takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

Workforce Services Directive 14-10 provided guidance for initial Local Board certification under WIOA. Initial Local Board certification is effective July 1, 2015, through June 30, 2016.

The WIOA Section 107 provides criteria for the recertification of Local Boards. Specifically, it requires the Governor to certify one Local Board for each Local Area in the state once every two years. It states that, in order to be recertified, the Local Board must have met WIOA membership requirements, met or exceeded performance accountability measures, and achieved sustained fiscal integrity.

FISCAL IMPACT

Local Areas will not receive WIOA Title I Adult, Dislocated Worker, or Youth program allocations if they fail to achieve recertification.



AGENCY COORDINATION

The Local Workforce Development Board Recertification Request for Program Years 2016-18 will be submitted to the BOS for approval and signature on March 22, 2016. HHSA staff will submit the Local Workforce Development Board Recertification Request for Program Years 2016-18 to the State Board no later than 5:00 p.m. on March 30, 2016.

Attachments:

Local Workforce Development Board Recertification Request for Program years 2016-18.

Local Workforce Development Board Recertification Request

Program Years 2016-18

**Local Workforce Development Board
Yolo County**

Local Board Recertification Request

This will serve as our request for Local Workforce Development Board (Local Board) recertification for Program Years (PYs) 2016-18 under the *Workforce Innovation and Opportunity Act* (WIOA).

If the California Workforce Development Board (State Board) determines the request is incomplete, it will either be returned or held until the necessary documentation is submitted. Please contact your Regional Advisor for technical assistance or questions related to completing and submitting this request.

Workforce Innovation Board

Name of Local Board

25 N. Cottonwood Street

Mailing Address

Woodland, CA

95695

City, State

Zip

Elaine Lytle

Contact Person

(530) 661-2754

Contact Person's Phone Number

March 2016

Date of Submission

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Instructions

If additional pages were added to the *Local Workforce Development Board Recertification Request*, the page numbers may be updated by hovering over the gray box above, clicking, and then selecting “Update Table” on the top left corner.

Local Board Membership

Instructions

Enter the names of the Local Board members in the appropriate membership categories found in the tables below. If the Chief Local Elected Official (CEO) has approved additional members, enter the information under the "ADDITIONAL MEMBERS" table. If an individual represents multiple categories, after the first time s/he is identified (subsequent to the first notation), please asterisk his/her name at all subsequent entries. Address any vacancies under "CORRECTIVE ACTION COMMENTS." If additional rows are needed, add a table following the membership type.

BUSINESS

WIOA Section 107(b)(2)(A) – a **majority** of the members of each Local Board shall be representatives of business in the Local Workforce Development Area (Local Area), who (i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; (ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the Local Area; and (iii) are appointed from among individuals nominated by local business organizations and business trade associations.

- WIOA Section 107(b)(3) – the members of the Local Board shall elect a chairperson for the Local Board from among the representatives described in Section 107(b)(2)(A).
- Must include **two or more** members that represent small business as defined by the U.S. Small Business Administration.

Name	Title	Entity	Appointment Date	Term End Date
Gary Pelfrey	Chair Vice President	Woodland Aviation	12/15/2015	12/15/2019
Denice Seals	Vice Chair President/CEO	West Sacramento Chamber of Commerce	12/15/2015	12/15/2019
Benny Mitchell Jr.	Warehouse Operations Manager	Olam West Coast	12/15/2015	12/15/2019
Brett Sanders	US R and D Veggie Stations Lead	Seminis Vegetable Seeds	12/15/2015	12/15/2019
Jennifer Pike	Human Resources Generalist	Clark Pacific	12/15/2015	12/15/2019
John Pickerel	Small Business CEO	Buckhorn Steakhouse	12/15/2015	12/15/2019
John Rodriguez	Small Business Owner	The Scoop Frozen Yogurt Shop	12/15/2015	12/15/2019
Kenneth D. Garrett Jr.	Small Business CEO	All Phase Security, Inc.	12/15/2015	12/15/2019
Kevin Sanchez	Executive Director	Yolo Food Bank	12/15/2015	12/15/2019
Marco Cesar Lizarraga	Executive Director	Optimum Zendejas Home Loans /La Cooperativa Campesina De California	12/15/2015	12/15/2019
Michele Fadling	Human Resource Manager	DMG Mori	12/15/2015	12/15/2019

Paul Basi	Board Member	Pride Staff	12/15/2015	12/15/2019

WORKFORCE

WIOA Section 107(b)(2)(B) – not less than **20 percent** of the members of each Local Board shall be representatives of the workforce within the Local Area, who— (i) shall include representatives of labor organizations (for a Local Area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a Local Area in which no employees are represented by such organizations) other representatives of employees; (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists; (iii) may include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and (iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

- Must include **two or more** representatives of labor organizations, where such organizations exist in the Local Area. Where labor organizations do not exist, representatives must be selected from other employee representatives.
- Must include **one or more** representatives of a joint labor- management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.

California Unemployment Insurance Code (CUIC) Section 14202(c) further requires and specifies that at least **15 percent** of Local Board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the Local Board members shall be representatives of labor organizations.

Name	Title	Entity	Appointment Date	Term End Date
Maggie Campbell	2 nd Vice Chair/Labor Organization/ Registered Apprenticeship Labor Relations Representative/ Researcher	Laborers Local 185 (LiUNA)	12/15/2015	12/15/2019
Randy Young	Labor Organization/ Registered Apprenticeship Randy Young	Sheet Metal Worker LU 104	12/15/2015	12/15/2019
Rob Carrion	Labor Organization/ Registered Apprenticeship District Reprehensive	Operating Engineers Local Union No. 3	12/15/2015	12/15/2019

Lynn M. White	Labor Organization California Gaming Organizing Director	Unite HERE Local 49	12/15/2015	12/15/2019
Alice B. Tapley	CBO Workforce Executive Director	Yolo Employment	12/15/2015	12/15/2019

EDUCATION AND TRAINING

WIOA Section 107(b)(2)(C) – each Local Board shall include representatives of entities administering education and training activities in the Local Area, who— (i) shall include a representative of eligible providers administering adult education and literacy activities under title II; (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); (iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

- Must include **at least one** eligible provider administering adult education and literacy activities under WIOA title II.
- Must include **at least one** representative from an institution of higher education providing workforce investment activities, including community colleges.

Name	Title	Entity	Appointment Date	Term End Date
Susan Moylan	Adult Education & Literacy Principal	Woodland Adult Education	12/15/2015	12/15/2019
Dr. Alfred Konuwa	Institution Higher Education Vice President for Academic and Student Services	Woodland Community College	12/15/2015	12/15/2019
Don Palm	Institution Higher Education Dean, Davis Center	Sacramento City College (Davis Center)	12/15/2015	12/15/2019

GOVERNMENTAL AND ECONOMIC AND COMMUNITY DEVELOPMENT

WIOA Section 107(b)(2)(D) – each Local Board shall include representatives of governmental and economic and community development entities serving the Local Area, who— (i) shall include a representative of economic and community development entities; (ii) shall include an appropriate representative from the State employment service office under the *Wagner-Peyser Act* (29 U.S.C. 49 et seq.) serving the Local Area; (iii) shall include an appropriate representative of the programs carried out under title I of the *Rehabilitation Act of 1973* (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the Local Area; (iv) may include representatives of agencies or entities administering programs serving the Local Area relating to transportation, housing, and public assistance; and (v) may include representatives of philanthropic organizations serving the Local Area.

- Must include **at least one** representative of economic and community development entities.
- Must include **at least one** representative from the state Employment Service Office (EDD) under the *Wagner-Peyser Act* (29 U.S.C. 49 et seq.) serving the Local Area.
- Must include **at least one** representative from programs carried out under title I of the *Rehabilitation Act of 1973*, other than Section 112 or Part C of that title.

Name	Title	Entity	Appointment Date	Term End Date
Wendy Ross	Economic & Community Development Economic Development Manager	City of Woodland	12/15/2015	12/15/2019
Cornelio Gomez	Employment Service Employment Program Manager-Sacramento/Yolo Counties Cluster Manager	Employment Development Department	12/15/2015	12/15/2019
Robyn David-Harris	Rehabilitation Act of 1973 Staff Services Manager I	Department of Rehabilitation	12/15/2015	12/15/2019

ADDITIONAL MEMBERS

WIOA Section 107(b)(2)(E) – each Local Board may include such other individuals or representatives of entities as the chief elected official (CEO) in the Local Area determines to be appropriate.

Name	Title	Entity	Appointment Date	Term End Date
N/A				

CORRECTIVE ACTION COMMENTS

Explain any vacant appointment(s) regarding the required membership composition only. Include the length of time the appointment(s) has been vacant, efforts made to fill the vacant appointment(s), and dates by which the vacant appointment(s) should be filled.

N/A

COMPLIANCE WITH MAJORITY OF BUSINESS REPRESENTATIVES

The table below will assist Local Boards determine compliance with WIOA Section 107(b)(2)(A), which requires that a **majority** of the members be representatives of business in the Local Area.

Instructions – Double click the table below to open in Excel.

Total number of individuals currently sitting on local board =	23
Number of vacancies currently on local board =	0
Total local board membership =	<u>23</u>
Total number of Business Representatives currently sitting on local board =	12
Number of Business Representative vacancies currently on local board =	0
Total local board Business Representatives =	<u>12</u>
Divide total local board Business Representatives by total local board membership =	<u>52.17%</u>
	(Must be greater than 50%)

COMPLIANCE WITH 20% OF WORKFORCE REPRESENTATIVES AND 15% LABOR ORGANIZATION REPRESENTATIVES

The table below will help Local Boards determine compliance with WIOA Section 107(b)(2)(B), which requires not less than **20 percent** of the members be representatives of the workforce within the Local Area and compliance with CUIA Section 14202 which requires that at least **15 percent** of Local Board members be representatives of labor organizations unless the local labor federation fails to nominate enough members, in which case it is **10 percent**.

Instructions – Double click the table below to open in Excel.

Total number of individuals currently sitting on local board =	23
Number of vacancies currently on local board =	0
Total local board membership =	<u>23</u>
Total number of Workforce Representatives currently sitting on local board =	5
Number of Workforce Representatives vacancies currently on local board =	0
Total local board Workforce Representatives =	<u>5</u>
Divide total local board Workforce Representatives by total local board membership =	<u>21.74%</u>
	(Must not be less than 20%)
Total number of Labor Organization Representatives currently sitting on local board =	4
Total number of Apprenticeship Program Representatives currently sitting on local board =	0
Number of Labor Org/Apprenticeship Program Representatives vacancies =	0
Total local board Labor Representatives =	<u>4</u>
Divide total local board Labor Representatives by total local board membership =	<u>17.39%</u>
	(Must be at least 15%)

Note: Three (3) of the four (4) Labor Organization Representatives are also Apprenticeship Program Representatives but when three (3) is entered on the total local board Labor

Representatives line the total increases to 30.43% which is not an accurate reflection of total members.

Local Board Performance Accountability Measures

Instructions

Enter your Local Board's negotiated levels of performance and actual levels of performance for PYs 2013-14 and 2014-15.

Performance Table				
Name of Local Area: <u>Yolo County</u>				
Common Measure	Negotiated PY 2013-14	Actual PY 2013-14	Negotiated PY 2014-15	Actual PY 2014-15
Adult				
Entered Employment Rate	75.8%	81%	75%	94.1%
Employment Retention Rate	82.4%	71.4%	85%	87%
Average Earnings	\$14,000	\$11,083	\$14,250	\$14,958
Dislocated Worker				
Entered Employment Rate	77.1%	79.4%	78.5%	79.4%
Employment Retention Rate	89.3%	88.5%	85%	85.7%
Average Earnings	\$16,900	\$21,598	\$15,570	\$18,229
Youth (ages 14-21)				
Placement in Employment or Education	72%	94.4%	72%	95.6%
Attainment of a Degree or Certificate	70%	78.1%	64%	76.2%
Literacy and Numeracy Gains	75%	0.0%*	72%	75%

*0.0% is an indicator of the Department of Labor "Rule of Three" which means that 3 or fewer individuals were included in this measure; it is not an indicator of failed performance.

Local Board Sustained Fiscal Integrity

The Local Board hereby certifies that it has not been found in violation of one or more of the following during PYs 2013-14 or 2014-15:

- **Final determination of significant finding(s)** from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor, identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any *Workforce Investment Act* (WIA) requirement, such as failure to grant priority of service or verify participant eligibility.
- **Gross negligence**, which is defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- **Failure to observe accepted standards of administration.** Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 29 *Code of Federal Regulations* (CFR) Parts 95 and 97, appropriate Office of Management and Budget circulars or rules, WIA regulations, and state guidance. Highlights of these responsibilities include the following:
 - Timely reporting of WIA participant and expenditure data
 - Timely completion and submission of the required annual single audit
 - ***Have not been placed on cash hold for longer than 30 days***

(In alignment with WIOA Section 106[e][2])

Local Board WIOA Implementation

Using the questions below, describe your Local Board's efforts toward implementing the following key WIOA implementation provisions and designing a better system for customers.

1. What activities have you undertaken to design a better system for customers? Specifically, describe any actions you have taken, or actions you plan to take, for the following topics:

- a. Developing new services

Yolo County is actively working on developing work based learning opportunities like on-the-job training, entrepreneurial training, and apprenticeship. Once established these trainings opportunities will be added to the list of currently offered services which include occupational skills training, work experience, and job readiness training.

- b. Entering into collaborative partnerships

Yolo County is actively working on collaborative partnerships that assist with sharing resources to accomplish a mutual goal. Members of the Yolo County Workforce Development Board known as the Workforce Innovation Board (WIB) are serving as mentors in a program offered by the Yolo County Public Defender's Office with the goal of reducing recidivism. WIOA Title I Adult program is working with the Yolo County Day Reporting Center and a private employer to develop on-the-job training opportunities for individuals released from jail. WIOA Title I program staff is participating in a workgroup of individuals that represent employers, career and technical education programs, and economic development to develop a career pathway for individuals interested in tourism and hospitality. In addition, staff has initiated a workgroup that includes economic development, higher education which includes the local community college sector navigators, career and technical education, and Chambers of Commerce representatives to develop a career pathway and business engagement strategy.

- c. Creating innovative workforce development strategies in alignment with WIOA

The Capital Region (Golden Sierra, North Central Counties, SETA, and Yolo County) are actively working on SlingShot, National Emergency Grant (NEG) Sector Partnership Grant, and WIOA regional coordination initiatives. The Capital Region SlingShot initiative aims to strengthen regional economic prosperity and improve income mobility by creating a stronger regional innovation ecosystem. Through the NEG Sector Grant the Capital Region is in the process of mapping business resources as well as conducting an industry cluster analysis study. Valley Vision is assisting with SlingShot and NEG and the Employment Development Department, Labor Market Information Division is assisting with the industry cluster analysis study. In addition, the four local areas associated with the Capital Region are beginning to review and compare local policies and procedures.

- d. Redesigning service delivery

Yolo County Health and Human Services Agency (HHS), the America's Job Center of California (AJCC) comprehensive one-stop operator, is working on redesigning the employment center located in the Woodland Service Center to better meet the needs of both jobseeker and employer customers. The redesign tentatively includes changing the location and layout of the employment center to provide better access, flow of service, as well as space for partners and business representatives. In addition, the WIOA Title I programs, CalWORKs/TANF Employment Services (CWES), Department of Rehabilitation, Adult Education, and Woodland Community College is considering redesigning the staffing process for shared participants.

- e. Other WIOA transitional activities to design a better system for customers

Staff is in the process of convening local WIOA partners that include CalWORKs/TANF Employment Services, Community College, Adult Education, Career and Technical Education, Department of Rehabilitation, Employment Development Department, and WIOA Title I programs to review the current customer service delivery system to determine gaps as well as align and improve services provided via the WIOA system. The current emphasis is to share information so that staff is properly trained to provide information about all programs, services, and activities that may be available to customers through other partners.

- 2. What steps have you taken to implement the new WIOA youth program requirements, including the 75 percent out-of-school youth and 20 percent work experience minimum expenditure requirements?

The WIOA Title I Youth program provider contract was amended in September 2015 to include both the 75 percent out-of-school youth and 20 percent work experience minimum expenditure requirements.

- 3. Describe your efforts to comply with the Uniform Guidance requirements.

Staff attended the Department of Labor (DOL) *SMART Financial Grants Management Training* provided in Sacramento, CA in April of 2015. This training included an overview of the WIOA vision as well as Uniform Guidance. In 2016, staff is planning to attend the *SMART Financial Grants Management Training* tentatively scheduled in San Francisco. In addition, internal processes are being refined and/or developed in order to comply with the Uniform Guidance.

- 4. Describe your efforts to develop sector initiatives and career pathways in high demand industries in coordination with community colleges, apprenticeship programs, adult basic education, and other training providers.

Regionally, Yolo County is working with the other local areas in the Capital Region on the National Emergency Grant (NEG) Sector Partnership Grant initiative that includes the process of mapping business resources as well as conducting an industry cluster analysis study. This information will assist with both regional and local sector initiatives which will include career pathways in high demand industries in coordination with community colleges, apprenticeship programs, adult basic education, and other training providers. Locally, a workgroup that includes economic development, higher education which includes

the local community college sector navigators, career and technical education, and Chambers of Commerce representatives are convening regularly to develop a business engagement strategy that will include career pathways.

5. Describe your efforts to adopt, implement, and promote the AJCC brand.

The WIB letterhead utilizes the co-branding statement of “A proud partner of America’s Job Center of CaliforniaSM network” and the official AJCC decal is prominently displayed on front doors of the HHSA Service Centers that are affiliated with WIOA Title I programs.

6. Describe your efforts to complete Phase I of the MOU development process. What challenges are you facing?

On February 2, 2016, staff attended *Building the WIOA Partnership and Developing the MOU* training provided in Sacramento, CA and based guidance provided they have identified the local WIOA system partners as well as scheduled the first MOU convening on February 24, 2016.

Local Board Assurances

For PYs 2016-18, the Local Board assures that it will do the following:

- A. Comply with the applicable uniform administrative requirements, cost principles, and audit requirements included in Title 2 CFR Parts 200 and 2900 (WIOA Section 184[a][2] and [3]).

Highlights of this assurance include the following:

- The Local Area's procurement procedures will avoid acquisition of unnecessary or duplicative items, software, and subscriptions (in alignment with Title 2 CFR Section 200.318).
- The Local Area will maintain and provide accounting and program records, including supporting source documentation, to auditors at all levels, as permitted by law (Title 2 CFR Section 200.508).

**Note that failure to comply with the audit requirements specified in Title 2 CFR Part 200 Subpart F will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).*

- B. Do financial reporting in compliance with federal and state regulations and guidance.

Highlights of this assurance include the following:

- Reporting will be done in compliance with Workforce Services Directive WSD12-3, *Quarterly and Monthly Financial Reporting Requirements*.
- All close out reports will comply with the policies and procedures listed in Workforce Services Directive WSD09-12, *WIA Closeout Handbook*.

**Note that failure to comply with financial reporting requirements will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).*

- C. Expend funds in accordance with federal and state laws, regulations, and guidance.

Highlights of this assurance include:

- The Local Area will meet the requirements of State Senate Bill 734, to spend a minimum of 30 percent of combined total of adult and dislocated worker formula fund allocations on training services (CUIC Section 14211).
- The Local Area will not use funds to assist, promote, or deter union organizing (WIOA Section 181[b][7]).

- D. Select AJCC operator(s), with the agreement of the local CEO, through a competitive process such as a Request for Proposal, unless granted a waiver by the state (WIOA Section 121[d][2][A] and 107[g][2]).

- E. Collect, enter, and maintain data related to participant enrollment, activities, and performance necessary to meet all CalJOBSSM reporting requirements and deadlines.
- F. Comply with the nondiscrimination provisions of WIOA Section 188, including the collection of necessary data.
- G. Comply with State Board policies and guidelines, legislative mandates and/or other special provisions as may be required under federal law or policy, including the WIOA or state legislation.
- H. Give priority of service to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding (WIOA Section 134[c][3][E] and *Training and Employment Guidance Letter 10-09*).
- I. Comply with Assembly Bill (AB) 1234 and ensure that local members receive ethics training every two years. AB 1234 requires Local Boards to consult with the California Fair Political Practice Commission (FEPC) and the California Attorney General's office regarding the content of the ethics training course they can use. Local Boards may consider using the free, two-hour, on-line ethics training course available from the FPPC: [AB 1234 Ethics Training for Local Officials](#).
- J. Comply with the conflict of interest provisions of WIOA Section 107(h).


Signature Page

By signing below, the local CEO and Local Board chair request Local Board recertification. We certify that the Local Board appointed members as described in WIOA Section 107(a), (b), and (c), performed successfully and sustained fiscal integrity during PYs 2013-14 and 2014-15, and developed and implemented strategies to improve and continuously strengthen the workforce development system in accordance with WIOA. Additionally, we agree to abide by the Local Area assurances included in this document.

Instructions

The Local Board chairperson and local CEO must sign and date this form. Include the original signatures with the request.

Local Workforce Development Board Chair



Signature

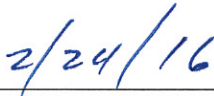
Gary Pelfrey

Name

Workforce Innovation Board

Chair

Title



Date

Local Chief Elected Official

Signature

Jim Provenza

Name

Board of Supervisors

Chair

Title

Date



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- West Sacramento
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- Woodland Adult
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- Yolo Food Bank
- Yolo Employment
Services, Inc.

Yolo County Workforce Innovation Board

DRAFT Minutes

January 27, 2016

The Yolo County Workforce Innovation Board convened in the offices of Yolo County Health and Human Services Agency at 25 North Cottonwood Street, Woodland, CA, with the following persons in attendance:

- Present:** Alfred Konuwa, Benny Mitchell, Brett Sanders, Cornelio Gomez, Denice Seals, Don Palm, Gary Pelfrey, John Pickerel, John Rodriguez, Ken Garrett, Kevin Sanchez, Maggie Campbell, Marco Lizarraga, Paul Basi, Randy Young, Rob Carrion, Robyn David-Harris, Susan Moylan, and Wendy Ross
- Absent:** Alice Tapley, Jennifer Pike, Lynn White, and Michele Fadling
- Staff:** Elaine Lytle, Lisa Vincent, Judy Needham, Marc Marquez, and Cyndi Sechler
- Guests:** Hope P. Welton, Yolo County Counsel-Senior Deputy
Tara Thronson, Deputy to Supervisor Saylor
Dan Maguire, Economic Developer Manager, City of Winters
Lori Perez, Coordinator College and Career Readiness, Yolo County Office of Education

Call to Order – Pledge of Allegiance

Meeting called to order at 8:30 a.m. by WIB Chair, Gary Pelfrey with quorum present.

1. **Welcome Comments and Introductions**
2. **Public Comment / Announcements – Non-Agenda Items**
WIB members, staff, or the public may address the Workforce Innovation Board Executive Committee on subjects relating to employment and training in Yolo County. A time limit may be imposed. No action may be taken on non-agenda items.
No public comments or announcements.
3. **Establish Quorum**
Quorum established
4. **Consider Agenda Approval**
Randy Young moved to approve the agenda; Rob Carrion seconded; motion passed.
5. **Regular Agenda**
 - a. Approve WIB Minutes – November 18, 2015
Randy Young moved to approve the November 18, 2015 minutes; Denice Seals seconded; motion passed.
 - b. WIB Election of Officers (Chair, Vice Chair, and Second Vice Chair). Note: Per the WIB Bylaws Officers shall be elected by the WIB from among its members for a one-year term, and shall serve no more than two consecutive years in each position. The Chair and Vice-Chair shall be elected from among the local business representatives.



Second Vice Chair – Rob Carrion made a motion to nominate Maggie Campbell for Second Vice Chair; Randy Young seconded; Maggie Campbell accepted.

Vice Chair – Marco Lizarraga made a motion to nominate Denice Seals for Vice Chair; Randy Young seconded; Denice Seals accepted.

Chair – Randy Young made a motion to nominate Gary Pelfrey for Chair; Marco Lizarraga seconded; Gary Pelfrey accepted.

Marco Lizarraga made a motion to accept all nominated WIB Officers; Randy Young seconded; motion passed.

c. Policy Bulletin No. 16-1 Transition from the WIA to WIOA

Marco Lizarraga made a motion to approve the Policy Bulletin No. 16-1, Transition From the Workforce investment Act (WIA) to the Workforce Innovation and Opportunity Act (WIOA); Randy Young seconded; motion passed.

6. Guest Speaker: Hope P. Welton, Yolo County Counsel-Senior Deputy, to address Conflict of Interest Code Requirements.

Ms. Welton spoke about Conflict of Interest Code requirements, including Ethics Made Easy, Laws Relating to Personal Gain, and Government Transparency Laws.

7. Information Items

- a.** Receive the Yolo County WIB Membership Roster as approved by the Board of Supervisors on December 15, 2015
 - b.** Receive the Yolo County WIB Bylaws as approved by the Board of Supervisors on December 15, 2015
 - c.** Receive Workforce Services Draft Directive (WSDD) 128/Amendment to PY 2015-16 Rapid Response Allocations and Guidance on use of These Funds for WIOA Transitions Activities
 - d.** Receive WSDD-129/Allowable Costs
 - e.** Receive WSDD-130/WIOA Closeout Handbook
 - f.** Receive WSDD-131/WIOA Memorandums of Understanding
 - g.** Receive WSDD-132/Final State-Level W-PA and WIA Title 1B Proposed Local Area Performance Goals for PY 2015-16
 - h.** Receive Workforce Services Directive (WSD) 15-5/CalJOBSSM Cash Request Handbook
 - i.** Receive WSD 15-6/Selective Service Registration
 - j.** Receive WSD 15-7/WIOA Eligible Training Provider List – Policy and Procedures
 - k.** Receive WSD 15-8/Funds Utilization Requirements for WIOA Funds
 - l.** Receive WSD 15-9/Impact of WIOA Implementation on Waivers Approved Under WIA
 - m.** Receive Workforce Services information Notice (WSIN) 15-15/Access eWOTC Through Employer Services Online
 - n.** Receive WSIN 15-16/Amendment to WIOA Formula Allocations – PY 2015-16
 - o.** Receive WSIN 15-17/Conflict of Interest code Requirements for Local Boards
 - p.** Receive WSIN 15-18/Proposition 39 Grant 2.0 – Request for Applications
 - q.** Receive WSIN 15-19/Public Comment Period – California’s State Plan, PY 2016-2019
 - r.** Receive WSIN 15-20/Waiver of 80 Percent Obligation Requirement for Program Year 2014-15
 - s.** Receive WSIN 15-21/Implementation of the CalJOBSSM Customer Relationship Management (CRM) Module
- WIB members received items A–S.

8. WIOA Update

Gary Pelfrey reported that we are comfortable where we are at moving forward.

9. Reports

a. Gary Pelfrey, WIB Chair

Gary stated it was good getting everyone elected. Gary thinks we have a good group of strong people in the room, and we could do anything we wanted to do if we could find enough time. My goal is to make time well spent while you are here.

b. Elaine Lytle, Executive Director

Elaine announced the Winters Job Fair, on March 9, 1:30pm, in the Winters High School gym. Please put on your calendars.

c. Ad Hoc Committee Update

Gary Pelfrey stated they changed how the WIB Board was constituted, by lowering the amount of people we need to have on it, part of that we moved some people to the Ad Hoc One-Stop Partner committee. That group met on December 18, 2015, and had basically an informational meeting. Maggie Campbell will be the Chair of this committee, and it will meet approximately two weeks prior to the Executive Committee meetings, and advise the Executive Committee.

10. Other Business That May Come Before the Board

No additional business.

11. Adjourn

Maggie Campbell moved to adjourn the meeting; Rob Carrion seconded; meeting adjourned at 9:58 a.m.

Next Meeting

March 9, 2016

Yolo County HHSA/Clarksburg Room

Woodland One-Stop

8:30-10:30 a.m.

Accommodation: In accordance with Section 202 of the Americans with Disabilities Act, if you require special assistance, meeting materials to be in an alternative format, auxiliary aids, or other person to assist you while attending this meeting, we will provide reasonable accommodation to allow participation. Contact Cyndi Sechler at 530-661-2750 x4327 at least 3 business days prior to the meeting to facilitate arrangements.

For more about the Yolo County Workforce Innovation Board log on to www.yoloworks.org



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- La Cooperativa
Campesina
- Los Rios Community
College District
- Olam Tomato
Processors
- Optimum Zendejas
Home Loans
- PrideStaff
- Sacramento Central
Labor Council (4)
- Seminis Vegetable
Seeds
- The Scoop Frozen
Yogurt Shop
- West Sacramento
Chamber of
Commerce
- Woodland Aviation
- Woodland Adult
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- Woodland Community
College
- Yolo Food Bank
- Yolo Employment
Services, Inc.

TO: Members of the Workforce Innovation Board (WIB)

FROM: Gary Pelfrey, WIB Chair

DATE: March 9, 2016

SUBJECT: POLICY BULLETIN NO. 16-2 WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) RESIDENCY REQUIREMENT

RECOMMENDED ACTION

Recommend the WIB approve Policy Bulletin No. 16-2.

REASON FOR RECOMMENDED ACTION

Policy Bulletin No. 16-2 provides local operational guidance regarding residency requirements when determining eligibility to the WIOA Title I Adult, Dislocated Worker, and Youth formula programs.

BACKGROUND

The WIOA staff of the Health and Human Services Agency drafted the policy based on guidance provided in Workforce Services Directive 15-14 dated January 22, 2016, and on February 24, 2016, the policy was reviewed by the Executive Committee.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes Titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and Rehabilitation Act of 1973. In general, WIOA takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

Local Workforce Development Boards may establish additional priority groups for their Local Area. If any additional priority groups are established, they should be identified in a local policy.

FISCAL IMPACT

All costs associated with WIOA Adult, Dislocated Worker, or Youth Title I funded services provided to non-eligible individuals may be disallowed.

Attachments:
Policy Bulletin No. 16-2 Selective Services Registration Requirement



Yolo County
Workforce Innovation and Opportunity Act (WIOA)
POLICY BULLETIN 16-2

Bulletin Name: RESIDENCY REQUIREMENT

Effective Date: July 1, 2015

Issue Date: March 9, 2016

Purpose This policy provides guidance regarding residency requirement when determining eligibility to the Workforce Innovation and Opportunity Act (WIOA) Title 1 Adult, Dislocated Worker, and Youth formula programs.

Background The WIOA staff of the Health and Human Services Agency drafted the policy based on guidance provided in Workforce Services Directive 15-14 dated January 22, 2016, and on February 24, 2016, the policy was reviewed by the Workforce Innovation Board (WIB) Executive Committee.

The WIOA general eligibility criteria does not include a residency requirement and in order to ensure that local funds are used to meet local needs the Yolo County Workforce Development Board known as the Workforce Innovation Board (WIB) has included residency in the local area general eligibility criteria.

Local Workforce Development Boards may establish additional priority groups for their Local Area. If any additional priority groups are established, they should be identified in a local policy.

Policy An individual must meet the locally established residency requirement in addition to the general eligibility criteria established by WIOA to receive WIOA Title 1 Adult, Dislocated Worker, or Youth formula funded services.

Residency Requirement Adult and Youth Program
With respect to WIOA adult individualized career and training services or youth services, an individual must be a resident of Yolo County.

Dislocated Worker
With respect to WIOA dislocated worker individualized career and training services, an individual must be a resident of the Yolo County **or** an employee who has been terminated or laid off, or who has received notice of termination or layoff, from an employer located in Yolo County.

PASSED AND ADOPTED by the Yolo County Workforce Innovation Board, this 9th day of March 2016

Gary Pelfrey, WIB Chair
On behalf of the Yolo County
Workforce Innovation Board

Elaine Lytle, ESS Manager
On behalf of the Yolo County
Health and Human Services Agency

Date: _____

Date: _____



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Services, Inc.

TO: Members of the Workforce Innovation Board (WIB)

FROM: Gary Pelfrey, WIB Chair

DATE: March 9, 2016

SUBJECT: POLICY BULLETIN NO. 16-3 WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) SELECTIVE SERVICE REGISTRATION REQUIREMENT

RECOMMENDED ACTION

Recommend the WIB approve Policy Bulletin No. 16-3.

REASON FOR RECOMMENDED ACTION

Policy Bulletin No. 16-3 provides local operational guidance regarding Selective Service registration requirements when determining eligibility to the WIOA Title I Adult, Dislocated Worker, and Youth formula programs.

BACKGROUND

The WIOA staff of the Health and Human Services Agency drafted the policy based on guidance provided in Workforce Services Directive 15-06 dated November 3, 2015, and on February 24, 2016, the policy was reviewed by the Executive Committee.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes Titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and Rehabilitation Act of 1973. In general, WIOA takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements.

FISCAL IMPACT

All costs associated with WIOA Adult, Dislocated Worker, or Youth Title I funded services provided to non-eligible individuals may be disallowed.

Attachments:
Policy Bulletin No. 16-3 Selective Services Registration Requirement



Yolo County
Workforce Innovation and Opportunity Act (WIOA)
POLICY BULLETIN 16-3

Bulletin Name: **SELECTIVE SERVICE REGISTRATION REQUIREMENTS**

Effective Date: July 1, 2015

Issue Date: March 9, 2016

Purpose This policy provides guidance regarding Selective Service registration requirements when determining eligibility to the Workforce Innovation and Opportunity Act (WIOA) Title 1 Adult, Dislocated Worker, and Youth formula programs.

Background The WIOA staff of the Health and Human Services Agency drafted the policy based on guidance provided in Workforce Services Directive 15-06 dated November 3, 2015, and on February 24, 2016, the policy was reviewed by the Workforce Innovation Board (WIB) Executive Committee.

Males who are subject to the registration requirements of the *Military Selective Service Act* must have complied with these requirements to be eligible for participation in WIOA funded programs and services. Under WIOA Section 189(h), the U.S. Secretary of Labor is required to ensure that each individual participating in any WIOA program, or receiving any assistance under WIOA Title I, has not violated Section 3 of the *Military Selective Service Act*. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday.

All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

Policy All programs and services established or receiving assistance under WIOA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Department of Labor. They do not apply to programs funded or solely authorized by the *Wagner-Peyser Act*.

Selective Service Registration Requirements

Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- U.S. citizens.
- Veterans discharged before their 26th birthday.
- Non-U.S. citizens, including undocumented immigrants, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. prior to their 26th birthday.
- Dual nationals of the U.S. and another country, regardless of whether they live in the U.S.

Acceptable Documentation

In order to be eligible to receive WIOA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirements.

Acceptable documentation to determine a person's eligibility for WIOA Title I programs include the following:

- Selective Service Acknowledgement letter.
- Report of Separation form (Form DD-214). Should be used only if veteran was discharged after his 26th birthday.
- Screen printout of the [Selective Service Verification](#) site.
- Selective Service registration card.
- Selective Service verification form (Form 3A).
- Stamped post office receipt of registration.

Registration Requirements for Males Under 26

Before being enrolled in WIOA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website. If a male turns 18 while participating in WIOA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIOA-funded services must be suspended until he registers.

Non-Registration by Males 26 and Older

Before enrolling in WIOA-funded services, all males 26 and older must provide one of the following:

- Documentation showing they were not required to register.
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the "Acceptable Documentation" section of this policy must obtain a Status Information Letter from the Selective Service indicating whether they are required to register.

Status Information Letter

If the Status Information Letter indicates that an individual was not required to register for the Selective Service and the individual is otherwise eligible, then he is eligible to enroll in a WIOA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIOA-funded activities and services until it can be determined that his failure to register was not knowing and willful. All cost associated with grant-funded services provided to non-eligible individuals may be disallowed.

How to Determine “Knowing and Willful” Failure to Register?

If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes by a preponderance of the evidence that the failure to register was not knowing and willful. Yolo County acting as the subgrantee that enrolls individuals in WIOA-funded activities, and is thereby authorized to approve the use of WIOA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

A participant’s claim of ignorance (e.g., “I did not know...”) regarding Selective Services Registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful.

Results of Findings

If Yolo County determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the Yolo County determines that evidence shows that the individual’s failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Yolo County must keep documentation related to evidence presented in determinations on Selective Service.

PASSED AND ADOPTED by the Yolo County Workforce Innovation Board, this 9th day of March 2016

Gary Pelfrey, WIB Chair
On behalf of the Yolo County
Workforce Innovation Board

Date:_____

Elaine Lytle, ESS Manager
On behalf of the Yolo County
Health and Human Services Agency

Date:_____



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TO: Members of the Workforce Innovation Board (WIB)

FROM: Gary Pelfrey, WIB Chair

DATE: March 9, 2016

SUBJECT: POLICY BULLETIN NO. 16-4 WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) ADULT PROGRAM PRIORITY OF SERVICE

RECOMMENDED ACTION

Recommend the WIB approve Policy Bulletin No. 16-4.

REASON FOR RECOMMENDED ACTION

Policy Bulletin No. 16-4 provides local guidance and establishes the procedures regarding priority of service for veterans and eligibility spouses, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with WIOA adult funds.

BACKGROUND

The WIOA staff of the Health and Human Services Agency drafted the policy based on guidance provided in Workforce Services Directive 15-14 dated January 22, 2016, and on February 24, 2016, the policy was reviewed by the Executive Committee.

WIOA was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes Titles I and II of the Workforce Investment Act of 1998, and amends the Wagner-Peyser Act and Rehabilitation Act of 1973. In general, WIOA takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted.

As stated in WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E).

FISCAL IMPACT

There will be no fiscal impact to the WIOA Adult Title I program allocation as a result of this action.

Attachments: Policy Bulletin No. 16-4 Adult Program Priority of Service



Yolo County
Workforce Innovation and Opportunity Act (WIOA)
POLICY BULLETIN 16-4

Bulletin Name: ADULT PROGRAM PRIORITY OF SERVICE

Effective Date: July 1, 2015

Issue Date: March 9, 2016

Purpose This policy provides guidance and establishes the procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with Workforce Innovation and Opportunity Act (WIOA) adult funds.

Background The WIOA staff of Health and Human Services Agency drafted the policy on guidance provided in Workforce Services Directive 15-14 dated January 22, 2016, and on February 24, 2016, the policy was reviewed by the Workforce Innovation Board (WIB) Executive Committee.

The Workforce Investment Act (WIA) required that if funds allocated to a local area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all Department of Labor (DOL) funded programs among all participants. These requirements were not affected by the passage of WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive WSD08-10.

Policy As stated in WIOA Section 134(c)(3)(E), with respect to individualized career and training services funded with WIOA adult funds, priority must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the Dislocated Worker population.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As described in TEGL 10-09, when programs are statutorily required to provide

priority, such as WIOA adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Other individuals not included in WIOA's priority groups.

Definitions

Basic Skills Deficient: An individual that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Criteria used to determine whether an individual is basic skills deficient includes the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- English, reading, writing, or computing skills at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff-documented observations.
- Other objective criteria determined to be appropriate by the local area and documented in its required policy.

Individualized Career Services: Individualized career services are subject to priority of service, and may consist of the following:

- Comprehensive and specialized assessments of the skill level and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.
- Group and/or individual counseling and mentoring.
- Career planning (e.g. case management).
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality,

personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services.

- Internships and work experience that are linked to careers.
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into completion of postsecondary education, or training, or employment.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Low Income: An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the supplemental nutrition assistance program, (SNAP) temporary assistance for needy families program (TANF), program supplemental security income program, or state or income based public assistance.
2. In a family with total family income that does not exceed the higher of following:
 - a. The poverty line.
 - b. 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.
4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does.

Public Assistance Recipient: An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test.

Training Services: Training services are subject to priority of service, and may consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.

- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training.

PASSED AND ADOPTED by the Yolo County Workforce Innovation Board, this 9th day of March 2016.

Gary Pelfrey, WIB Chair
On behalf of the Yolo County
Workforce Innovation Board

Elaine Lytle, ESS Manager
On behalf of the Yolo County
Health and Human Services Agency

Date:_____

Date:_____



Yolo County Workforce Innovation Board

American's Job Center of California - One-Stop Career Center Locations

West Sacramento
500-A Jefferson Blvd., Building A
(916) 375-6307

Winters
111 East Grant Ave
(530) 406-4444

Woodland
25 N. Cottonwood St
(530) 661-2641

Board Members

- All Phase Security Inc.
- Buckhorn Steakhouse/
Putah Creek Café
- California Dept. of
Rehabilitation
- California Employment
Development
Department
- City of Woodland
Economic
Development
- Clark Pacific
- DMG Mori
- La Cooperative
Campesina
- Los Rios Community
College District
- Olam Tomato
Processors
- Optimum Zendejas
Home Loans
- PrideStaff
- Sacramento Central
Labor Council (4)
- Seminis Vegetable
Seeds
- The Scoop Frozen
Yogurt Shop
- West Sacramento
Chamber of
Commerce
- Woodland Aviation
- Woodland Adult
Education
- Woodland Community
College
- Yolo Food Bank
- Yolo Employment
Services, Inc.

TO: Members of the Workforce Innovation Board (WIB)

FROM: Gary Pelfrey, Chair

DATE: March 9, 2016

SUBJECT: Appoint Two WIB Members to the Executive Committee

RECOMMENDED ACTION

1. Open nominations for Executive Committee candidates
2. Vote to appoint two WIB members to the Executive Committee

REASON FOR RECOMMENDED ACTION

Appoint two WIB members to the Executive Committee; subject to nominations from the floor. Candidates to be appointed to serve one-year terms, each WIB member may be reappointed for a second one year term.

FISCAL IMPACT

There is no fiscal impact to this action.

BACKGROUND

Per Section 14 (d) of the WIB By-Laws, the WIB may appoint other WIB members to serve on the Executive Committee, provided that the total Executive Committee membership shall be less than a majority of the full WIB membership.

AGENCY COORDINATION

No further agency coordination is required.





Yolo County Workforce Innovation Board

A proud partner of America's Job Center of CaliforniaSM network.

American's Job Center of California - One-Stop Career Center Locations

West Sacramento
500-A Jefferson Blvd., Building A
(916) 375-6200 x4327

Woodland
25 N. Cottonwood St
(530) 661-2750 x4327

Board Members

- All Phase Security Inc.
- Buckhorn Steakhouse/
Putah Creek Café
- California Dept. of
Rehabilitation
- California Employment
Development
Department
- City of Woodland
Economic
Development
- Clark Pacific
- DMG Mori
- La Cooperative
Campesina
- Los Rios Community
College District
- Olam Tomato
Processors
- Optimum Zendejas
Home Loans
- PrideStaff
- Sacramento Central
Labor Council (4)
- Seminis Vegetable
Seeds
- The Scoop Frozen
Yogurt Shop
- West Sacramento
Chamber of
Commerce
- Woodland Aviation
- Woodland Adult
Education
- Woodland Community
College
- Yolo Food Bank
- Yolo Employment
Services, Inc.

TO: Members of the Workforce Innovation Board (WIB)

FROM: Gary Pelfrey, WIB Chair

DATE: March 9, 2016

SUBJECT: TRANSFER PY 2015-16 WIOA FUNDS FROM DISLOCATED WORKER TO ADULT PROGRAM

RECOMMENDED ACTION

Receive information that the Health and Human Services Agency (HHS) acting as the fiscal agent has submitted a request to transfer WIOA Program Year 2015-16 funds in the amount of \$200,000 between the dislocated worker and adult funding streams.

REASON FOR RECOMMENDED ACTION

The demand for services funded by the adult funding stream has been greater than the demand for services funded through the dislocated worker funding stream. The transfer will fund occupational skills trainings, support services, and case management for adult participants. These services assist adult participants by providing them with the development of job skills necessary to gain employment and/or progress in careers leading to self-sufficiency.

BACKGROUND

The WIOA allows the transfer of funds between the dislocated worker and adult funding streams in order to maximize customer service and provide greater flexibility to respond to changes in the local labor markets.

FISCAL IMPACT

Program Year 2015-16 dislocated worker funds will be reduced although the adult funds will be increased. There is no County general fund impact.

Workforce Innovation and Opportunity Act Program	Total Federal Funds Prior to Transfer	Revised Total	County Funds
Adult	\$505,311	\$705,311	0
Dislocated Worker	\$498,547	\$298,547	0

Attachments: Transfer Request



TRANSFER REQUEST

1. Local Area Name Yolo County Transfer Request No. 01

2. Subgrant Number K698403

3. Program Year 2015-16

4. Direction of Transfer (check one)

Adult to Dislocated Worker

201 → 299

202 → 200

Dislocated Worker to Adult

501 → 499

502 → 500

5. Amount of Transfer \$200,000

6. Reason for Transfer (Include effects on local services and proposed changes to the local plan.)

Yolo County has a greater demand for adult services than it does dislocated worker. As of January 2016, program participants in the adult program totaled 86 while the dislocated worker program totaled 23. The transfer would assist with funding 10 additional adult training opportunities as well as preserve enough funds to accommodate additional dislocated workers. The cumulative total of individuals that receive training opportunities with adult and dislocated worker funds is projected to be 150.

7. Date of local board meeting to discuss transfer Executive-February 24, 2016 and Workforce Development Board-March 9, 2016

8. Print name of Local Area Administrator/Designee Nancy O'Hara, Director

9. "I certify this transfer request was approved at the local board meeting date of ___".

10. Signature of Local Area Administrator/Designee 

11. Contact Person Lisa Vincent, Senior Administrative Analyst

12. Telephone Number (530) 406-4458

13. Date of Request 2/18/16

TRANSFER REQUEST PARTICIPANT PLAN

Local Area: Yolo County

Date: 1-Feb-16

TITLE IB PARTICIPANT PLAN SUMMARY

WIA 118; 20 CFR 661.350(a)(13); TEGL 17-05

Enter the number of individuals in each category.

TOTALS FOR PY 2015 as of January 2016			
	ADULT	DW	YOUTH
1. Registered Participants Carried in from PY 2014-15	42	11	
2. New Registered Participants for PY 2015-16	76	21	
3. Total Registered Participants for PY 2015-16 (Line 1 plus 2)	118	32	
4. Exiters for PY 2015-16	60	13	
5. Registered Participants Carried Out to PY 2016-17 (Line 3 minus 4)	58	19	

PROGRAM SERVICES			
6. Core Self Services	3,400	n/a	
7. Core Registered Services	118	32	
8. Intensive Services	118	32	
9. Training Services	118	32	

YOUTH MEASURES			
10. Attainment of a Literacy and/or Numeracy Gain			
11. Attainment of a High School Diploma, GED, or Certificate			

EXIT STATUS			
12. Entered Employment	55	11	
12A. Training-related	45	9	
13. Remained with Layoff Employer		0	
14. Entered Military Service			
15. Entered Advanced Training			
16. Entered Postsecondary Education			
17. Entered Apprenticeship Program			
18. Returned to Secondary School			
19. Exited for Other Reasons	5	2	

Lisa Vincent, Senior Administrative Services Analyst

(530) 406-4458

February 1, 2016

Contact Person, Title

Telephone Number

Date Prepared

Comments:

TRANSFER REQUEST BUDGET PLAN

	Local Area: <u>Yolo County</u>
	Date: <u>1-Feb-16</u>

TITLE IB BUDGET PLAN SUMMARY (Adult and Dislocated Worker Funds)

WIA 118; 20 CFR 661.350(a)(13)

Subgrant # K698403	Grant	Adult to Dislocated Worker	Dislocated Worker to Adult
Year of Appropriation _ PY 2015-16	Code	<input type="checkbox"/> 201 → 299 <input type="checkbox"/> 202 → 200	<input type="checkbox"/> 501 → 499 <input checked="" type="checkbox"/> 502 → 500

FUNDING IDENTIFICATION	ADULT	DISLOCATED
1. Formula Allocation	505,311	498,547
2. Prior Adjustments - Plus or Minus		
3. Previous Amounts Transferred		
4. Current Amount to be Transferred	200,000	(200,000)
5. TOTAL FUNDS AVAILABLE (Lines 1 thru 4)	705,311	298,547

TOTAL ALLOCATION COST CATEGORY PLAN		
6. Program Services (Lines 6A through 6E)	634,779	268,692
A. Core Self Services	29,250	14,088
B. Core Registered Services	19,759	13,545
C. Intensive Services	125,661	83,386
D. Training Services	176,328	74,637
E. Other	283,781	83,036
7. Administration	70,532	29,855
8. TOTAL (Lines 6 plus 7)	705,311	298,547

QUARTERLY TOTAL EXPENDITURE PLAN (Cumulative)		
9. September 2015	0	0
10. December 2015	101,666	84,670
11. March 2016	101,666	84,670
12. June 2016	101,666	84,670
13. September 2016	101,666	44,537
14. December 2016	101,666	
15. March 2017	101,666	
16. June 2017	95,318	
17. September 20__		
18. December 20__		
19. March 20__		
20. June 20__		

COST COMPLIANCE PLAN (maximum 10%)		
21. % for Administration Expenditures (Line 7/Line 5)	10.00%	10.00%

Cristina Vazquez, Fiscal Administrative Officer (530) 661-2964	2/9/2016
Contact Person, Title	Date Prepared
Telephone Number	

Comments:

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: BIENNIAL LOCAL AREA SELF-ASSESSMENT

SUBJECT MATTER HIGHLIGHTS

The Employment Development Department (EDD) is providing the requirements regarding compliance with federal and state disability laws to Local Workforce Development Boards (Local Boards), Local Workforce Development Areas (Local Areas), America’s Job Center of CaliforniaSM (AJCC) operators, and associated partners. Included are procedures to ensure that all customers have universal access to all *Workforce Innovation and Opportunity Act* (WIOA) or *Wagner-Peyser Act* (W-P) programs and services.

The Electronic Compliance Monitoring Checklist (ECMC) remains divided into two checklists, the Compliance Monitoring Checklist (CMC) and the Physical and Program Accessibility (PPA) checklist, as required by the WIOA. Both the CMC and the PPA are completed on-line and submitted to the EDD’s Equal Employment Opportunity (EEO) Office electronically.

COMMENTS DUE

February 11, 2016

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Rolando Cordova at 916-654-9753
E-Mail	Rolando.Cordova@edd.ca.gov (Include “draft comments” in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 50 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive.

Comments received after the specified due date will not be considered.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-133

Date: January 21, 2016
69:175:rc:17885

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: BIENNIAL LOCAL AREA SELF-ASSESSMENT

EXECUTIVE SUMMARY

Purpose

The Employment Development Department (EDD) is providing the requirements regarding compliance with federal and state disability laws to Local Workforce Development Boards (Local Boards), Local Workforce Development Areas (Local Areas), America's Job Center of CaliforniaSM (AJCC) operators, and associated partners. Included are procedures to ensure that all customers have universal access to all *Workforce Innovation and Opportunity Act (WIOA)* or *Wagner-Peyser Act (W-P)* programs and services.

The Electronic Compliance Monitoring Checklist (ECMC) remains divided into two checklists, the Compliance Monitoring Checklist (CMC) and the Physical and Program Accessibility (PPA) checklist, as required by the WIOA. Both the CMC and the PPA are completed on-line and submitted to the EDD's Equal Employment Opportunity (EEO) Office electronically.

Please note that this guidance makes reference to Workforce Services directive WSD10-1, which is also in the process of being reissued by the EDD to reflect the WIOA.

Scope

This directive applies to all Local Boards, Local Areas, AJCC operators, and other recipients providing services through WIOA Title I or W-P funded programs and activities.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA Section 188
- *Americans with Disabilities Act (ADA)* of 1990
- Section 504 and Section 508 (as amended) of the *Rehabilitation Act of 1973*

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Title 20 of the *Code of Federal Regulations* (CFR) Sections 667.260(a), 667.275(a)(3), 667.410(b)
- Title 29 CFR Part 38
- Title 24 of the *California Building Code*
- *California Government Code* Section 11135
- Workforce Services Directive [WSD10-1](#), Subject: *Nondiscrimination and Equal Opportunity Procedures* (July 21, 2010)
- [WIA Directive WIAD00-7](#), Subject: *Standards for Oversight and Instructions for Substate Monitoring* (April 10, 2001)

STATE-IMPOSED REQUIREMENTS

This directive contains some state-imposed requirements. These requirements are indicated in **bold, italic** type.

FILING INSTRUCTIONS

This directive replaces Directive WSD10-2, dated July 21, 2010. Retain this directive until further notice.

BACKGROUND

Section 188 of WIOA and Title 29 CFR Part 38 set forth the authority of the Civil Rights Center of the Department of Labor to monitor all recipients of WIOA assistance to determine whether they are in compliance with these provisions and with Sections 504 and 508 of the *Rehabilitation Act of 1973*, as amended. Title II of the ADA prohibits state and local government agencies from discriminating against persons with disabilities and from excluding participation in, or denying benefits of programs, services, or activities to persons with disabilities. *California Government Code* Section 11135 also prohibits discrimination by any program or activity funded by or receiving financial assistance from the state. Local Areas in California must also meet the physical and program access standards in law, including ADA Title II Accessibility Guidelines (ADAAG) and Title 24 of the *California Building Code*.

Workforce Services directive WIAD00-7, *Standards for Oversight and Instructions for Substate Monitoring*, requires that Local Area monitoring include compliance with the federal and state requirements regarding nondiscrimination and equal opportunity. The state's *Nondiscrimination and Equal Opportunity Procedures*, outlined in WSD10-1, provides the general requirements for universal access to programs and activities, including access for individuals with disabilities. In accordance with Title 20 CFR Section 667.410(b), and WIOA Section 183 (a), (b) and (c), the EDD's EEO Office is responsible for monitoring recipients of WIOA funds in California for compliance with WIOA and related regulations.

POLICY AND PROCEDURES

Workforce Services directive, WIAD00-7, dated April 10, 2001, requires the Equal Opportunity (EO) Officers in the Local Areas to monitor the compliance of all local grant recipients and subrecipients of WIOA or W-P funds, including AJCCs. In order to assist the Local Areas in identifying the

compliance status of their programs and those elements of compliance that may require technical assistance, the EDD created the CMC and PPA self-assessment checklists.

EDD's compliance monitoring review of the Local Areas regarding WIOA Section 188 and Title 29 CFR Part 38 is conducted biennially (every two years). EDD's EEO Office requires that all Local Area EO Officers coordinate the completion and submission of the CMC and PPA self-assessment checklists.

The CMC is designed to collect information to ensure policies, procedures, and systems provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity requirements. The informational data gathered from the Local Areas helps to validate their efforts in meeting these regulatory requirements.

The PPA checklist combines physical and program access elements that Local Area offices and AJCCs must assess. This may only be the first in an effort to make the facilities and programs universally accessible for all customers with disabilities. Where deficiencies are found, further review and exploration with other experts or architects may be required to fully understand and respond to specific, detailed requirements.

The Local Area EO Officers are responsible for assuring that a CMC is completed at the Local Area administrative level, and that each individual AJCC receiving WIOA funding within the Local Area also completes the PPA self-assessment portion for each facility.

The EDD's EEO Office will send each EO Officer an email containing (1) an electronic link to the CMC and PPA self-assessment checklists, and (2) their distinct Authentication Identification Code to access and complete the checklists. The CMC and PPA checklists shall be submitted electronically while a hard copy of the Required Attachments Checklist shall be mailed to the EEO Office. A PDF copy of the CMC and PPA checklists will be provided to each EO Officer.

The Local Areas must complete the CMC and PPA assessments as described above. When completed, the Local Area EO Officer shall organize the information into one package for electronic submission to the EEO Office. Electronic submittal instructions are included on the last page of the CMC and PPA Checklists. Additionally, a hard copy of all items listed on the Required Attachments Checklist is to be mailed to one of the addresses shown below in the Action section of this directive. ***The EDD requires that copies of the completed CMC and PPA checklists be kept on file locally. The checklists should be used as an assessment reference when developing corrective actions plans, and for a scheduled on-site review that may be required by authorized federal and state reviewers.***

The EEO Office monitoring staff will coordinate with the Local Area EO Officers to address any technical issues and concerns regarding compliance reviews. Any additional information, including the Required Attachments Checklist, will be requested by the EEO Office monitoring staff prior to beginning the Local Area reviews.

It should be noted that the assessment checklists do not meet all state architectural accessibility standards. The state standards are more stringent and must be met before a lease can be executed to house state employees in an AJCC or Local Area office. If a partner is going to enter into a lease

with the EDD or another state agency, the partner may be required to correct accessibility barriers within a shorter period of time than shown in their individual transition plans. The EDD may require the removal of certain architectural barriers prior to occupancy. Transition plans developed as part of this process are not approved or denied by the EDD's EEO Office. They are the first step in developing awareness at the local level of the various state and federal requirements.

ACTION

Bring this directive to the attention of the Local Area EO Officer, Assistant EO Officer, and any other applicable individuals in support of WIOA Section 188 within the Local Area.

The EO Officer for the Local Area shall organize the information into one package for electronic submission to the EDD's EEO Office.

Forward one hard copy of all items listed on the Required Attachments Checklist to one of the following:

Regular Mail Employment Development Department
Equal Employment Opportunity Office, MIC 49
P.O. Box 826880
Sacramento, CA 94280-0001

Overnight Mail Employment Development Department
Equal Employment Opportunity Office
800 Capitol Mall, Room 2130, MIC 49
Sacramento, CA 95814

INQUIRIES

If you have any questions, please contact your [Regional Advisor](#) or call 916-654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [Required Attachments Checklist](#)

REQUIRED ATTACHMENTS CHECKLIST

Please provide the following documents and identify each of your attachments by adding the proper coinciding number to that attachment. If a document is used for more than one criterion, list each coinciding number. Unidentified documents will be returned to the Equal Opportunity Officer for proper identification.

1. Provide the names and contact information for the following positions in an organizational chart showing the following:
 - Equal Opportunity Officer
 - Americans with Disabilities Act Coordinator
 - Section 504 Coordinator
 - Limited English Proficiency (LEP) Coordinator
 - Other individuals assisting in support of the *Workforce Innovation and Opportunity Act* (WIOA) Section 188 Compliance (including clerical, data analysis, and monitoring)
2. Sample of recruitment materials that indicate “Equal opportunity employer/program,” and “Auxiliary aids and services are available to individuals with disabilities.”
3. Copy of LEP plan, related policies and procedures.
4. Copy of non-discrimination notices posted in job center.
5. Copy of non-discrimination notice in alternate format for LEP and visually impaired.
6. Copy of applicable template, policies, and procedures requiring assurances included in grant agreements, sub-grant agreements, and/or training provider agreements.
7. Documents reflecting reasonable efforts to include participation of persons with disabilities and non-English speaking in the recipient’s programs and activities, such as the following:
 - Copy of policy memoranda, guidance papers and/or communiqués
 - Copy of any MOUs with community/partner organization(s) that provide services to/on behalf of persons with disabilities and non-English speaking recipients
 - Copy of relevant portions of the written plan(s) developed to describe how the needs of persons with disabilities will be met
 - Copy of current outreach and recruitment plans for expanding the pool of persons with disabilities considered for participation or employment in its programs and/or activities
8. Copy of Reasonable Accommodation Policy.
9. Copy of policy and procedures that ensure program enrollment and selection processes do not discriminate on any protected basis.
10. Copy of EEO demographic data collected and maintained for enrolled WIOA/Wagner-Peyser Act customers served.
11. Copy of recipient and/or subrecipient monitoring reports.
12. Copy of compliance memoranda, guidance, report, or policy used by the LWDA/Job Centers explaining the procedures to be followed, the corrective actions, and possible sanctions that will be imposed when violations of the EO and nondiscrimination provisions are found.

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: CONSULTANT SERVICES AND PAY

SUBJECT MATTER HIGHLIGHTS

This provides guidance on the use of professional and consultant services.

COMMENTS DUE

February 26, 2016

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Scott Osborne at 916-654-9753
E-Mail	Scott.Osborne@edd.ca.gov (Include "draft comments" in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 69 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.**

If you have any questions, contact Scott Osborne at (916) 654-9762.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-134

Date: February 4, 2016
69:97:so:17916

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: CONSULTANT SERVICES AND PAY

EXECUTIVE SUMMARY

Purpose

This provides guidance on the use of professional and consultant services.

Scope

This applies to all subrecipients of the *Workforce Innovation and Opportunity Act* (WIOA) funds.

Effective Date

This is effective on the date of issuance.

REFERENCES

- Title 2 *Code of Federal Regulations* (CFR) Part 200: *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), Sections 200.318, 200.319, and 200.459
- Title 5 CFR Part 304: *Expert and Consultant Appointments*, Section 304.104
- Title 20 CFR Part 683: *Workforce Innovation and Opportunity Act* (WIOA) *Notice of Proposed Rulemaking* (NPRM), Section 683.200

STATE-IMPOSED REQUIREMENTS

This directive contains no state-imposed requirements.

FILING INSTRUCTIONS

Retain this directive until further notice.

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

BACKGROUND

As WIOA and Uniform Guidance implementation continues, consultants, when used appropriately, can be very a helpful resource. This provides subrecipients with guidance that must be considered when deciding whether to hire a consultant, as well as stipulations related to procurement standards and establishing a rate of pay.

POLICY AND PROCEDURES

According to the Uniform Guidance, the cost of consultant services provided by persons who are members of a particular profession or possess a special skill, and who are not officers or employees of the governmental unit, are allowable so long as they are reasonable and not contingent upon recovery of the costs from the federal government.

As stated in Uniform Guidance Section [200.459](#), when determining whether utilizing a consultant in a specific situation would be an allowable cost, no single factor or any special combination of factors is necessarily determinative. However, the following factors are highly relevant and should be carefully considered by subrecipients:

- The nature and scope of the service rendered in relation to the service required.
- The necessity of contracting for the service, considering the non-federal entity's capability in the particular area.
- The past pattern of such costs, particularly in the years prior to federal awards.
- The impact of federal awards on the non-federal entity's business (i.e., what new problems have arisen).
- Whether the proportion of federal work to the non-federal entity's total business is such as to influence the non-federal entity in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under federal awards.
- Whether the service can be performed more economically by direct employment rather than contracting.
- The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-federally funded activities.
- Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation, and termination provisions).

In addition, any retainer fees must be supported by evidence of bona fide services available or rendered.

Procurement

When obtaining consultant services, subrecipients must comply with all federal procurement standards listed in Uniform Guidance Sections [200.318](#) and [200.319](#). Subrecipients must also comply with their own documented procurement procedures that reflect applicable state and local laws and regulations, provided that they also conform to applicable federal law.

Supporting documentation detailing the history of the procurement and how the subrecipient complied with the non-restrictive, free and open competition requirement in its procurement of consultant(s) must be maintained. Examples of these records would include, but are not limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Rate of Pay

As referenced in 5 CFR Section [304.104](#), compensation for consultant services must be reasonable and consistent with that paid for similar services in the marketplace. Reasonableness is based not only on the per hour charge, but on the overall charge for the work to be done. For example, if the base rate of pay was the same, but one consultant has to fly in and bills for travel time, then this consultant might not be the most reasonable.

When determining the basic rate of pay, subrecipients must consider and maintain supporting documentation of the following:

- The level and difficulty of the work to be performed.
- The qualifications of the expert or consultant.
- The pay rates of comparable individuals performing similar work in federal or non-federal sectors.
- The availability of qualified candidates.

ACTION

Please bring this directive to the attention of all appropriate staff.

INQUIRIES

For further information regarding this directive, please contact your [Regional Advisor](#) or Project Manager.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES

SUBJECT MATTER HIGHLIGHTS

PLEASE NOTE

This provides procedures relating to nondiscrimination and equal opportunity under the *Workforce Innovation and Opportunity Act* Title I and *Wagner-Peyser Act* funded programs or activities.

COMMENTS DUE

February 26, 2016

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Rolando Cordova at 916-654-9753
E-Mail	Rolando.cordova@edd.ca.gov (Include "draft comments" in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 69 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.**

If you have any questions, contact Rolando Cordova at (916) 651-7752.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-135

Date: February 4, 2016

69:175:rc:17511

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES

EXECUTIVE SUMMARY

Purpose

This provides procedures relating to nondiscrimination and equal opportunity under the *Workforce Innovation and Opportunity Act* (WIOA) Title I and *Wagner-Peyser Act* (W-P) funded programs or activities.

Scope

This applies to entities that provide services through WIOA Title I or W-P funded programs and activities.

Effective Date

This is effective on the date of issuance.

REFERENCES

- WIOA Sections 121(b), 188, and 183(c)
- *Americans with Disabilities Act of 1990*, Title II, Subpart A
- *Age Discrimination Act of 1975*, as amended
- Section 504 of the *Rehabilitation Act of 1973*
- Title IX of the *Education Amendments of 1972*
- Titles VI and VII of the *Civil Rights Act of 1964*, as amended
- *Title 20 Code of Federal Regulations (CFR)* Sections 667.275 and 658.400
- *Title 29 CFR* Parts 31, 32, 34, 38, and 1690-1691
- *Title 41 CFR* Subpart 101-19.6
- *Title 45 CFR* Section 90.43(c)(3)
- *Fair Employment and Housing Act* (Government Code, Title 2, Division 3, Part 2.8), Chapters 1-6

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- *Dymally-Alatorre Bilingual Services Act (DABSA)*, Government Code Section 7290-7299.8
- *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)*
- *Workforce Investment Act Directive WIAD04-20, Subject: LEP (May 12, 2005)*

STATE-IMPOSED REQUIREMENTS

This directive contains some state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS

This directive replaces *Workforce Services Directive WSD10-1*, dated July 21, 2010. Retain this directive until further notice.

BACKGROUND

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and Title 29 CFR Part 38 prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries' only, citizenship or participation in a WIOA Title I financially assisted program or activity.

POLICY AND PROCEDURES

Definitions

Complaint, for this directive only, means an allegation of a violation of the nondiscrimination and equal opportunity provisions.

Recipient, taken from Title 29 CFR Part 38, means any entity to which financial assistance under WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of the WIOA, are treated as "recipients" and are subject to the nondiscrimination and equal opportunity requirements of Title 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system.

Small recipient means a recipient who (1) serves a total of fewer than 15 beneficiaries during the entire grant year and (2) employs fewer than 15 employees on any given day during the grant year.

General Provisions

Title 29 CFR Section 38.54(a) requires that each Governor must establish and adhere to a Methods of Administration (MOA) for state programs. The MOA is a state-level document that reflects the Governor's commitment to nondiscrimination and equal opportunity provisions of WIOA.

The MOA contains nine distinct elements, which are outlined below. Compliance requirements, which are significant to programs and activities that are part of the America's Job Center of CaliforniaSM (AJCC) delivery system operated by AJCC partners, are also highlighted in this directive.

1. Designation of an Equal Opportunity (EO) Officer

Each Local Workforce Development Area (Local Area) must designate an EO Officer who is responsible for coordinating its obligation under these regulations. ***The state requires that the Local Areas notify the EEO Office whenever the designation of the Local Area EO Officer changes.***

The EO Officer's responsibilities include the following:

- Serving as liaison with the Civil Rights Center (CRC).
- Investigating and monitoring the organizations and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the organizations and its subrecipients' written policies.
- Developing, publishing, and enforcing the organization's discrimination complaint procedures.
- Reporting to the appropriate authority regarding discrimination matters.
- Participating in continuing training and education, and ensuring that assigned staff receives the necessary training and support to maintain competency.
- Informing participants, employees and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

The Local Areas must submit a copy of the local level EO Officer's position description and organizational chart showing the relationship of each local level EO Officer to their Local Area Executive Director. The Local Areas will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and Title 29 CFR Section 38.23.

Please mail required documents to the following address:

**Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P.O. Box 826880
Sacramento, CA 94280-0001**

The EO Officer's contact information such as name, position title, business address, including e-mail address, and telephone number (voice and Telecommunications Device for the Deaf [TDD], which is also known as teletypewriter [TTY]), must be publicized at the local level through a variety of means, including posters, handouts, and listings in local directories. Ensure that the EO Officer's identity and contact information appears on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs.

Attending periodic training is recommended for the EO Officer and assigned staff to keep abreast of equal opportunity issues. Training on nondiscrimination and equal opportunity is available through the State EO Officer and the Capacity Building Unit of the Workforce Services Division.

Small recipients and service providers, as defined in Title 29 CFR Section, Part 38.4, do not need to designate an EO Officer with the full responsibilities as described above, but must designate an individual who will be responsible for the developing and publishing of complaint procedures and the processing of complaints as required by Section 38.76 through 38.79.

Additionally, the WIOA Title I Governor's 15 and 25 percent subgrantees (except Local Areas) are not required to designate an EO Officer, but must designate an individual who will be responsible for adopting and publishing the Employment Development Department's (EDD) complaint procedures. Therefore, in lieu of a local complaint procedure, the WIOA Title I Governor's 15 and 25 percent subgrantees must adopt the EDD's nondiscrimination and equal opportunity complaint procedures. The complaint procedures must include the option to file a charge of discrimination directly with the CRC. For more information, contact the State EO Officer at the following address:

**Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P. O. Box 826880
Sacramento, CA 94280-0001**

2. Notice and Communication

Initial and continuing notice of nondiscriminatory practices poster and the right to file a complaint poster must meet the following criteria:

- Posted in prominent locations, such as the front customer entry and reception area.
- Disseminated in internal memoranda and other written or electronic communications.
- Included in handbooks and manuals, brochures, broadcasts, and other communications.
- Made available to each participant.
- Included in each participant's case file. Where a hard copy case file is maintained, a copy of an acknowledgement of receipt shall be signed by the participant and included in each participant's case file. Where an electronic case file is maintained, staff must make a note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it.

The notice shall be provided in appropriate formats to individuals with visual impairments. When a notice has been given in an alternate format, a record of such notice shall be documented within the participant's case file.

For information and services accessed electronically, each recipient shall establish a procedure, which assures that the notice requirements of Title 29 CFR Part 38 are met.

Distributed publications, broadcasts, electronic media and other communications including the homepage of the Local Areas website, which promote WIOA programs or activities, shall include the following taglines: "This WIOA Title I financially assisted program or activity is an equal opportunity employer/program," and "Auxiliary aids and services are available upon request to individuals with disabilities."

Where hard copy or electronic materials indicate that the recipients may be reached by telephone, the telephone number of any TDD/TTY or relay service used by the recipient must be indicated. If the recipient does not have a TDD/TTY, the California Relay Service (CRS), which can be reached at 1-800-735-2922, is an alternative. The CRS relays messages to deaf persons via the telephone. A caller can contact the relay service by voice or TDD, and an operator will contact the party to be called using voice or TDD/TTY. A TDD/TTY or relay service should be available where services provided by telephone are a major function of the program or activity.

This applies similarly to those recipients required by law or regulation to publish or broadcast program information in public media. Where appropriate, information and services should be provided in additional languages other than English.

On August 11, 2000, President Clinton issued Executive Order 13166, titled "*Improving Access to Services for Persons with Limited English Proficiency*." This Executive Order mandates that LEP individuals have equal access to federally funded programs and activities. As required by Executive Order 13166, DOL/CRC published revised policy guidance in the Federal Register (May 29, 2003) regarding the prohibition against national origin discrimination as it affects LEP individuals. This revised policy offers guidance from DOL with respect to the responsibilities of recipients of federal financial assistance in serving LEP individuals, pursuant to the requirements of Title VI of the *Civil Rights Act* and Section 188 of WIOA. Recipients of federal financial assistance must take reasonable steps to ensure that individuals having LEP receive the language assistance necessary to afford them meaningful access to programs, services, and information provided by the recipients.

The DABSA requires that when state and local agencies serve a "substantial number of non-English-speaking people," they must employ a "sufficient number of qualified bilingual staff in public contact positions" and translate documents explaining available services in their clients' language. The DABSA establishes specific legal mandates for state agencies, but allows local agencies discretion in establishing the level and extent of bilingual services they provide.

3. Assurances, Job Training Plans, Contracts, Policies and Procedures

A system must be implemented to ensure that all contracts, cooperative agreements, job training plans, and policies and procedures contain the nondiscrimination assurance as specified. The nondiscrimination assurance must state that the grant applicant will "comply fully with the nondiscrimination and equal opportunity provisions of WIOA" and acknowledge the government's right to seek judicial enforcement of the nondiscrimination assurance.

Title 29 CFR Section 38.20 requires that each application for federal financial assistance under Title I of WIOA must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or DOL prior to, and as a condition of, receiving federal financial assistance under Title I of WIOA (including both new and continuing assistance).

4. Universal Access

As required in Title 29 CFR Section 38.42, recipients must take appropriate steps to ensure universal access to WIOA Title I financially assisted programs and activities by doing the following:

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- Implementing an outreach and recruitment plan to solicit participation of all potentially WIOA Title I eligible reportable individuals in the entire locale.
- Creating an outreach and recruitment plan that will reach specific target populations through media, schools, and community services groups.
- Considering a pool of individuals for participation that includes members of both sexes, various racial and ethnic age groups, and individuals with disabilities.
- Establishing a hiring and eligibility process that is accessible to qualified individuals with disabilities.
- Utilizing facilities designed to provide reasonable access to individuals with disabilities in the following areas: training, job structure, work schedule, work procedure, and work equipment and auxiliary aids accommodations.

5. Obligation Not To Discriminate On The Basis Of Disability

Compliance with Section 504 of the *Rehabilitation Act of 1973*, as amended, and Title 29 CFR Part 38 reads as follows:

The recipients must ensure the accessibility to their training programs, activities and support services for all individuals, and must administer their training programs, activities and services in the most integrated setting appropriate to the needs of qualified individuals with disabilities. This includes employment tests or other selection criteria used by recipients that do not screen out individuals with disabilities, and training programs accessible to individuals with visual, hearing, or speech impairments. The recipients must provide means for individuals with disabilities to receive information about availability of facilities accessible to them. Additionally, recipients must provide auxiliary aids, services and reasonable accommodations to qualified individuals with disabilities to enable them to perform duties of the job (e.g., special aids, modified work sites, or restructuring of jobs).

The recipients must also provide the following:

- Designated parking for the disabled that is accessible to the building entrance, free of any barriers (e.g., steps, steep slopes, low spots in ground or pavement, buckled or uneven concrete walkways, loose gravel).
- Signage at a primary entrance to each of their inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities.
- The international symbol for accessibility at each primary entrance of an accessible facility.
- Building entrance doors that can be opened with one hand.

- Accessible information at public counter or reception areas.
- Facility elevators that are accessible from the primary entrance meeting the above criteria.
 - Elevator control panel and entrance buttons with raised numbers and Braille symbols at an accessible height.
 - At least one accessible public telephone per floor.
 - Accessible meeting rooms with Braille symbols at an accessible height.
 - Facility restrooms that have at least one toilet stall with an accessible doorway. The stall should have grab bars and the toilet seat should be accessible for the disabled individual after the door is closed (access to the grab bars should not be obstructed by such things as toilet paper dispensers, seat cover dispensers, etc.).
 - Alternative methods to ensure that training, job structure, work schedule, work procedure, and work equipment are available to individuals with disabilities when the facilities are not physically accessible to individuals with disabilities.

With regard to aid, benefits, services, training, and employment, Title 29 CFR Section 38.8 states that a recipient must do the following:

- Provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause the recipient undue hardship on business operations.
- Make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the WIOA Title I financially assisted service, program, or activity.

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the recipient has the burden of proving that compliance with this section would result in such hardship and alteration. The recipient must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual(s) who requested the accommodation.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such burden or such alteration but would nevertheless ensure that individuals with

Disabilities receive the aid, benefits, services, training or employment provided by the recipient.

Title 29 CFR Section 38.4 defines "undue hardship" with regard to reasonable accommodation of individuals with disabilities, as significant difficulty or expense incurred by a recipient when considered in light of certain factors. These factors include, but are not limited to, the nature and net cost of the accommodations needed, overall financial resources of recipient, type of operation(s) of recipient, the number of persons aided, benefited, served, trained, or employed, the impact on the ability of other participants to receive aids, benefits, services, or training, or of other employees to perform their duties and the impact on the facility's ability to carry out its business or mission.

The term "fundamental alteration" means (1) a change in the essential nature of a program or activity as defined in Title 29 CFR Part 38.4, including but not limited to an aid, service, benefit, or training or (2) a cost that a recipient can demonstrate would result in an undue burden. The definition of "fundamental alteration" incorporates the concept of "undue financial and administrative burdens" in Title 29 CFR Part 38.

In addition, recipients must take appropriate steps to ensure that communications with beneficiaries, eligible registrants and applicants, participants, and members of the public who are individuals with disabilities are as effective as communications with others.

A Reasonable Accommodation Policy and Procedure Guide should be used when processing reasonable accommodation requests. This document should contain two sections; (1) provide general guidance and definitions for use when processing reasonable accommodation requests, and (2) provide step-by-step instructions on how to process these requests.

6. Data and Information Collection and Maintenance

In compliance with 29 CFR Sections 38.37 through 38.41 and Section 188 of WIOA, any entity to which financial assistance under WIOA Title I is extended (excluding the ultimate beneficiaries of the WIOA Title I funded program or activity) must do the following:

- Collect demographic data on race/ethnicity, sex, age, and, where known, disability status, of each individual, registrant, eligible individual/registrant, participant, terminnee, individual for employment, and employee.
- Maintain records of data in a system designed to allow the State and CRC to conduct statistical or other quantifiable analyses to verify compliance.
- Safeguard the confidentiality of the required information; confidential information should only be used for recordkeeping and reporting purposes; determining eligibility, where appropriate, for WIOA Title I financially assisted program or

activity; determining if the recipient is operating its WIOA program in a nondiscriminatory manner, or other use authorized by law.

- Maintain a log of complaints filed alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship (citizen or authorization to work in the U.S.) or participation in a WIOA Title I financially assisted program and activity. The log must include: (1) name and address of the complainant; (2) grounds of the complaint; (3) description of the complaint; (4) date complaint was filed; (5) disposition and date of disposition of complaint; and (6) any other pertinent information.

The EEO Office requires a copy of the Local Area complaint log annually (each calendar year). Please mail to the following address or return by e-mail:

***Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P. O. Box 826880
Sacramento, CA 94280-0001***

- Promptly notify the CRC of any administrative enforcement actions or lawsuits filed against a Local Area alleging discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I financially assisted program and activity. Provide a brief description of the findings in any civil rights compliance review where the applicant or recipient was found in noncompliance and keeps a log containing certain information regarding complaints filed with it according to procedures set by the CRC.
- Retain records, including records of complaints, for a period of not less than three years from the close of the applicable program year or date of resolution of complaint.
- Adopt procedures for responding to complaints of discrimination.

7. Monitor for Compliance

In accordance with Title 29 CFR Sections 38.54(d)(2)(ii) and 38.54(d)(2)(iii), the EEO Office of the EDD monitors Local Areas for nondiscrimination and equal opportunity compliance as required by WIOA provisions and related regulations.

The EEO Office requires that each Local Area complete and submit the Electronic Compliance Monitoring Checklist (ECMC) biennial self-assessment checklists. The EEO Office will review the self-assessments, along with additional equal opportunity-related

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data, to coordinate and determine if a Local Area on-site review is necessary during a given program year. Through self-evaluations, Local Areas can validate their efforts in meeting regulatory requirements and identify the compliance status of their programs, activities, and Local Areas in which they need technical assistance.

8. Complaint Processing Procedures

In compliance with nondiscrimination and equal opportunity provisions of the WIOA and Title 29 CFR Section 38.76, the EO Officer must do the following:

- Develop and publish procedures (including alternative dispute resolution) for resolving allegations within the Local Area for noncompliance with applicable nondiscrimination and equal opportunity provisions.
- Develop and publish procedures for resolving allegations against service providers for noncompliance with applicable nondiscrimination and equal opportunity provisions. The service providers must then follow those procedures. (NOTE – Although the Local Area does not have the same contractual jurisdiction with vendors as with service providers, ***the Local Area shall document the facts of an alleged complaint. The facts should be used to advise the participant of any recourse available and to determine if the Local Area should continue to utilize the services of the vendor.***)
- Establish a logging system to record discrimination complaints.

The Local Areas complaint processing procedures must specify the following:

- a. Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of WIOA may file a written complaint by using the *Discrimination Complaint Form – Local Workforce Development Area*, or a representative may file the complaint on his or her behalf.
- b. The complaint may be filed either with the Local Area’s EO Officer (or the person designated for this purpose), or directly with the CRC at DOL, 200 Constitution Avenue N.W., Room N-4123, Washington, D.C. 20210.
- c. A complaint filed, pursuant to Title 29 CFR 38.30, must be filed within 180 days of the alleged discrimination. The CRC, if shown good cause, may extend the filing time. In order to receive an extension, the complainant must be notified that a waiver letter is to be filed with the CRC. The waiver letter should include the reason the 180-day time period elapsed. This time period for filing is for the administrative convenience of the CRC and does not create a defense for the respondent.

d. Complaints must be filed in writing by completing the *Discrimination Complaint Form – Local Workforce Development Area* or your personalized Local Area locally developed form. Regardless of the form used, all complaints must include the following information:

- Contain the complainant’s name, address, or other means of contacting him or her.
- Identify the respondent.
- Describe the complainant’s allegation(s) in sufficient detail to allow the CRC or Local Area EO Officer, as applicable, to determine whether (1) the CRC or the Local Area has jurisdiction over the complaint; (2) the complaint was filed timely; and (3) the complaint has apparent merit, i.e., whether the allegation(s), if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA.
- Be signed by the complainant or his or her authorized representative.

e. Both complainant and respondent have the right to be represented by an attorney or other individual of his or her choice.

f. Alternative Dispute Resolution (ADR)

- (1) The complainant must be offered ADR immediately upon receipt of the complaint. The choice whether to use ADR rests with the complainant. The preferred form of ADR is mediation.

What is Mediation? Mediation is a voluntary process during which a neutral third party assists both parties (complainant and respondent), communicates their concerns, and comes to an agreement about how to resolve a dispute.

The mediator does not make decisions, rule as to who is right or wrong, nor take sides or advocate for one side or the other. The role of the mediator is to help with communication so the parties can reach an understanding about how to best resolve their differences.

As the law allows, mediation proceedings and the information shared are confidential and no information divulged during this mediation may be used in court or any legal or administrative proceedings.

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If the parties do not reach an agreement under ADR, the complainant may file directly with the CRC as described in Title 29 CFR Sections 38.71 through 38.74.

(2) A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached. In such circumstances, the following rules will apply:

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- The non-breaching party may file a complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
- The CRC must evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his or her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.

Complaints filed with the Local Area

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- a. The EO Officer shall issue a written acknowledgement of receipt by the Local Area of a complaint alleging discrimination by a WIOA Title I recipient and shall include a notice of the complainant's right to representation in the complaint process.

The EEO Office requires the EO Officer to forward one copy of the alleged complaint and one copy of the issued Notice of Final Action to the following address:

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***Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49
P. O. Box 826880
Sacramento, CA 94280-0001***

- b. If the complainant elects not to participate in the ADR process, the EO Officer shall investigate the circumstances underlying the alleged complaint.
- c. At any point in the investigation of the complaint, the complainant, respondent, or the EO Officer may request that the parties attempt conciliation. The EO Officer shall facilitate such conciliation efforts.

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D What is Conciliation? Conciliation is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions.

If the conciliator is successful in negotiating an understanding between the parties, said understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legal binding contract and falls under contract law.

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- d. The Local Area shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the Local Area issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice.
- e. If the 90 days expire and the complainant does not receive a Notice of Final Action from the Local Area, or the Local Area failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the CRC within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the CRC within 120 days of the date on which the complaint was filed with the Local Area.
- f. The CRC may extend the 30-day time limit if the complainant is not notified, as provided in Title 29 CFR Section 38.81, or for other good cause shown.
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- g. The Local Area shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of the WIOA. The *Notice of Lack of Jurisdiction* must also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with the CRC within 30 days of receipt of the Notice.
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- h. During the resolution process, the EO Officer shall assure that all parties involved are given due process. These due process elements include the following:
- A notice to all parties of the specific charges
 - A notice to all parties of the responses to the allegations
 - The right of both parties to representation

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- The right of each party to present evidence, and to question others who present evidence
- A decision made strictly on the evidence on the record

Actions by the CRC are as follows:

- a. The CRC determines acceptance of a complaint filed pursuant to Title 29 CFR Section 34.82. When the CRC accepts a complaint for investigation, it shall do the following:
 - Notify the Local Area and the complainant of the acceptance of the complaint for investigation.
 - Advise the Local Area and complainant on the issues over which the CRC has accepted jurisdiction.
- b. The Local Area, the complainant, or a representative may contact the CRC for information regarding the complaint filed.
- c. When a complaint contains insufficient information, the CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him or her, or the information is not provided within the time specified, the complaint file may be closed without prejudice upon written notice sent to the complainant's last known address.
- d. The CRC, per WIOA Section 183(c), may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence, before a designated representative, relating to the complaint being investigated. Issuing a subpoena can be done any place in the U.S., at any designated time and place.
- e. Where the CRC lacks jurisdiction over a complaint, the CRC shall do the following:
 - Notify the complainant, explaining why the complaint is not covered by the nondiscrimination and equal opportunity provisions of WIOA or Title 29 CFR Part 38.
 - Refer the complainant to the appropriate federal, State, or local authority, when possible.
- f. The CRC will notify the complainant when a claim is not to be investigated and explain the basis for that determination.

- g. The CRC will refer complaints governed by the *Age Discrimination Act of 1975* to mediation as specified in Title 45 CFR Section 90.43(c)(3).
- h. If the complainant alleges more than one kind of complaint, "joint complaint" (e.g., individual employment discrimination, age discrimination, equal pay discrimination, etc.), the CRC shall refer such joint complaint to the Equal Employment Opportunity Commission for investigation and conciliation under the procedures described in Title 29 CFR, Parts 1690 or 1691, as appropriate. The CRC will advise the complainant and the Local Area of the referral.
- i. Under the One-Stop delivery system where the complainant alleges discrimination by an entity that operates a program or activity financially assisted by a federal grant making agency other than DOL, but participates as a partner in a One-Stop delivery system, the following procedures apply:
- If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of WIOA and by a civil rights law enforced by the federal grant making agency, the CRC and the grant making agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grant making agency for processing. The grant making agency's regulations will govern the processing of the complaint.
 - If the complainant alleges discrimination on the basis that is prohibited by Section 188 of WIOA, but not by any civil rights laws enforced by the federal grant making agency, the CRC has sole jurisdiction over the complaint and will retain and process the complaint pursuant to Title 29 CFR Part 38. The CRC will advise the complainant and the Local Area of the referral.
- j. The CRC may offer the parties of a complaint the option of mediating the complaint. In such circumstances, the following rules apply:
- The mediation is voluntary; both parties must consent before the mediation process will proceed.
 - The mediation will be conducted under the guidance issued by the CRC.
 - If the parties are unable to reach resolution of the complaint through the mediation, the CRC will investigate and process the complaint under Title 29 CFR Sections 38.82 through 38.88.
- k. After making such a cause finding, the CRC shall issue an Initial Determination. The Initial Determination shall notify the complainant and the Local Area, in writing, of the following:

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- The specific findings of the investigation;
- The proposed corrective or remedial action and the time by which the corrective or remedial action must be completed;
- Whether it will be necessary for the Local Area to enter into a written agreement; and
- The opportunity to participate in voluntary compliance negotiations.

I. Where a no cause determination is made, the CRC must issue a Final Determination to the complainant and the Local Area. The Final Determination represents DOL's final agency action on the complaint.

9. Corrective Actions/Sanctions

A Letter of Findings, Notice to Show Cause, or Initial Determination issued pursuant to Title 29 CFR Sections 38.62 or 38.63, 38.66 and 38.67, or 38.91, respectively, must include the steps and the specific time period it will take the Local Area to achieve voluntary compliance. See Section 38.94 for corrective action steps.

Monetary corrective action may **not** be paid from federal funds.

If the Local Area receives a finding of noncompliance, the following sections of Title 29 CFR Part 38 may be referred to for detailed information:

- Final Determinations, Sections 38.90 through 38.101
- Breaches of Conciliation Agreements, Sections 38.102 through 38.105
- Subpart E - Federal Procedures for Effecting Compliance, Sections 38.110 through 38.115

Intimidation and Retaliation is Prohibited

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging a violation of WIOA; opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA; or furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity of WIOA or Title 29 CFR Part 38. The sanctions and penalties contained in these procedures may be imposed against any recipient who engages in any such retaliation or intimidation, or fails to take necessary steps to prevent such activity.

Discrimination Complaint Form – Local Workforce Development Area

It is important for the EDD to receive documentation with sufficient information for the EDD EEO Office to analyze, compile, and report in a manner that is consistent with DOL requirements. It is helpful when information gathering efforts include adequate questions that will elicit responses from the complainant, making the need to request additional information less likely.

The *Discrimination Complaint Form – Local Workforce Development Area* was developed to assist clients, participants, and service providers. This form is available for use by the Local Area in an effort to provide more consistent information when processing discrimination complaints from participants of WIOA and W-P funded programs and activities. The Local Area encouraged to personalize the form with the name of the Local Area, logo and slogan information, and use the form for any and all discrimination complaints that may be received.

ACTION

Bring this directive to the attention of affected staff and Local Area EO Officers.

INQUIRIES

If you have any questions, please contact your EDD [Regional Advisor](#) or call 916-654-7799

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachments are available on the internet:

1. [Equal Opportunity is the Law](#)
2. [What to do if You Believe You Have Experienced Discrimination](#)
3. [Discrimination Complaint Form – Local Workforce Development Area](#)
4. [Reasonable Accommodation Policy and Procedure Guide](#)

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following basis:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the *Workforce Innovation and Opportunity Act* (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;

Providing opportunities in, or treating any person with regard to, such a program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a *Workforce Innovation and Opportunity Act* Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or The Director, Civil Rights Center (CRC), Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

4. Tell us about the incident(s):

- Explain briefly what happened and how you were discriminated against.
- Provide the date(s) when the incident(s) occurred.
- Indicate who discriminated against you. Include names and titles if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please list below any person(s) (witnesses) that we may contact for additional information to support or clarify the complaint.

Name	Address	Phone

6. Basis for the discrimination:

- Check the type of discrimination you experienced, such as age, race, color, national origin, disability, etc.
- If you believe more than one basis was involved, you may check more than one box:

- | | |
|---|---|
| <input type="checkbox"/> Age- <i>provide date of birth:</i> | <input type="checkbox"/> Citizenship or status as alien US Worker |
| <input type="checkbox"/> Color | <input type="checkbox"/> Disability |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Political Affiliation |
| <input type="checkbox"/> Political Belief | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Gender - <i>Specify</i> <input type="checkbox"/> F <input type="checkbox"/> M | <input type="checkbox"/> Status as a program participant under the Workforce Investment Act of 1998 |
| <input type="checkbox"/> Race - <i>indicate race:</i> | <input type="checkbox"/> Other (<i>Specify</i>): |
| <input type="checkbox"/> of Hispanic or Latino origin <input type="checkbox"/> not of Hispanic or Latino origin | |

7. Have you previously filed a complaint against this person(s)/entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES , answer the questions below, if NO move to section 8.	
a. Was your complaint in writing?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. On what date did you file the complaint?	
c. Name of office where you filed your complaint: Address: _____	
City: _____	State _____ ZIP Code _____
Phone number: () -	
Contact person (if known): _____	
d. Have you been provided a final decision or report?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you marked "YES", please attach a copy of the complaint.	

8. What corrective action or remedy do you seek? Please explain:

9. Choosing a personal representative:	
<ul style="list-style-type: none"> ▪ You may choose to have someone else represent you in dealing with this complaint. It may be a relative, friend, union representative, an attorney or someone else. ▪ If you choose to appoint someone to represent you, all of our communication to you will be routed through your representative. 	
Do you want to authorize a personal representative to handle this complaint?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES , complete the section below. If NO , go to Section 10.	
AUTHORIZATION OF PERSONAL REPRESENTATIVE	
I wish to authorize the individual identified below to act on my behalf as my personal representative, in matters such as mediation, settlement conferences, or investigations regarding this complaint.	
Name: _____	
<input type="checkbox"/> I am an attorney representing the complainant. <input type="checkbox"/> I am not an attorney representing the complainant.	
Mailing Address: _____	
City: _____	State: _____ Zip Code: _____
Phone : () -	Fax: () -
E-mail: () -	

10. Alternate Dispute Resolution (ADR) also known as mediation.

Notice: You must indicate if you wish to mediate your case. The EEO Office cannot begin to process your complaint until you have made a selection. Please check **YES** or **NO** in the spaces below.

- Mediation is an alternative to having your complaint investigated.
- Neither party loses anything by mediating.
- The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - **Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.**
 - **Agreements are legally binding on both parties.**
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.
- **Do you wish to mediate your complaint?**
(Please check only one box)

YES, I want to mediate.

NO, please investigate.

If you select “YES” you will be contacted within five business days with more information.

11. Complainant’s signature:

You must sign this form for your complaint to be processed!

- Faxed or otherwise electronically delivered complaints will be logged into our system; however, an official investigation cannot begin until the original, signed copy is received.

Signature:

Date:

REASONABLE ACCOMMODATION POLICY AND PROCEDURE GUIDE

I. Introduction

The purpose of this guide is to assist local entities who are funded with *Workforce Innovation and Opportunity Act* (WIOA) or *Wagner-Peyser* (W-P) Act funding, in processing reasonable accommodation requests. Each entity will ensure that reasonable accommodations are provided to qualified individuals with disabilities to enable them to do the following:

- Be considered for the aid, benefits, services, training or employment as desired.
- Perform the essential functions of their jobs; or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- Enjoy benefits and privileges of the aid, benefits, services, training, or employment equal to those that are enjoyed by other similarly situated individuals without disabilities, unless providing such accommodation would impose an undue hardship.

The requirement to provide reasonable accommodations applies to disabilities that are known to the local entity.

The reasonable accommodation process, including a description of key terms, is set forth below and should be implemented immediately.

II. Key Terms

A. Reasonable accommodation means any of the following:

- 1) Modifications or adjustments to an application/registration process that enables a qualified individual with a disability to be considered for the aid, benefits, services, training, or employment that the qualified individual desires.
- 2) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- 3) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

B. Qualified individual with a disability means any of the following:

- 1) With respect to employment, an individual with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the job in question.

- 2) With respect to aid, benefits, services, or training, an individual with a disability who, with or without reasonable accommodation and/or reasonable modification, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

C. An applicant is an individual seeking federally-assisted aid, benefits, services, or training. An individual is considered an “applicant” at the point in which they submit personal information in response to a request by the local entity for such information.

D. A participant is an individual who is receiving aid, benefits, services or training under a WIOA Title I or W-P funded program.

E. A disability means the following, with respect to an individual:

- 1) "Medical condition" includes the following:
 - a) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.
 - b) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
 - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- 2) "Mental disability" includes, but is not limited to, all of the following:
 - a) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
 - i. “Limits” shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - ii. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
 - iii. “Major life activities” shall be broadly construed and shall include physical, mental, and social activities and working.

Any other mental or psychological disorder or condition not described in paragraph (a) that requires special education or related services.

- b) Having a record or history of a mental or psychological disorder or condition described in paragraph (a) or (b), which is known to the employer or other entity covered by this part.
- c) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (a) or (b).

“Mental disability” does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

3) "Physical disability" includes the following:

- a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - i. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - ii. Limits a major life activity. For purposes of this section:
 - “Limits” shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
 - “Major life activities” shall be broadly construed and includes physical, mental, and social activities and working.
- b) Any other health impairment not described in paragraph (a) that requires special education or related services.

- c) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (a) or (b) which is known to the employer or other entity covered by this part.
- d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.
- e) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (a) or (b).
- f) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

F. Essential eligibility requirements are such criteria that can be shown to be necessary for the provision of the aid, benefit, service, training, program, or activity being offered.

G. Essential functions means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

- 1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:
 - a) The function may be essential because the reason the position exists is to perform that function.
 - b) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.
 - c) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.
- 2) Evidence of whether a particular function is essential includes, but is not limited to the following:
 - a) The employer's judgment as to which functions are essential.
 - b) Written job descriptions prepared before advertising or interviewing applicants for the job.
 - c) The amount of time spent on the job performing the function.
 - d) The consequences of not requiring the incumbent to perform the function.
 - e) The terms of a collective bargaining agreement.
 - f) The work experiences of past incumbents in the job.
 - g) The current work experience of incumbents in similar jobs.

H. Fundamental alteration means a change in the essential nature of a program or activity, or a cost that the local entity can demonstrate would result in an undue burden. Factors to be considered in determining whether a requested modification would result in a fundamental alteration are referenced in Step 3 of this process (described later in the *Step by Step Process* section of this guide.)

I. Major life activities mean functions such as the following:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

J. Undue hardship means an action requiring significant difficulty or expense, when considered in light of the following factors:

- 1) The nature and cost of the accommodation needed.
- 2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.
- 3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.
- 4) The type of operations, including the composition, structure, and functions of the workforce of the entity.
- 5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

III. Effective Communication and Other Assistance

Each local entity shall be responsible for ensuring effective communication between the qualified individual with a disability and entity staff throughout the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. In addition, the local entity shall also be responsible for providing such other reasonable assistance as is requested throughout the reasonable accommodation process, as well as through the process of any necessary appeals.

IV. Confidentiality

- A. **Local entity must maintain confidentiality.** All documentation and information concerning the medical condition or history of an individual with a disability requesting an accommodation must be collected on forms separate from other forms related to that individual, and must be maintained by the local entity in separate medical files. The information shall be treated as confidential medical records, and access to the records must be limited, except to the extent of the following:
- 1) The local entity management must be informed about work restrictions or reasonable accommodations.
 - 2) The first-aid and safety personnel need to be informed if the disability may require emergency treatment.
 - 3) Government officials investigating compliance with law are required to be provided with relevant information upon request.

What Accommodations Are Reasonable?

The reasonableness of an accommodation will depend upon the circumstances of each case. For additional clarification as to what are reasonable accommodations in the employment context, refer to 29 CFR Part 32. Reasonable accommodations include, but are not limited to the following:

- Making facilities that are not otherwise required to comply with Federal accessibility standards physically accessible to and usable by people with disabilities (*e.g.*, providing ramps, rest room grab bars, signage, etc.).
- Restructuring of job or training tasks (*e.g.*, reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, eliminating non-essential tasks, etc.).
- Modifying schedules (*e.g.*, permitting alternative starting and ending times to avoid standing and jostling on subways).
- Providing or modifying equipment, devices or materials (*e.g.*, raising a desk on boards for a person who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print, etc.).
- Providing qualified readers, interpreters, or other support services for all aspects of programs and activities including the application, interview, and testing processes, and during training and employment-related activities.

Reasonable accommodation may also include permitting the individual with a disability to use aids or services that the local entity is not otherwise required to provide. For example, although a local entity generally would not be required to provide a motorized scooter to an individual with mobility

impairment, reasonable accommodation may include providing an area to stow such a mobility aid, if necessary.

The local entity is not required to provide personal items to individuals with disabilities. Such items include hearing aids, prosthetic limbs, wheelchairs, or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet needs that are related to the program or activity in which the person is participating, or the job the person is performing. For example, eyeglasses designed to enable the individual to view a computer monitor, but which are not otherwise needed outside of the program or activity in which the person is participating, or the job the person is performing, may constitute a reasonable accommodation.

Where more than one possible reasonable accommodation exists, the local entity should give primary consideration to the individual's preference in determining what accommodation it will provide.

As noted above, some requests for reasonable accommodation can be granted and implemented immediately following their receipt, without formal evaluation, consistent with this procedure. Such may be the case where the individual identifies any requested accommodation with specificity. For example, an employee who is deaf and routinely uses a text telephone (TTY) can readily identify a job-related limitation, as well as the accommodation needed. Where it is obvious that providing the TTY will enable the individual to meet the job's essential functions, the TTY can be ordered, provided and documented without the more comprehensive analysis provided for in Steps 2 and 3 (described later in the *Step by Step Process* section of this guide.) In these cases, the reasonable accommodation process is merely compressed; it is not eliminated.

Accommodations may be considered "unreasonable" only if they impose an undue hardship for the specific local entity in question. For example, shifting tasks among clerical employees to accommodate an employee with a disability may be reasonable where a sufficient number of employees exist among whom the tasks can be distributed; however, such an accommodation may be unreasonable in a very small office with few employees. The factors listed in the definition of "undue hardship" in 29 CFR 37.4 must be considered in making this determination.

Where the local entity determines that the accommodation requested by the individual would impose an undue hardship, or the modification requested would result in a fundamental alteration, the local entity *must* propose an alternative accommodation or modification that would ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the local entity.

REASONABLE ACCOMMODATION POLICY AND PROCEDURE

Step by Step Process

Step 1 – Individual with a Disability Requests Reasonable Accommodation

Initial Consultation

The individual with a disability should submit a reasonable accommodation request to designated staff. If a request for reasonable accommodation is made to facilitate the application process, the local entity manager supervising the application process should assist where requested and, in conjunction with the local entity staff, process the request for accommodation. The local entity manager receiving the request shall acknowledge each request in writing. The current request for reasonable accommodation shall not preclude the submission of subsequent requests.

Generally, it is the responsibility of the individual with a disability to inform the local entity of the need for an accommodation. Reasonable accommodation must be provided for disabilities that are known. Nevertheless, once the local entity is aware of an individual's disability, it may have the responsibility to initiate discussions about reasonable accommodation and set these procedures in motion.

Where the need for a requested accommodation is not apparent, the local entity manager supervising the application process may ask the individual to provide documentation in support of the request. For example, if the individual with dyslexia requests additional time within which to complete a timed, written entrance qualifying examination, that individual may be asked to provide documentation in support of that request.

Similarly, if an individual with a mental disability requests a flexible schedule to attend psychotherapy during the work day, the individual may be asked to provide documentation from the treating professional in support of that request.

After acknowledging a request for accommodation, the local entity manager should do one of the following:

- 1) Provide or implement the request and document the accommodation
- 2) Proceed to Step 2 of this procedure.

Step 2 – Consult with the Individual Requesting a Reasonable Accommodation

The reasonable accommodation process sometimes can be accomplished without a formal analysis of the individual's limitations and the local entity's resources, as in the example provided above, where an individual's desk is elevated on blocks to permit access from a wheelchair. Other situations are more complex, however, and require structured analysis. In these instances, upon receipt of a request for reasonable accommodation, the local entity should consult with the

individual requesting the accommodation to assess the limitations of the disability and how the individual may best be involved in the accommodation process.

Using a collaborative, open and flexible approach, the local entity should consider how any limitations can be overcome, discuss possible reasonable accommodations, and assess the effectiveness of each. Other possible resources to consult with throughout this process include, but are not limited to, the following:

- The Job Accommodation Network (JAN), which can be reached at 1-800-JAN-7234 or by accessing their website at: www.Jan.wvu.edu, or
- The California Committee on Employment of People with Disabilities at the Department of Rehabilitation. They can be reached at: (855) 894-3436 or via email at: CCEPD@dor.ca.gov.

The local entity must consider the individual's preferences, along with what is reasonable and does not impose an undue hardship.

The circumstances, in which documentation can be requested, as well as the procedure for requesting such documentation, are as follows:

- A. When the disability and/or the need for accommodation are not obvious, the local entity may ask the individual for reasonable documentation about his/her disability and functional limitations.

Reasonable documentation means that the local entity may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. However, the local entity, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

The local entity may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of function limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologist, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation the local entity should specify what types of information they are seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. For example, the person can be asked to sign a limited release allowing the local entity to submit a list of specific questions to the health care or vocational professional. ***The local entity must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.***

- 1) It is unlawful except as provided in paragraph (b) or (c), for any employer or employment agency to require any medical or psychological examination of an applicant, to make any medical or psychological inquiry of an applicant, to make any inquiry whether an applicant has a mental disability or physical disability or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
 - 2) Notwithstanding paragraph (1), an employer or employment agency may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.
 - 3) Notwithstanding paragraph (1), an employer or employment agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the commencement of employment duties, provided that the examination or inquiry is job-related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.
 - 4) It is unlawful except as provided in paragraph (5), for any employer or employment agency to require any medical or psychological examination of an employee, to make any medical or psychological inquiry of an employee, to make an inquiry whether an employee has a mental disability, physical disability, or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
 - 5) Notwithstanding paragraph (4), an employer or employment agency may require any examinations or inquiries that it can show to be job-related and consistent with business necessity. An employer or employment agency may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that worksite.
- B. If a person provides insufficient documentation of a disability in response to the local entity's initial request, the local entity may require the person to go to a health care professional of the local entity's choice. However, the local entity should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

Please note that under the Federal disability nondiscrimination law, the local entity cannot ask for documentation under the following circumstances:

- 1) Both the disability and the need for reasonable accommodation are obvious, or
- 2) The person has already provided sufficient information to substantiate they have an actual, current disability and needs the reasonable accommodation requested.

If the individual's disability or need for reasonable accommodation is not obvious, and they refuse to provide the reasonable documentation requested by the local entity, then they are not entitled

to reasonable accommodation. On the other hand, failure by the local entity to initiate or participate in an interactive process with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.

Step 3 – Local Entity Management and/or Designated Staff Analyzes the Request for Reasonable Accommodation

After consulting with the individual with a disability, the entity should examine the request and determine if the requested accommodation is feasible and does not create an undue hardship or result in a fundamental alteration. **Please note**, where a request is denied on the basis of undue hardship or fundamental alteration, an alternative accommodation/modification must be proposed that will ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the local entity.

It is unlawful for an employer or other entity covered by the WIOA, Section 18829 CFR part 37, W-P Act, the Americans with Disabilities Act (ADA), and the Fair Employment and Housing Act (FEHA), to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

The factors to be considered in determining whether an accommodation would impose an undue hardship or in determining whether the cost of a modification would result in a fundamental alteration includes the following:

- A. The nature and net cost of the accommodation/modifications needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation/modification.
- B. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation/modification, including the following:
 - 1) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities.
 - 2) The effect the accommodation/modification would have on the expenses and resources of the facility or facilities.
- C. The overall financial resources of the local entity, including the following:
 - 1) The overall size of the local entity.
 - 2) The number of persons aided, benefited, served, trained, or employed by the local entity.
 - 3) The number, type and location of the local entity's facilities.
- D. The type of operation or operations of the local entity, including the following:
 - 1) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the local entity.

- 2) Where the individual is seeking an employment related accommodation/modification, the composition, structure and functions of the local entity's workforce.
- E. The impact of the accommodation/modification upon the operation of the facility or facilities, including the following:
- 1) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties.
 - 2) The impact on the facility's ability to carry out its mission.

It is unlawful for an employer or other entity covered by the WIOA, Section 188, 29 CFR part 37, W-P, ADA, and the FEHA, to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this document shall be construed to require an accommodation that is demonstrated by the employer or other covered entity to produce undue hardship to its operation.

Step 4 – Select and Implement an Appropriate Reasonable Accommodation

Within 10 business days of receipt of a request for reasonable accommodation, the local entity to where it was submitted shall either grant or deny the request in writing. Provisions of this accommodation should commence immediately. Where the request is denied on the basis of undue hardship or fundamental alteration, the local entity must propose an alternative accommodation or modification that would ensure that, to the maximum extent possible, the person with a disability receives the aid, benefits, services, training, or employment offered by the local entity.

Where the provision or implementation of a reasonable accommodation will take longer than 10 business days, the steps taken to order, secure or carry out the accommodation shall be documented and discussed with the individual requesting a reasonable accommodation. In all instances, however, the local entity shall act as expeditiously as possible to provide reasonable accommodations.

Where further supporting documentation has been sought from the individual requesting a reasonable accommodation, the grant or denial of a request for reasonable accommodation shall be rendered as noted below:

- A. For those cases in which medical documentation is necessary in order to understand the individual's limitations and what accommodations are possible, the grant or denial shall be issued within 10 business days of receipt of the requested documentation.
- B. For those cases in which the documentation is being requested merely to verify the information provided by the individual with a disability, the grant or denial shall be issued within 5 business days of receipt of the requested documentation.
- C. For those cases in which the individual refuses to provide reasonable requested documentation, the grant or denial shall be issued within 5 business days of the notification of refusal.

Where the local entity determines to deny a request for accommodation, or to provide an accommodation other than the individual's expressed preference, the local entity shall first consult with the individual requesting the reasonable accommodation. The local entity will document the determination in writing. Where the determination is to deny the request on the basis of undue hardship or fundamental alteration, the proposed alternative accommodation or modification will also be documented.

What if an Appropriate Reasonable Accommodation cannot be identified?

Sometimes, the local entity, or the individual requesting the reasonable accommodation, cannot identify possible reasonable accommodations. In those instances, the local entity should consult with appropriate resources e.g., those listed in Step 2 of these instructions. The local entity will seek to facilitate effective communication between the parties with the goal of identifying and implementing appropriate reasonable accommodation and, where a reasonable accommodation has been selected, shall monitor its implementation.

Throughout the Step 2 consultation process, the individual, and the local entity may seek technical assistance or clarification of each component of the reasonable accommodation process from appropriate resources.

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: TRANSFER OF FUNDS – WIOA ADULT/DISLOCATED WORKER PROGRAMS

SUBJECT MATTER HIGHLIGHTS

This provides guidance on the transfer of *Workforce Innovation and Opportunity Act* (WIOA) adult and dislocated worker funds.

COMMENTS DUE

March 4, 2016

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Melissa Williams at 916-654-9753
E-Mail	MelissaM.Williams@edd.ca.gov (Include “draft comments” in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 50 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.**

If you have any questions, contact Melissa Williams 916-654-0205.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-136

Date: February 12, 2016
69:01:17605

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: TRANSFER OF FUNDS – WIOA ADULT/DISLOCATED WORKER PROGRAMS

EXECUTIVE SUMMARY

Purpose

This provides guidance on the transfer of *Workforce Innovation and Opportunity Act* (WIOA) adult and dislocated worker funds.

Scope

This directive applies to all Local Workforce Development Areas (Local Areas).

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Sections 133(b)(4) and 134(c)(3)(E)
- Training and Employment Guidance Letter (TEGL) 3-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under WIOA and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services (July 1, 2015)*
- TEGL 29-14, *WIOA Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2015; Final PY 2015 Allotments for the Wagner-Peyser Act Employment Service (ES) Program Allotments; and Workforce Information Grants to States Allotments for PY 2015 (April 27, 2015)*
- TEGL 18-13, *Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth Activities Program Allotments for PY 2014; Final PY 2014 Allotments for the Wagner-Peyser Act ES Program Allotments; and Workforce Information Grants to States Allotments for PY 2014 (April 3, 2014)*
- Workforce Service Directive (WSD) 13-02, *Dislocated Worker Additional Assistance Projects (August 14, 2013)*

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

STATE-IMPOSED REQUIREMENTS

This directive contains some state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS

This directive replaces WSD13-5, dated August 21, 2013. Retain this directive until further notice.

BACKGROUND

The WIOA allows the transfer of funds between the adult and dislocated worker funding streams in order to maximize customer service and provide Local Workforce Development Boards (Local Boards) with greater flexibility to provide services in the areas of greatest need. The WIOA Section 133(b)(4) states that up to and including 100 percent of funds allocated to Title I adult and dislocated worker programs may be transferred between these two funding streams.

POLICY AND PROCEDURES

In accordance with WIOA Section 133(b)(4), the EDD has been given the authority to approve transfer requests on behalf of the Governor.

Each program year the Department of Labor (DOL) provides funds to the state in two separate allotments. The first allotment begins July 1 and the second allotment begins October 1. The state uses the following grant codes when it allocates the funds to Local Areas:

	<u>Adult</u>	<u>Dislocated Worker</u>
First Allocation (July 1)	201	501
Second Allocation (October 1)	202	502

Transfer requests can be submitted anytime during the two-year life of the funds. Funds transferred must stay within the original year of allocation. They must also stay within their respective allocation time period (i.e., July 1, first allocation funds, or October 1, second allocation funds). Accordingly, Local Areas cannot transfer funds between program years or between first and second allocations. In addition, Local Areas must ensure that its funds are not overdrawn during the time a transfer takes place. If this condition occurs, the transfer will not be approved. In order to accommodate DOL reporting requirements, formula funds may not be transferred directly from the dislocated worker grant codes to the adult grant codes (501 to 201 and 502 to 202) or vice versa (201 to 501 and 202 to 502). Instead, the funds are transferred to distinct grant codes that remain attached to their original funding stream. These grant codes are designated as follows:

	<u>Adult</u>	<u>Dislocated Worker</u>
First Allocation (July 1)	299	499
Second Allocation (October 1)	200	500

Grant Code 299 = First allocation, adult funds that are now to be used as first allocation, dislocated worker funds.

Grant Code 499 = First allocation, dislocated worker funds that are now to be used as first allocation, adult funds.

Grant Code 200 = Second allocation, adult funds that are now to be used as second allocation, dislocated worker funds.

Grant Code 500 = Second allocation, dislocated worker funds that are now to be used as second allocation, adult funds.

Adult participants served with funds in grant codes 499 or 500 (transferred dislocated worker funds) are to be entered into the CalJOBSSM system under grant code 201. Dislocated worker participants served with funds in grant codes 299 or 200 (transferred adult funds) are to be entered into the CalJOBSSM system under grant code 501.

Transfers Allowed

Local Boards may transfer up to and including 100 percent of their adult and dislocated worker funds between the two funding streams. Local Boards may **not** transfer funds to or from the youth program.

Implications of transferring 100 percent of funds

To the extent that a Local Area requests to transfer its entire allocation of dislocated worker funds to the adult program, it should be cognizant of the following implications pertaining to that transfer:

- The state will not consider Local Area requests for funding from the WIOA Dislocated Worker 25 Percent Additional Assistance account to mitigate the loss of dislocated worker formula funds resulting from the transfer. WSD13-02, describes the policy guidelines for Additional Assistance funds. Pursuant to these guidelines, a Local Area may not apply for Additional Assistance funds based on the contention of dislocated worker allocation “formula insufficiency” resulting from the transfer. However, if a Local Area transfers 100 percent of its dislocated worker formula funds and a dislocation event occurs in the Local Area, (e.g., specific employer layoff or disaster that changes the local economic conditions), the state will consider a Local Area request for Additional Assistance funds on a case by case basis.
- All transfers of funds are subject to the priority of service requirement. Section 134(c)(3)(E) requires that priority of service be given to recipients of public assistance,

other low income individuals, and individuals who are basic skill deficient. Additionally, TEGL 3-15 further emphasizes that Local Areas must give priority of services regardless of the levels of funds.

Additional Participant Considerations

Participants served with transferred funds will be subject to the performance outcomes of the new funding source. For example, funds transferred from the dislocated worker to the adult program will be attributed to the adult program and subject to adult accountability and performance outcomes. Under this scenario, the Local Area will not have any dislocated worker participants or performance outcomes, even though some clients may have otherwise qualified as dislocated workers.

Transfer of Funds Procedures

The Local Area must submit transfer requests in writing to their Regional Advisor (see address options below). All requests must contain the reason(s)/rationale for the transfer. The EDD will consider the following factors in its review of transfer requests:

- Changes in planned services to eligible participants.
- Unexpected layoffs requiring additional funds.
- Changes in the goals for serving eligible participants.
- Changes in labor market conditions.
- Effect of transfer on jointly funded employment and training programs in America's Job Center of CaliforniaSM (formerly known as One-Stop Career Center).
- Effect on existing agreements for the delivery and/or coordination of employment and training services.
- Effect on current state and Local Area employment and training systems.
- Effect on the employment and training needs of eligible participants in the Local Area.

All transfer requests must be approved and signed off by the Local Board. Additionally, Local Boards must ensure that they are fulfilling the intent of the "Sunshine Provision" in WIOA Section 107(e), which requires Local Boards to make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the Local Board.

The following three documents must be submitted in order to request a transfer of funds.

All three documents are needed for each transfer:

- 1. Transfer of Funds Request Form** – This form describes who is making the request, the transfer amount, and why the transfer is being requested. This document requires signature approval of the Local Area administrator/designee.
- 2. Participant Plan Form** – This form describes how the transfer of funds impacts the Local Area's participants.
- 3. Budget Plan Form** – This form describes how the transfer of funds impacts the Local Area's budget using the plus and minus format.

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: FFATA COMPENSATION DATA REPORTING REQUIREMENTS

SUBJECT MATTER HIGHLIGHTS

PLEASE NOTE

This draft directive will replace Directive WSD12-11, dated January 18, 2013

Changes include removing references to the *American Recovery and Reinvestment Act* and updates to reflect the new *Workforce Innovation and Opportunity Act* Law.

COMMENTS DUE

February 29, 2016

Comments can be submitted through one of the following ways:

Fax	WSD, Attention: Michael Garcia at 916-954-9119
E-Mail	Michael.Garcia@edd.ca.gov (Include "draft comments" in the subject line)
Mail	WSD / P.O. Box 826880 / MIC 50 / Sacramento, CA 94280-0001

All comments received by the end of the comment period will be considered before the final directive is issued. The Workforce Services Branch does not respond individually to each comment received. However, a summary of comments will be released with the final directive. **Comments received after the specified due date will not be considered.**

If you have any questions, contact Michael Garcia at (916) 654-8060.

WORKFORCE SERVICES DRAFT DIRECTIVE

Number: WSDD-137

Date: February 16, 2016
69:125:mg:17622

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: FFATA COMPENSATION DATA REPORTING REQUIREMENTS

EXECUTIVE SUMMARY

Purpose

This provides guidance to federally funded subawardees and subrecipients on the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements.

Scope

This directive applies to all entities that receive at least \$25,000 in federal funding from the Employment Development Department (EDD).

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- The FFATA of 2006, Public Law 109-282, 120 Stat. 1186, S. 2590 (enacted September 26, 2006) and subsequent 2008 amendments 31 USC 6101
- Title 2 *Code of Federal Regulations* (CFR) Part 170
- *Federal Register* Volume 80, Number 222, Page 72035
- Training and Employment Guidance Letter (TEGL) 11-10, *Sub-award and Executive Compensation Data Reporting Requirements Under the FFATA* (November 15, 2010)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- TEGL 29-08, *Dun & Bradstreet Data Universal Numbering System (DUNS) Number/Central Contractor Registration (CCR) Mandatory Requirement for Federal Grant Sub-recipients under the American Recovery and Reinvestment Act of 2009* (June 10, 2009)
- Memorandum for Senior Accountable Officials Over the Quality of Federal Spending Information, *Open Government Directive – Federal Spending Transparency* (April 6, 2010): www.whitehouse.gov/sites/default/files/omb/assets/open_gov/OpenGovernmentDirective_04062010.pdf
- Memorandum for Senior Accountable Officials, *Open Government Directive – Federal Spending and Transparency and Compensation Data Reporting* (August 27, 2010): www.whitehouse.gov/sites/default/files/omb/open/Executive_Compensation_Reporting_08272010.pdf

STATE-IMPOSED REQUIREMENTS

This directive does not contain any state-imposed requirements.

FILING INSTRUCTIONS

This directive replaces WSD12-11, dated January 18, 2013, and provides final guidance regarding FFATA reporting requirements imposed by the federal government. Retain this directive until further notice.

BACKGROUND

On November 15, 2010, the Department of Labor (DOL) issued TEGL 11-10 to notify all Employment and Training Administration (ETA) workforce system agencies of additional Office of Management and Budget (OMB) reporting requirements under the FFATA.

The FFATA requires full disclosure to the public of federal spending information by all entities and organizations receiving federal funding under federal grant awards. The intent of the Act is to (1) have federal spending information available to the public, (2) make the information easily accessible, and (3) reduce wasteful spending by the federal government.

As required by the FFATA and subsequent OMB guidance, recipients of federal awards are required to report subaward and executive compensation information for certain entities and organizations. The legislation also requires information about federal awards to be made available to the public via a single searchable website. USASpending.gov has been designated

as the website to be used to display data about grants, loans, cooperative agreements and other forms of federal financial assistance.

POLICY AND PROCEDURES

Federal Grant Awardees Subject to the Subaward and Executive Compensation Reporting Requirements

Under the April, 6, 2010, OMB Memorandum, entitled *Open Government Directive – Federal Spending Transparency*, prime recipients of federal grants and cooperative agreements are required to report subaward information and executive compensation information, including the total compensation and names of the top five executives of the prime recipient and of the first tier subrecipients in the FFATA Subaward Reporting System (FSRS) database. The EDD is the prime grant awardee and must report all information associated with a federal grant, either regarding executive compensation data for prime awardees or subrecipients. The subrecipient, however, has an obligation to provide the EDD all information required for such reporting through completion of the attached *FFATA Report Data* sheet.

ACTION

The OMB and DOL require reporting to be done in accordance with the instructions and the timelines contained in this directive, and in accordance with the references provided. The *FFATA Report Data Sheet*, with descriptions of the data required, is attached to this directive. Use the data sheet to identify each funding stream your organization receives from the EDD. If the answer is “yes” to the three questions in Section 2 of the *FFATA Report Data Sheet*, complete Section 3. If the response is “no” to any of the questions in Section 2 of the *FFATA Report Data Sheet*, do not complete Section 3. Submit the completed Data Sheet to EDDWSBFFATAREporting@edd.ca.gov.

Required FFATA Report Data Sheet (Attached)

The following data elements must be reported to the EDD by all subrecipients of federal funds by March 1 of each program year. Requirements under this directive only relate to federal funding received from the EDD by an entity.

Subrecipient/Organization’s Legal Name

Subrecipients must provide the legal name of their organization as listed in the federal Central Contract Registration (CCR) database and the Data Universal Numbering System (DUNS), also known as the Unique Entity Identifier. If the parent organization, and not the EDD funded entity, is listed in the CCR, provide the name of the Local Workforce Development Area on the data sheet.

The CCR is the primary registrant database for the U.S. Federal Government. The CCR collects, validates, stores, and disseminates data in support of agency acquisition missions. Additional

information about the CCR is available at the following Web site: www.osdbu.dot.gov/related/ccr.cfm.

The DUNS is a system developed and is registered by the Dun & Bradstreet (D&B). D&B assigns a unique nine-digit numeric identifier for each physical location of a business entity. The DUNS number will be recognized as the “Unique Entity Identifier” until further notice. DUNS number assignment is free for all businesses required to register with the federal government for contracts or grants. Additional information about D&B, including information on how to look-up or request a DUNS number, is available at the following Web site: www.dnb.com.

Subrecipient /Organization Address

Subrecipients must provide the place of performance for their organization. A street address must be provided for the first address line. A Post Office (P.O.) Box can be provided in the second address line, if applicable.

Subrecipients must include a nine-digit ZIP Code (ZIP Code plus four) for the place of performance address provided. Subrecipients can look-up the nine-digit ZIP Code of their place of performance at the following Web site: www.usps.com.

Section 1 – Subrecipients DUNS Number

Subrecipients need to provide their organization’s nine-digit DUNS number, as described above.

A legal entity such as a city or county may have multiple DUNS numbers. Subrecipients should provide the DUNS number associated with their authority to receive federal funds.

Section 2 – Subrecipient Executive Compensation Questions

Subrecipients should provide a “yes” response if the following criteria is met:

1) In the preceding fiscal year, the subrecipient received the following:

- 80 percent or more of its annual gross revenues in U.S federal contracts, loans, grants, subgrants, and/or cooperative agreements.
- \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements.
- The public has not had access to information about the compensation of the executives in the subrecipients business or organization through periodic reports filed to the Security Exchange Commission or Internal Revenue Service (if the public has had access to this information, the answer is “no”).

Section 3 – Subrecipient Most Highly Compensated Names and Compensation

Subrecipients should only complete Section 3 if a “yes” response was provided to all three questions.

Subrecipients should provide the names and total compensation of the five most highly compensated executives of the subrecipient for the calendar year in which the funding was awarded.

At the bottom of the Data Sheet, please provide a contact name, phone number and title in the event follow up is needed.

Completed FFATA Data Sheets are due to the EDD no later than March 1 of each program year, and should be submitted to the following e-mail address: EDDWSBFFATAREporting@edd.ca.gov.

This directive should be brought to the attention of those who will be required to provide the data/information.

INQUIRIES

If you have any questions, please contact Viviana Neet at 916-653-9150.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [FFATA Subrecipient Data Sheet](#)

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIOA MEMORANDUMS OF UNDERSTANDING

EXECUTIVE SUMMARY

Purpose

The Employment Development Department is providing guidance on the development of Memorandums of Understanding (MOUs) under the *Workforce Innovation and Opportunity Act* (WIOA).

Please note that this guidance was developed using the WIOA Notices of Proposed Rule Making (NPRM) and is subject to change based upon issuance of the final WIOA regulations or further guidance from Department of Labor (DOL).

Scope

This directive applies to all Local Workforce Development Boards (Local Boards).

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- *WIOA* (Public Law 113-128) Section 121(c)
- *Americans with Disability Act Amendment Act of 2008* (Public Law 110-325)
- Title 34 *Code of Federal Regulations* (CFR) "WIOA, Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; NPRM", Sections 678.305, 678.310, 678.315, 678.500 and 678.505
- Title 2 *Code of Federal Regulations* (CFR) Part 200

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

STATE-IMPOSED REQUIREMENTS

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

FILING INSTRUCTIONS

This directive finalizes Workforce Services Draft Directive WSD-131, dated November 25, 2015. The Central Office Workforce Services Division received eight comments during the comment period. A summary of these comments is provided as an attachment. Retain this directive until further notice.

BACKGROUND

The WIOA strengthens the ability of our public workforce system to align investments in workforce, education, and economic development with regional in-demand jobs. It also focuses on the importance of providing customers with access to high-quality one-stop centers that connect them with the full range of services available in their communities.

Accordingly, California's Workforce Development Strategic Plan (State Plan) was developed with the following three policy objectives in mind:

- Fostering demand-driven skills attainment
- Enabling upward mobility for all Californians
- Aligning, coordinating, and integrating programs and services

To achieve these objectives, the America's Job Center of CaliforniaSM (AJCC) system must serve as an all-inclusive access point to education and training programs that provide demand-driven skills attainment, especially for those with barriers to employment.

A critical component of the successful implementation of the State Plan vision is a well-articulated MOU. Local Boards, with the agreement of the chief elected official (CEO), are responsible for entering into a MOU with each of the AJCC partners that outlines the operations of the overarching one-stop delivery system [WIOA Section 121(c)]. The law envisions that Local Boards will act as both the convener of the MOU negotiations as well as the shaper of how one-stop services are delivered within their Local Workforce Development Area (Local Area) (NPRM Preamble page 20602).

POLICY AND PROCEDURES

The AJCCs are the cornerstone of California's workforce development system. The AJCC partners are jointly responsible for workforce and economic development, educational, and other human service programs. Therefore, collaboration is essential to establishing a quality-focused, employer-driven, and customer-centered system.

Comprehensive AJCC

Every Local Area must have at least one comprehensive AJCC that provides universal access to the full range of employment services, training and education, employer assistance, etc. In other words, a comprehensive AJCC is a physical location where job seekers and employers have access to the programs, services, and activities of all the required AJCC partners. These include the following:

- WIOA Title I Adult, Dislocated Worker, and Youth
- WIOA Title II Adult Education and Literacy
- WIOA Title III Wagner-Peyser
- WIOA Title IV Vocational Rehabilitation
- Carl Perkins Career Technical Education
- Title V Older Americans Act
- Job Corps
- Native American Programs (Section 166)
- Migrant Seasonal Farmworkers (Section 167)
- Veterans
- Youth Build
- Trade Adjustment Assistance Act
- Community Services Block Grant
- Housing & Urban Development
- Unemployment Compensation
- Second Chance
- Temporary Assistance for Needy Families/CalWORKs

The term “access” refers to providing services through one of the following methods:

- Co-location – Program staff from each partner are physically present at the AJCC.
- Cross information sharing – Staff physically present at the AJCC are properly trained to provide information about all programs, services, and activities that may be available to the customer through other partners.
- Direct access through real-time technology – Access through two-way communication and interaction between customers and AJCC partners that result in services being provided. Examples may include the following:
 - Email or instant messaging.
 - Live chat via Skype or Facetime.
 - Identification of a single point of contact for service delivery at each partner program.
 - Establishment of an Internet portal linking all of the partners.

(NPRM Section 678.305)

Affiliate AJCCs

An affiliate AJCC is a center that offers job seekers and employers one or more of the AJCC programs, services, and activities. These types of centers serve as access points into the local AJCC system. An affiliated site is not required to provide access to every required AJCC core or partner service and the frequency of staff presence in an affiliated center is determined at the local level. Affiliate AJCCs can be specialized centers that address specific needs of a target population or key industry sector or cluster. Local Areas choosing to incorporate affiliated centers as part of their service delivery strategy should implement these centers in a manner that supplements and enhances customer access (NPRM Section 678.310).

Stand Alone Wagner-Peyser Office

Stand-alone Wagner-Peyser (W-P) Employment Service (ES) offices are no longer permitted. Current W-P offices may transition to an affiliate center, provided that staff from at least one other partner in the affiliated center is physically present more than 50 percent of the time during the center's business hours and an MOU has been developed with the Local Board. Additionally, the other partner must not be the partner administering local veterans' employment representatives, disabled veterans' outreach program specialists, or unemployment compensation programs. If W-P ES and any of these three programs are provided at an affiliated site, an additional partner must have staff present in the center more than 50 percent of the time during the center's business hours (NPRM Section 678.315).

Development of a Memorandum of Understanding

Each MOU should act as a functional tool as well as visionary plan for how the Local Board and AJCC partners will work together to create a unified service delivery system that best meets the needs of their shared customers.

Local Boards may develop a single "umbrella" MOU that addresses overarching issues for the Local Board, CEO, and AJCC partners as they relate to the local AJCC system. Alternatively, they may choose to enter into a separate MOU with each individual partner or groups of partners (NPRM Section 678.505). Two or more Local Areas within a planning region also have the option to develop a single joint MOU, should they wish to do so (NPRM Section 678.500).

The three major components each MOU should address are as follows:

1. Shared Customers
2. Shared Services
3. Shared Costs

Joint infrastructure funding is a critical part of establishing the foundation needed to support integrated service delivery. Therefore, under WIOA each of the required partners must contribute a portion of their funds toward maintaining the AJCC system under WIOA. However, in order to ensure we are moving toward a customer-focused approach across all programs,

the shared resources and costs portion of each MOU does not have to be negotiated until after the Local Board and AJCC partners have first addressed their shared customers and services.

Phase I and Phase II

The MOU development process will take place in two phases. Phase I of each MOU will address service coordination and collaboration amongst the partners. Phase II will address how to functionally and fiscally sustain the unified system described in Phase I through the use of resource sharing and joint infrastructure costs. After each phase of a MOU has been completed, authorized representatives of the Local Board, CEO, and AJCC partner(s) must sign it.

Phase I: Service Coordination

For Phase I, Local Boards are expected to work with all of the required and optional partners in their Local Area to develop an agreement regarding the operations of the local one-stop system as it relates to shared services and customers. ***Phase I of each MOU must be completed no later than June 30, 2016.***

Phase II: Shared Resources and Costs

For Phase II, Local Boards should build upon the agreements established in Phase I and determine how to best support their established service delivery model through the sharing of resources and costs. ***Phase II of each MOU must be completed no later than December 31, 2017.***

The two-part schedule is being provided in order to allow time for other key WIOA milestones (e.g., Local Area subsequent designation, AJCC operator procurement, establishment of a state infrastructure fund) to be completed before Phase II is due.

While the AJCC operator can participate in the MOU development process, the responsibility of negotiating Phase I and Phase II of each MOU cannot be delegated to them as part of the competitive procurement process. Local Boards may wish to request an assessment of an applicant's ability to leverage resources or their experience in working with the required and optional AJCC partners. However, they cannot require applicants to submit each AJCC partner's financial commitments as part of the procurement process.

Every MOU must contain an assurance that it will be reviewed and updated, at a minimum, every three years in order to ensure it contains up to date information regarding funding, delivery of services, and changes in the signatory official of the Local Board, CEO, or AJCC partner(s).

In addition, each MOU must be reviewed and, if necessary, renegotiated after Local Workforce Development Plans and Regional Workforce Development Plans have been developed. This is to ensure they are properly aligned with the local priorities and strategies identified in both plans.

Strategic Timeline

During the MOU development process, Local Boards should remain aware of upcoming deadlines for several other key WIOA provisions. The timeline below takes into account current federal guidance as well as California’s strategic vision for WIOA implementation:

- During PY 2015-2016, Local Boards must complete Phase I of the MOU no later than **June 30, 2016**.
- During PY 2016-2017, Local Boards must ensure that AJCC operators and career services providers are in place and operating by **June 30, 2017**.
- During PY 2017-2018, Local Boards must complete Phase II of the MOU no later than **December 31, 2017**.
- During PY 2018-2019, Local Boards must ensure that both Regional Plans and Local Plans go into effect as of **July 1, 2018**.

**Please note, dates are subject to change, pending further guidance from DOL.*

Provisions of a Memorandum of Understanding

The table below outlines the content for Phase I and Phase II of the MOU development process. The left column lists the provisions that each MOU must contain, as required by WIOA. The right column lists what corresponding information needs to be included in order to address each provision.

In addition, the state developed a Sample MOU (Attachment 1). The Sample MOU is intended to be a technical assistance tool rather than a required template. As such, it should be used in whatever way best fits the needs of the Local Board.

<u>Phase I</u> June 30, 2016	
MOU Provisions Required under WIOA Section 121 (c)	Corresponding Information Needed
<p>Services provided through the one-stop delivery system</p> <p>WIOA Section 121(c)(2)(A)(i)</p> <p>Describe the services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such a system.</p>	<ul style="list-style-type: none"> • Define the purpose, mission, values and goals of the AJCC system. • Identify the AJCC partner(s) included in the MOU (both required and optional). • Describe the AJCC system design. • Describe the AJCC system services, that are applicable to each partner, including career services and those identified in the bi-lateral agreements contained in

	<p>the California Workforce Development Strategic Plan</p> <ul style="list-style-type: none"> • Identify the AJCC system customers and describe shared customers. • Describe the responsibilities of the AJCC partner(s), including joint planning and staff development/professional development.
<p>Initial Plan for Funding of Services and Operating Costs</p> <p>Describe the initial plan for Phase II as referenced in WIOA Section 121(c)(2)(A)(ii).</p>	<ul style="list-style-type: none"> • Include a commitment to sharing system operating costs. • Include an assurance that costs will be based on proportionate use and agreed upon methodology. • Include an assurance that a cost sharing agreement will be completed during Phase II of MOU process (see Attachment 1 for more guidance).
<p>Methods for Referring Customers</p> <p>WIOA Section 121(c)(2)(A)(iii)</p> <p>Describe methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities.</p>	<ul style="list-style-type: none"> • Describe the AJCC system referral process. • Describe commitment to ensuring a high quality customer service and customer-centered focus. • Identify how the AJCC system will provide direct access to partners through real-time technology.
<p>Access to Services</p> <p>WIOA Section 121(c)(2)(A)(iv)</p> <p>Describe methods to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system.</p>	<ul style="list-style-type: none"> • Attach an AJCC system map that identifies the location of each comprehensive and affiliate AJCC within the Local Area. • Define individuals with barriers to employment and describe how the AJCC system will ensure access and priority for services to individuals with barriers to employment. • Include a commitment by the AJCC partner(s) to work together to share data and technology. • Identify measures and internal control applied to ensure system security.

	<ul style="list-style-type: none"> • Include a commitment to comply with the confidentiality provisions of the respective statutes of the AJCC partner(s). • Describe how the AJCC system will provide measures to promote non-discrimination and equal opportunity. • Describe the AJCC system grievance procedures. • Include a commitment that the AJCC partner(s) will comply with the <i>Americans with Disability Act Amendment Act of 2008</i>. • Include a commitment that the AJCC partner(s) will promote capacity building and professional development for staff in order to increase awareness and understanding of serving individuals with barriers to employment and individuals with disabilities.
<p>Duration of MOU</p> <p>WIOA Section 121(c)(2)(A)(v)</p> <p>Describe the duration of the MOU and the procedures for amending the memorandum during the duration of the memorandum, and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services.</p>	<ul style="list-style-type: none"> • Identify the effective dates of the MOU. • Include an assurance to review the MOU at least every three years. • Describe the procedures established to revise and modify the MOU. • Describe the procedures established to terminate the MOU.

Recommended MOU Provision	Optional Sections to include in the MOU
<p>Administration and Operations Management</p>	<ul style="list-style-type: none"> • Describe management operations, including site supervision and day to day operations. • Describe how the AJCC system will engage in media releases and communication. • Describe the AJCC system policy and procedures regarding hold harmless, indemnification, and liability. • Describe how the AJCC system will handle dispute resolution.
<p>Phase II December 31, 2017</p>	
MOU Provisions Required under WIOA Section 121 (c)	Corresponding Information Needed
<p>Funding of Services and Operating Costs</p> <p>WIOA Section 121(c)(2)(A)(ii)</p> <p>Describe how the costs of such services and the operating costs of such system will be funded, including the following:</p> <p>(I) Funding through cash and in-kind contributions (fairly evaluated), which contributions may include funding from philanthropic organizations or other private entities, or through other alternative financing options, to provide a stable and equitable funding stream for ongoing one-stop delivery system operations.</p> <p>(II) Funding of the infrastructure costs of one-stop centers in accordance with subsection (h).</p>	<ul style="list-style-type: none"> • Identify the AJCC system operating and infrastructure costs. • Describe how shared operating and infrastructure costs will be funded by the AJCC partner(s). • Describe the cash and in-kind contributions used to fund shared operating and infrastructure costs. • Identify the amount to be contributed by the AJCC partner(s) through the cost sharing agreement. • Include an assurance that AJCC proportionate fund contributions were calculated in accordance with Title 2 CFR Part 200. • Describe the process that will be used to periodically review and adjust shared costs so that they continue to be proportionate and equitable to the benefit received by the AJCC partner(s).

Additional Resources

Supplementary federal guidance that may be of assistance during the MOU development process includes the following:

- [DOL Training and Employment Guidance Letter 04-15](#): Vision for the One-Stop Delivery system under the WIOA
- [Rehabilitation Services Administration Technical Assistance Circular 15-02](#): Vision for the State Vocational Rehabilitation Services Program as a Partner in the Workforce Development System Under the WIOA
- [Office of Career, Technical and Adult Education - Division of Adult Education and Literacy 15-4](#): Vision of the Adult Education and Literacy Act in the Workforce System and Initial Implementation of the WIOA
- [Unemployment Insurance Program Letter 20-15](#): Unemployment Insurance and the WIOA of 2014

ACTION

Bring this guidance to the attention of all concerned parties.

INQUIRIES

If you have any questions regarding this directive, contact Robin Purdy at Robin.Purdy@cwdb.ca.gov or 916-657-1474.

Please direct all other questions to your assigned [Regional Advisor](#).

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [Sample MOU](#)
2. [Summary of Comments](#)

WORKFORCE SERVICES DIRECTIVE

Number: WSD15-13

Date: January 22, 2016
69:007:rv:17375

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: LOCAL BOARD RECERTIFICATION

EXECUTIVE SUMMARY

Purpose

This policy provides guidance and establishes the procedures for recertification of Local Workforce Development Boards (Local Boards) under the *Workforce Innovation and Opportunity Act* (WIOA). Local Board recertification is effective July 1, 2016, through June 30, 2018.

Scope

This directive applies to all Local Boards.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Sections 106 and 107
- *Workforce Investment Act* (WIA) (Public Law 105-220) Sections 116 and 117
- Title 20 *Code of Federal Regulations* (CFR) Part 652 et al: WIA; Final Rules
- Title 2 CFR Chapter I, Chapter II, Part 200, et al., "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;" Final Rule (Uniform Guidance)
- Title 2 CFR Part 2900 et al., "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- Title 29 CFR Part 95: "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations"
- Title 29 CFR Part 97: "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments"
- *California Unemployment Insurance Code* (CUIC) Section 14202(c)
- Training and Employment Guidance Letter TEGl 27-14, Subject: *WIOA Transition Authority for Immediate Implementation of Governance Provisions* (April 15, 2015)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Workforce Services Directive WSD14-10, Subject: *Initial Local Workforce Development Area (Local Area) Designation and Local Board Certification Under WIOA* (February 20, 2015)
- Workforce Services Directive WSD12-14, Subject: *Program Year (PY) 2013-17 Local Plans and Board Certification (Biennial and High Performing)* (May 22, 2013)
- WIA Directive WIAD06-10, Subject: *Local Area Nonperformance Policy* (November 14, 2006)
- Workforce Services Information Notice WSIN12-62, Subject: *Late Monthly, Quarterly, Closeout, Audit and Participant Reports* (May 23, 2013)

STATE-IMPOSED REQUIREMENTS

This directive contains some state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS

This directive finalizes Workforce Services Draft Directive WSDD-118, issued for comment on June 29, 2015. The Central Office Workforce Services Division received 8 comments during the draft comment period and these comments resulted in changes to the directive. A summary of comments is provided (Attachment 2).

Retain this directive until further notice.

BACKGROUND

Workforce Services Directive WSD14-10 provided guidance for initial Local Board certification under WIOA. Initial Local Board certification is effective July 1, 2015, through June 30, 2016.

The WIOA Section 107 provides criteria for the recertification of Local Boards. Specifically, it requires the Governor to certify one Local Board for each Local Area in the state once every two years. It states that, in order to be recertified, the Local Board must have met WIOA membership requirements, met or exceeded performance accountability measures, and achieved sustained fiscal integrity.

POLICY AND PROCEDURES

In accordance with WIOA Section 107(c)(2), the State Board will recommend recertification of a Local Board if they have met WIOA membership requirements, met or exceeded performance accountability measures, and achieved sustained fiscal integrity. In addition to the requirements under WIOA Section 107(c)(2), Local Boards requesting recertification must provide a status update that outlines progress made towards implementation of several other key WIOA provisions.

The four criteria used to determine Local Board recertification are as follows:

1. *The Local Board Met the Membership Provisions in the WIOA Section 107(b)*

Local Boards must meet the membership provisions established in WIOA Section 107(b) and CUIC Section 14202(c) **by March 31, 2016**.

Note that, the State Board and the EDD recognize that Workforce Services Directive WSD14-10, *Initial Local Area Designation and Local Board Certification Under WIOA*, did not require existing Local Areas to establish a WIOA compliant board until June 30, 2016. The State Board and the EDD believe this revised timeframe still allows adequate time for Local Areas to transition to the required membership and ensure the Local Board is properly constituted to engage in a meaningful strategic planning process envisioned in the WIOA.

Local Boards must ensure they are fulfilling the intent of the “Sunshine Provisions” in the WIOA. WIOA Section 107(e) requires Local Boards to make available to the public, on a regular basis through electronic means and open meetings, information regarding the activities of the Local Board, including membership information.

2. *The Local Board Met or Exceeded Performance Accountability Measures*

The Local Board must have achieved 80 percent or higher on at least eight of the nine locally negotiated common performance measures for PYs 2013-14 and 2014-15. (This flexibility is in alignment with WIA Directive WIA06-10 and Workforce Services Directive WSD12-14).

The evaluation of local performance outcomes will consider the extent to which Local Boards have begun to implement the WIOA, and the potential impact on local performance levels.

3. *The Local Board Achieved Sustained Fiscal Integrity*

The Local Board may not have been found in violation of one or more of the following during PYs 2013-14 or 2014-15:

- Final determination of significant finding(s) from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any WIA requirement, such as failure to grant priority of service or verify participant eligibility.
- Gross Negligence, which is defined as a conscious and voluntary disregard for the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- Failure to observe accepted standards of administration. Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 29 CFR Parts 95 and 97, appropriate Office of Management and Budget circulars or rules, WIA regulations, and state guidance. Highlights of these responsibilities include the following:
 - Timely reporting of WIA participant and expenditure data.
 - Timely completion and submission of the required annual single audit.

- *Have not been placed on cash hold for longer than 30 days*
(In alignment with WIOA Section 106[e][2]).

4. ***The Local Board Provided Status Updates On Key WIOA Provisions***

The Local Board must demonstrate they have taken steps toward implementing key WIOA provisions and are moving towards a unified, customer-focused system. This includes, but is not limited to, strategic planning, developing new services, entering into new collaborative partnerships, and creating innovative workforce development strategies in alignment with the WIOA. In the event that EDD Monitors need to corroborate the Local Board's implementation efforts that are outlined in their status update, Local Boards must retain adequate supporting documentation. Progress must be demonstrated for the following WIOA provisions:

- ***Meeting new youth service requirements.***
- ***Adhering to the new Uniform Guidance requirements.***
- ***Developing sector initiatives and career pathways in high demand industries in coordination with community colleges, apprenticeship programs, adult basic education, and other training providers.***
- ***Adopting, implementing, and promoting the AJCC brand.***
- ***Completing Phase I of the MOU development process.***

Recertification Request

In order to determine if Local Boards have met the recertification requirements, they must complete the Local Board Recertification Request (Attachment 1). The request must be signed by the Local Board chairperson (or officially designated alternate) and the local Chief Elected Official (CEO).

The completed request must be submitted to the State Board no later than 5:00 p.m., March 30, 2016. The State Board will accept signed or unsigned copies on or before this date. The signed copies must be received no later than June 20, 2016.

Mail	California Workforce Development Board P.O. Box 826880 Sacramento, CA 94280-0001
Courier	California Workforce Development Board 800 Capitol Mall, Suite 1022 Sacramento CA 95814
Hand Deliver	California Workforce Development Board 800 Capitol Mall, Suite 1022 Sacramento CA 95814

Assessment of Recertification Request

The State Board, in coordination with the EDD, will verify the information provided in the recertification request. The State Board will consider all information provided, and determine whether to recommend recertification at its spring 2016 meeting.

The Local Board will be notified in writing by May 20, 2016, regarding its recertification status. If approved, the Local Board recertification will be effective July 1, 2016, through June 30, 2018. If denied, the Local Board may be granted conditional certification and required to submit a corrective action plan to the State Board as outlined in the section below.

Failure to Achieve Recertification

If a Local Board fails to achieve recertification, the State Board and the EDD will work with the Local Board in a good faith effort to improve those areas out of compliance, granting conditional recertification if necessary.

Local Boards that are granted conditional recertification will be required to submit a corrective action plan to the State Board by June 20, 2016. The corrective action plan must address the recertification criteria the Local Board did not meet (i.e., membership, performance, sustained fiscal integrity, or demonstrated progress toward implementing key WIOA provisions). The corrective action plan must be signed by the Local Board chairperson or his/her official designated alternate.

If the Local Board fails to submit a corrective action plan as required, the Local Board's recertification request will be denied and a new Local Board will be appointed and certified in accordance with WIOA Section 107(c)(2)(C).

ACTION

Please bring this directive to the attention of the Local Board, local CEO, and other relevant parties.

INQUIRIES

Contact your assigned [Regional Advisor](#) if you have questions concerning this directive.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the Internet:

1. [Local Board Recertification Request](#)
2. [Summary of Comments](#)

Local Workforce Development Board Recertification Request

Program Years 2016-18

Local Workforce Development Board

Local Board Recertification Request

This will serve as our request for Local Workforce Development Board (Local Board) recertification for Program Years (PYs) 2016-18 under the *Workforce Innovation and Opportunity Act* (WIOA).

If the California Workforce Development Board (State Board) determines the request is incomplete, it will either be returned or held until the necessary documentation is submitted. Please contact your [Regional Advisor](#) for technical assistance or questions related to completing and submitting this request.

Name of Local Board

Mailing Address

City, State

Zip

Contact Person

Contact Person's Phone Number

Date of Submission

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Instructions

If additional pages were added to the *Local Workforce Development Board Recertification Request*, the page numbers may be updated by hovering over the gray box above, clicking, and then selecting “Update Table” on the top left corner.

Local Board Membership

Instructions

Enter the names of the Local Board members in the appropriate membership categories found in the tables below. If the Chief Local Elected Official (CEO) has approved additional members, enter the information under the "ADDITIONAL MEMBERS" table. If an individual represents multiple categories, after the first time s/he is identified (subsequent to the first notation), please asterisk his/her name at all subsequent entries. Address any vacancies under "CORRECTIVE ACTION COMMENTS." If additional rows are needed, add a table following the membership type.

WORKFORCE

WIOA Section 107(b)(2)(B) – not less than **20 percent** of the members of each Local Board shall be representatives of the workforce within the Local Area, who— (i) shall include representatives of labor organizations (for a Local Area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a Local Area in which no employees are represented by such organizations) other representatives of employees; (ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists; (iii) may include representatives of community based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and (iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

- Must include **two or more** representatives of labor organizations, where such organizations exist in the Local Area. Where labor organizations do not exist, representatives must be selected from other employee representatives.
- Must include **one or more** representatives of a joint labor- management, or union affiliated, registered apprenticeship program within the area who must be a training director or a member of a labor organization. If no union affiliated registered apprenticeship programs exist in the area, a representative of a registered apprenticeship program with no union affiliation must be appointed, if one exists.

California Unemployment Insurance Code (CUIC) Section 14202(c) further requires and specifies that at least **15 percent** of Local Board members shall be representatives of labor organizations unless the local labor federation fails to nominate enough members. If this occurs, then at least 10 percent of the Local Board members shall be representatives of labor organizations.

Name	Title	Entity	Appointment Date	Term End Date
	Labor Organization/			
	Labor Organization/			
	Registered Apprenticeship/			

EDUCATION AND TRAINING

WIOA Section 107(b)(2)(C) – each Local Board shall include representatives of entities administering education and training activities in the Local Area, who— (i) shall include a representative of eligible providers administering adult education and literacy activities under title II; (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); (iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

- Must include **at least one** eligible provider administering adult education and literacy activities under WIOA title II.
- Must include **at least one** representative from an institution of higher education providing workforce investment activities, including community colleges.

Name	Title	Entity	Appointment Date	Term End Date
	Adult Education & Literacy/			
	Institution Higher Education/			

GOVERNMENTAL AND ECONOMIC AND COMMUNITY DEVELOPMENT

WIOA Section 107(b)(2)(D) – each Local Board shall include representatives of governmental and economic and community development entities serving the Local Area, who— (i) shall include a representative of economic and community development entities; (ii) shall include an appropriate representative from the State employment service office under the *Wagner-Peyser Act* (29 U.S.C. 49 et seq.) serving the Local Area; (iii) shall include an appropriate representative of the programs carried out under title I of the *Rehabilitation Act of 1973* (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the Local Area; (iv) may include representatives of agencies or entities administering programs serving the Local Area relating to transportation, housing, and public assistance; and (v) may include representatives of philanthropic organizations serving the Local Area.

- Must include **at least one** representative of economic and community development entities.
- Must include **at least one** representative from the state Employment Service Office (EDD) under the *Wagner-Peyser Act* (29 U.S.C. 49 et seq.) serving the Local Area.
- Must include **at least one** representative from programs carried out under title I of the *Rehabilitation Act of 1973*, other than Section 112 or Part C of that title.

Name	Title	Entity	Appointment Date	Term End Date
	Economic & Community Dev/			
	Employment Service /			
	Rehabilitation Act of 1973/			

ADDITIONAL MEMBERS

WIOA Section 107(b)(2)(E) – each Local Board may include such other individuals or representatives of entities as the chief elected official (CEO) in the Local Area determines to be appropriate.

Name	Title	Entity	Appointment Date	Term End Date

CORRECTIVE ACTION COMMENTS

Explain any vacant appointment(s) regarding the required membership composition only. Include the length of time the appointment(s) has been vacant, efforts made to fill the vacant appointment(s), and dates by which the vacant appointment(s) should be filled.

COMPLIANCE WITH MAJORITY OF BUSINESS REPRESENTATIVES

The table below will assist Local Boards determine compliance with WIOA Section 107(b)(2)(A), which requires that a **majority** of the members be representatives of business in the Local Area.

Instructions – Double click the table below to open in Excel.

Total number of individuals currently sitting on local board =	_____
Number of vacancies currently on local board =	_____
Total local board membership =	=====
Total number of Business Representatives currently sitting on local board =	_____
Number of Business Representative vacancies currently on local board =	_____
Total local board Business Representatives =	=====
Divide total local board Business Representatives by total local board membership =	=====
	(Must be greater than 50%)

COMPLIANCE WITH 20% OF WORKFORCE REPRESENTATIVES AND 15% LABOR ORGANIZATION REPRESENTATIVES

The table below will help Local Boards determine compliance with WIOA Section 107(b)(2)(B), which requires not less than **20 percent** of the members be representatives of the workforce within the Local Area and compliance with CUIA Section 14202 which requires that at least **15 percent** of Local Board members be representatives of labor organizations unless the local labor federation fails to nominate enough members, in which case it is **10 percent**.

Instructions – Double click the table below to open in Excel.

Total number of individuals currently sitting on local board =	_____
Number of vacancies currently on local board =	_____
Total local board membership =	=====
Total number of Workforce Representatives currently sitting on local board =	_____
Number of Workforce Representatives vacancies currently on local board =	_____
Total local board Workforce Representatives =	=====
Divide total local board Workforce Representatives by total local board membership =	=====
	(Must not be less than 20%)
Total number of Labor Organization Representatives currently sitting on local board =	_____
Total number of Apprenticeship Program Representatives currently sitting on local board =	_____
Number of Labor Org/Apprenticeship Program Representatives vacancies =	_____
Total local board Labor Representatives =	=====
Divide total local board Labor Representatives by total local board membership =	=====
	(Must be at least 15%)

Local Board Performance Accountability Measures

Instructions

Enter your Local Board's negotiated levels of performance and actual levels of performance for PYs 2013-14 and 2014-15.

Performance Table				
Name of Local Area: _____				
Common Measure	Negotiated PY 2013-14	Actual PY 2013-14	Negotiated PY 2014-15	Actual PY 2014-15
Adult				
Entered Employment Rate				
Employment Retention Rate				
Average Earnings				
Dislocated Worker				
Entered Employment Rate				
Employment Retention Rate				
Average Earnings				
Youth (ages 14-21)				
Placement in Employment or Education				
Attainment of a Degree or Certificate				
Literacy and Numeracy Gains				

Local Board Sustained Fiscal Integrity

The Local Board hereby certifies that it has not been found in violation of one or more of the following during PYs 2013-14 or 2014-15:

- **Final determination of significant finding(s)** from audits, evaluations, or other reviews conducted by state or local governmental agencies or the Department of Labor, identifying issues of fiscal integrity or misexpended funds due to the willful disregard or failure to comply with any *Workforce Investment Act* (WIA) requirement, such as failure to grant priority of service or verify participant eligibility.
- **Gross negligence**, which is defined as a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.
- **Failure to observe accepted standards of administration.** Local Areas must have adhered to the applicable uniform administrative requirements set forth in Title 29 *Code of Federal Regulations* (CFR) Parts 95 and 97, appropriate Office of Management and Budget circulars or rules, WIA regulations, and state guidance. Highlights of these responsibilities include the following:
 - Timely reporting of WIA participant and expenditure data
 - Timely completion and submission of the required annual single audit
 - ***Have not been placed on cash hold for longer than 30 days***

(In alignment with WIOA Section 106[e][2])

Local Board WIOA Implementation

Using the questions below, describe your Local Board's efforts toward implementing the following key WIOA implementation provisions and designing a better system for customers.

1. What activities have you undertaken to design a better system for customers? Specifically, describe any actions you have taken, or actions you plan to take, for the following topics:
 - a. Developing new services
 - b. Entering into collaborative partnerships
 - c. Creating innovative workforce development strategies in alignment with WIOA
 - d. Redesigning service delivery
 - e. Other WIOA transitional activities to design a better system for customers
2. What steps have you taken to implement the new WIOA youth program requirements, including the 75 percent out-of-school youth and 20 percent work experience minimum expenditure requirements?
3. Describe your efforts to comply with the Uniform Guidance requirements.
4. Describe your efforts to develop sector initiatives and career pathways in high demand industries in coordination with community colleges, apprenticeship programs, adult basic education, and other training providers.
5. Describe your efforts to adopt, implement, and promote the AJCC brand.
6. Describe your efforts to complete Phase I of the MOU development process. What challenges are you facing?

Local Board Assurances

For PYs 2016-18, the Local Board assures that it will do the following:

- A. Comply with the applicable uniform administrative requirements, cost principles, and audit requirements included in Title 2 CFR Parts 200 and 2900 (WIOA Section 184[a][2] and [3]).

Highlights of this assurance include the following:

- The Local Area's procurement procedures will avoid acquisition of unnecessary or duplicative items, software, and subscriptions (in alignment with Title 2 CFR Section 200.318).
- The Local Area will maintain and provide accounting and program records, including supporting source documentation, to auditors at all levels, as permitted by law (Title 2 CFR Section 200.508).

**Note that failure to comply with the audit requirements specified in Title 2 CFR Part 200 Subpart F will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).*

- B. Do financial reporting in compliance with federal and state regulations and guidance.

Highlights of this assurance include the following:

- Reporting will be done in compliance with Workforce Services Directive WSD12-3, *Quarterly and Monthly Financial Reporting Requirements*.
- All close out reports will comply with the policies and procedures listed in Workforce Services Directive WSD09-12, *WIA Closeout Handbook*.

**Note that failure to comply with financial reporting requirements will subject the Local Area to potential cash hold (Title 2 CFR Section 200.338).*

- C. Expend funds in accordance with federal and state laws, regulations, and guidance.

Highlights of this assurance include:

- The Local Area will meet the requirements of State Senate Bill 734, to spend a minimum of 30 percent of combined total of adult and dislocated worker formula fund allocations on training services (CUIC Section 14211).
- The Local Area will not use funds to assist, promote, or deter union organizing (WIOA Section 181[b][7]).

- D. Select AJCC operator(s), with the agreement of the local CEO, through a competitive process such as a Request for Proposal, unless granted a waiver by the state (WIOA Section 121[d][2][A] and 107[g][2]).

- E. Collect, enter, and maintain data related to participant enrollment, activities, and performance necessary to meet all CalJOBSSM reporting requirements and deadlines.
- F. Comply with the nondiscrimination provisions of WIOA Section 188, including the collection of necessary data.
- G. Comply with State Board policies and guidelines, legislative mandates and/or other special provisions as may be required under federal law or policy, including the WIOA or state legislation.
- H. Give priority of service to veterans, recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient for receipt of career and training services funded by WIOA Adult funding (WIOA Section 134[c][3][E] and *Training and Employment Guidance Letter 10-09*).
- I. Comply with Assembly Bill (AB) 1234 and ensure that local members receive ethics training every two years. AB 1234 requires Local Boards to consult with the California Fair Political Practice Commission (FEPC) and the California Attorney General's office regarding the content of the ethics training course they can use. Local Boards may consider using the free, two-hour, on-line ethics training course available from the FPPC: [AB 1234 Ethics Training for Local Officials](#).
- J. Comply with the conflict of interest provisions of WIOA Section 107(h).

Signature Page

By signing below, the local CEO and Local Board chair request Local Board recertification. We certify that the Local Board appointed members as described in WIOA Section 107(a), (b), and (c), performed successfully and sustained fiscal integrity during PYs 2013-14 and 2014-15, and developed and implemented strategies to improve and continuously strengthen the workforce development system in accordance with WIOA. Additionally, we agree to abide by the Local Area assurances included in this document.

Instructions

The Local Board chairperson and local CEO must sign and date this form. Include the original signatures with the request.

Local Workforce Development Board Chair

Local Chief Elected Official

Signature

Signature

Name

Name

Title

Title

Date

Date

Summary of Comments
Local Workforce Development Board Recertification
Draft Directive

There were 8 comments to the draft version of this directive:

Comment – **The *Workforce Innovation and Opportunity Act (WIOA)* does not allow the state to impose one-stop partners on the Local Workforce Development Area (Local Area). Additionally, the commenter asked if Small Business Development Centers were removed from the *California Unemployment Insurance Code (CUIC)* for WIOA.**

Response – This directive is not intended to provide guidance regarding one-stop partners; rather it provides guidance on the recertification of Local Workforce Development Boards (Local Boards). Local Board membership and one-stop partner mandates should not be confused; WIOA establishes different requirements for one-stop partners, which are part of the one-stop delivery system, and Local Board membership composition, as described in this directive. Further information on one-stop partners can be found in WIOA Section 121(b) as well as CUIC Section 14231(a).

Comment – **The initial area designation directive required Local Areas to meet at least 80 percent of its local performance goals on seven of the nine measures, and that this directive required Local Areas to meet eight of the nine measures.**

Response – For initial board certification, the state intentionally included language in Workforce Services Directive (WSD) [WSD14-10](#) that allowed Local Areas to meet at least 80 percent of its local performance goals on only seven of the nine measures. This was done to provide Local Areas and Local Boards greater flexibility during the initial designation and certification during the transition into WIOA. However, for recertification and subsequent designation, the policy is realigned with the previously established performance guidelines found in *Workforce Investment Act Directive (WIAD)* [WIAD06-10](#) and [WSD12-14](#). WIAD06-10 identifies that nonperformance is defined as an actual performance level of less than 80 percent of goal on one or more of the local performance measures, and WSD 12-14 identifies that Local Areas must achieve 80 percent or higher on at least eight of the nine locally negotiated common performance measures in order to be recertified.

Comment – **It was requested that under for the recertification criterion of achieved fiscal integrity, the provision regarding not having been on cash hold for more than 30 days be changed to 90 days. Additionally, it was also suggested that the state provide a clear written policy regarding when and how “cash holds” are applied.**

Response – The Employment Development Department (EDD) is required by Federal regulations to submit accurate financial reports to the Department of Labor (DOL) on a quarterly basis. Therefore, all grant recipients must submit their quarterly expenditure and

closeout reports on time. Timely reports not only ensure compliance with federal reporting requirements, they also provide accurate and current information that Local Boards can use to properly safeguard and manage their cash. A cash hold will be implemented immediately once the due dates have passed and the information has not been received by the EDD. Given the federal reporting requirements imposed on states, an extension of 90 days is not feasible. For further information, please refer to Workforce Services Information Notice (WSIN) [WSIN12-62 - Late Monthly, Quarterly, Closeout, Audit and Participant Reports](#).

Comment – In regards to the fourth criterion for recertification, commenter asked how the state intended to measure “substantial progress being demonstrated.”

Response – The EDD has removed the language stating that “substantial progress be demonstrated,” and updated the section to now require that Local Boards instead provide a “status update” on all efforts that have been made in order to implement several new provisions under the WIOA. The main purpose of providing a status update is to require Local Boards to conduct a self-assessment of their current efforts, as well as to provide the state with information on what progress has been made up until this point. Also, in the event that the EDD Monitors need to corroborate the Local Board’s implementation efforts outlined in the status update portion of the recertification application, Local Boards must retain adequate supporting documentation for their claims.

Comment – There was an inquiry about policy regarding the procurement of America’s Job Center of California (AJCC) and Career Services.

Response – The EDD has removed the language requiring the Local Board to provide a status update on the procurement of AJCC and Career Services. The state will address these topics in a future directive once further guidance has been provided by DOL.

Comment – It was identified that proposed regulations are not final and that regulations may be revised.

Response – At the time of publication of this directive, issuance of final regulations by DOL is not expected until an undetermined date in 2016. In the interim, the DOL has advised states to continue planning and taking action in order to begin implementation of the WIOA. Although DOL has not issued final regulations, the EDD has utilized and drafted policy based on the most current statutory and regulatory guidance available. If the policy changes upon issuance of the final WIOA regulations or further guidance from DOL, EDD will update this directive accordingly.

Comment – Concerns were expressed that the draft directive did not provide guidance or connection to initial Local Area designation. It was recommended that the state should sync the Local Board recertification period with the Local Area designation period.

Response – The intent of [WSD14-10 - Initial Local Area Designation and Local Board Certification Under WIOA](#) was to provide the criteria for the initial designation of Local Areas,

and initial certification of Local Boards. The policy in this directive provides information on Local Board recertification. A future directive will provide information on subsequent designation of Local Areas.

Although Local Area subsequent designation and Local Board recertification are closely aligned, they are two separate processes in the WIOA. The intention of alternating years between Local Board recertification and Local Area subsequent designation is to provide the local workforce development community the means to conduct periodic self-assessments on their progress, and to communicate any potential changes or inquiries to the state. Furthermore, this process expands the state's ability to provide technical assistance, evaluate WIOA implementation, and communicate best practices.

Comment – It was stated that Section 107(c)(2) references only three of the four criteria provided in the directive.

Response – The fourth criterion, which now requires that Local Boards provide a status update on implementing key WIOA provisions, is a state-imposed requirement, and therefore was bolded and italicized. To provide additional clarity, the directive was updated to further specify that the fourth criterion is not a part of WIOA statutory language.

WORKFORCE SERVICES DIRECTIVE

Number: WSD15-14

Date: January 22, 2016
69:01:mw:17595

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIOA ADULT PROGRAM PRIORITY OF SERVICE

EXECUTIVE SUMMARY

Purpose

This policy provides guidance and establishes the procedures regarding priority of service for recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient served with *Workforce Innovation and Opportunity Act* (WIOA) adult funds.

Please note that this guidance was developed using the WIOA Notices of Proposed Rule Making (NPRM) and is subject to change based upon issuance of the final WIOA regulations or further guidance from the Department of Labor (DOL).

Scope

This directive applies to all Local Workforce Development Areas (Local Areas).

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Sections 3 and 134
- *Workforce Investment Act* (WIA) Section 134
- Title 20 *Code of Federal Regulations* (CFR) "WIOA, Notice of Proposed Rule Making" (NPRM), Sections 680.150, 680.600, 680.610, and 680.650
- Training and Employment Guidance Letter (TEGL) 06-14, *Program Year 2013/Fiscal Year 2014 Data Validation and Performance Reporting Requirements and Associated Timelines*, Attachment A (September, 10, 2014)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- TEGL 03-15, *Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services* (July 1, 2015)
- Workforce Services Directive WSD08-10, Subject: *Final Rule on Priority of Service for Veterans and Eligible Spouses* (June 29, 2009)

STATE-IMPOSED REQUIREMENTS

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

FILING INSTRUCTIONS

This directive finalizes Workforce Services Draft WSDD-119, issued for comment on June 20, 2015. The Central Office Workforce Services Division received 27 comments during the draft comment period and these comments resulted in substantive changes to the directive. A summary of comments is provided as Attachment 1. Retain this directive until further notice.

BACKGROUND

The WIA required that if funds allocated to a Local Area for adult employment and training activities were limited, priority of service was to be provided to recipients of public assistance and other low-income individuals for intensive services and training services.

The WIOA made several changes to the priority of service requirement by adding individuals who are basic skills deficient as a priority population, changing intensive services to career individualized services, and removing the provision stating priority of service is only applied if funding is limited.

Veterans and eligible spouses continue to receive priority of service for all DOL funded programs amongst all participants. These requirements were not affected by the passage of the WIOA and must still be applied in accordance with guidance previously issued by the DOL and Workforce Services Directive [WSD08-10](#).

POLICY AND PROCEDURES

Priority of Service Requirement

As stated in the WIOA Section 134(c)(3)(E), with respect to individualized career services and training services funded with WIOA adult funds, priority of service must be given to recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient.

Priority of service status is established at the time of eligibility determination and does not change during the period of participation. Priority does not apply to the dislocated worker population.

Veterans and eligible spouses continue to receive priority of service among all eligible individuals; however, they must meet the WIOA adult program eligibility criteria and meet the criteria under WIOA Section 134(c)(3)(E). As described in TEGL 10-09, when programs are statutorily required to

provide priority, such as the WIOA adult program, then priority must be provided in the following order:

1. Veterans and eligible spouses who are also recipients of public assistance, other low income individuals, or individuals who are basic skills deficient.
2. Individuals who are the recipient of public assistance, other low income individuals, or individuals who are basic skills deficient.
3. Veterans and eligible spouses who are not included in WIOA's priority groups.
4. Other individuals not included in WIOA's priority groups.

[Reference – [TEGL 3-15](#) *Guidance on Services Provided through the Adult and Dislocated under the Workforce Innovation and Opportunity Act and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*]

For additional guidance on providing priority of service to veterans through the one-stop system, please reference Workforce Services Directive [WSD08-10](#).

Local Workforce Development Boards (Local Boards) may establish additional priority groups for their Local Area (e.g., residents of the Local Area, individuals with disabilities, ex-offenders, etc.). If any additional priority groups are established, they should be identified in the local policy.

Definitions

For purposes of this directive, the following definitions apply:

Basic Skills Deficient – An individual that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society (WIOA Section 3[5]). ***Criteria used to determine whether an individual is basic skills deficient includes the following:***

- ***Lacks a high school diploma or high school equivalency and is not enrolled in post-secondary education.***
- ***Enrolled in a Title II Adult Education/Literacy program.***
- ***English, reading, writing, or computing skills at an 8.9 or below grade level.***
- ***Determined to be Limited English Skills proficient through staff-documented observations.***
- ***Other objective criteria determined to be appropriate by the Local Area and documented in its required policy.***

Case Notes – Paper or electronic statements by the case manager that identifies, at a minimum, (1) a participant's status for a specific data element, (2) the date on which the information was obtained, and (3) the case manager who obtained the information. If case notes are used as a documentation source, the case notes must provide an auditable trail back to the source of information verified. The case manager does not need to keep a hard copy of the information verified in the participant's case file.

Example: A case manager verifies an individual is basic skills deficient by viewing school records, specifically, enrollment in a Title II Adult Education/Literacy program. The case notes must include auditable information, such as the name of the school and the date of enrollment, which could allow an auditor/monitor to later retrieve this

information. The case manager would not need to keep a hard copy of the school record in the participant's file (TEGL 06-14, Attachment A).

Low-Income – An individual that meets one of the four criteria below:

1. Receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance For Needy Families (TANF), program supplemental security income program, or state or local income-based public assistance.
2. In a family with total family income that does not exceed the higher of the following:
 - a. The poverty line.
 - b. 70 percent of the Lower Living Standard Income Level.
3. A homeless individual.
4. An individual with a disability whose own income does not exceed the income requirement, but is a member of a family whose total income does.

(Reference WIOA Section 3[36])

Public Assistance Recipient – An individual that receives federal, state, or local government cash payments for which eligibility is determined by a needs or income test (WIOA Section 3[50]).

Self-Attestation – When a participant states his or her status for a particular data element, such as low income, and then signs and dates a form acknowledging this status. The key elements for self-attestation are (1) the participant identifying his or her status for permitted elements, and (2) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the Local Area management information system, with an electronic signature (TEGL 06-14, Attachment A).

*Note that self-attestation is not to be used as the primary method of gathering documentation to verify data elements. Self-attestation as a documentation source is only to be used when the preferred options of paper documentation or third party corroboration are not available.

Career and Training Services

Under WIOA, the WIA core and intensive services are merged into a new category entitled "career services." The career services category includes basic career services, found at WIOA Section 134(c)(2)(A)(i)-(xi), and individualized career services, found at WIOA Section 134(c)(2)(A)(xii). Basic career services are not subject to the priority of service requirement. However, individualized career services and training services are subject to the requirement (Title 20 CFR NPRM Section 680.150).

Basic Career Services

Basic career services must be made available to all individuals seeking services offered by the one-stop delivery system, and include the following:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs.

- Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system.
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs.
- Labor exchange services, including the following:
 - Job search and placement assistance, and, when needed by an individual, career counseling, including the following:
 - Provision of information on in-demand industry sectors and occupations [as defined in WIOA Section 3(23)].
 - Provision of information on nontraditional employment [as defined in WIOA Section 3(37) of].
- Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs.
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including the following:
 - Job vacancy listings in labor market areas.
 - Information on job skills necessary to obtain the vacant jobs listed.
 - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs.
- Provision of performance information and program cost information on eligible providers of training services by program and type of providers.
- Provision of information about how the Local Area is performing on local performance accountability measures, as well as any additional performance information relating to the area’s one-stop delivery system.
- Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including (1) child care, (2) child support, (3) medical or child health assistance available through the state’s Medicaid program and Children’s Health Insurance Program, (4) benefits under the SNAP, (5) assistance through the earned income tax credit, (6) housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development, (7) and assistance under a state TANF program, and other supportive services and transportation provided through that program.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim:
 - Meaningful assistance means providing assistance as follows:
 - On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim (note that, staff providing UI assistance may be UI, Wagner-Peyser, or other America’s Job Center of CaliforniaSM (AJCC) partner staff members who have been properly trained to provide this type of assistance and service. Note that, questions,

advice, or decisions that could affect a claimant's eligibility should only be handled by UI program staff).

- By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.
- The costs associated in providing meaningful assistance may be paid for by the state's UI program, the WIOA adult or dislocated worker programs, the Wagner-Peyser Employment Service, or some combination thereof these funding sources.

Individualized Career Services

Individualized career services are subject to priority of service, and consist of the following:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include the following:
 - Diagnostic testing and use of other assessment tools.
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.
- Group and/or individual counseling and mentoring.
- Career planning (e.g. case management).
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services.
- Internships and work experiences that are linked to careers.
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment.
- Financial literacy services.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services are subject to priority of service, and consist of the following:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.
- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.

- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with another training service.
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with another training service.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Documentation

Local Areas may use the following sources of documentation to verify whether an adult participant qualifies for priority of service under WIOA:

PRIORITY OF SERVICE	
Priority of Service Criteria	Acceptable Documentation (Only the documentation sources listed below may be used.)
1. Recipient of Public Assistance	<ul style="list-style-type: none"> • Cross-match with public assistance database • Copy of authorization to receive cash public assistance • Copy of public assistance check • Medical card showing cash grant status • Public assistance records • Refugee assistance records
2. Low Income	<ul style="list-style-type: none"> • Alimony agreement • Award letter from veteran’s administration • Bank statements • Compensation award letter • Court award letter • Pension statement • Employer statement/contact • Family or business financial records • Housing authority verification • Pay stubs • Public assistance records • Quarterly estimated tax for self-employed persons • Social Security benefits • Unemployment Insurance documents • Self attestation*
3. Basic Skills Deficient	<ul style="list-style-type: none"> • School Records <ul style="list-style-type: none"> ○ A referral or records from a Title II Basic Adult Education program or English Language Learner program • Results of academic assessment • Case notes* • Self-Attestation*
<p>*Please reference the definition section of this directive for additional guidance on case notes or self-attestation being used for documentation purposes.</p>	

For reporting and statistical purposes, the EDD recommends Local Areas document all barriers of employment in order to accurately measure populations served within the one-stop system.

Local Policy

The WIOA priority of service provisions go into effect July 1, 2015. Local Boards must implement the priority of service requirements beginning July 1, 2015, and establish local policy and procedures for priority of service by January 1, 2016.

ACTION

Please bring this directive to the attention of all relevant parties.

INQUIRIES

If you have any questions, please contact your [Regional Advisor](#) at 916-654-7799.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachments are available on the Internet:

1. [Summary of Comments](#)

WORKFORCE SERVICES DIRECTIVE

Number: WSD15-15

Date: January 22, 2016
69:007:rv:17628

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: ALLOWABLE COSTS

EXECUTIVE SUMMARY

Purpose

The Employment Development Department (EDD) is providing guidance on general cost principles and allowable costs under the *Workforce Innovation and Opportunity Act* (WIOA) and the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*; Final Rule (Uniform Guidance).

Scope

This directive applies to subrecipients who received or will receive WIOA funds on or after December 26, 2014. In other words, this guidance applies to WIOA Program Year (PY) 2015-16 funds and all WIOA funds received in subsequent PYs.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Sections 184(a)(3), 134(c)-(d), and 129
- Title 2 *Code of Federal Regulations* (CFR) Part 200 and 2900
- Training and Employment Guidance Letter (TEGL) 15-14, Subject: *Implementation of the New Uniform Guidance Regulations* (December 19, 2014)
- Workforce Services Directive (WSD)14-13 Subject: *Property—Prior Approval, Purchasing, Inventory, and Disposal* (April 29, 2015)
- Workforce Investment Act Directive (WIAD)03-10 Subject: *Allowable Costs* (April 09, 2004)

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

STATE-IMPOSED REQUIREMENTS

This directive does not contain any state-imposed requirements.

FILING INSTRUCTIONS

This directive finalizes Workforce Services Draft Directive WSDD-129, issued for comment on November 18, 2015. The Central Office Workforce Services Division received 1 comment during the draft comment period. The comment did not result in any changes to the directive. A summary of comments is provided (Attachment 2). Retain this directive until further notice. For information on allowable costs under the former OMB guidance, refer to [WIAD03-10](#).

BACKGROUND

On December 26, 2013, the OMB issued the [Uniform Guidance](#) under Title 2 CFR Part 200, which establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. The Uniform Guidance consolidated multiple, previously separate, sets of OMB guidance into one combined set of rules. The following year, the Department of Labor (DOL) adopted the OMB Uniform Guidance and issued DOL Exceptions under Title 2 CFR Part 2900.

The Uniform Guidance applies to all Federal awards made on or after December 26, 2014. Therefore, beginning with WIOA PY 2015-16 funds, all recipients and subrecipients of this funding must adhere to the Uniform Guidance (including DOL Exceptions) as well as the corresponding administrative requirements, cost principles, and audit requirements included in WIOA. For more information on overarching Uniform Guidance Implementation, please see [TEGL 15-14](#).

POLICY AND PROCEDURES

Each state, Local Workforce Development Area (Local Area), and provider that receives funds under WIOA Title I is required to comply with Uniform Guidance [WIOA Section 184(a)(3)]. This includes general principles and guidance on selected items of cost. However, if more restrictive city, state, or federal guidelines exist, they must take precedence. Local Areas should be reviewing and updating their local policies and procedures to ensure they are in compliance with all new guidance.

The EDD has compiled a high level matrix listing the various cost items referenced in Title 2 CFR Sections 200.420 through 200.475 (Attachment 1). The columns in the matrix contain the various entity types, the specific CFR Sections, and DOL Exceptions Sections (if applicable). The matrix also provides a quick reference guide to help indicate whether a cost item is allowable or not. WIOA funding recipients and subrecipients can use the matrix as an initial tool, rather than a final authority for making a determination of whether or not a cost would be considered allowable.

In general, to be an allowable charge to the WIOA, a cost must meet the following criteria:

- Be necessary and reasonable for the performance of the award.
- Be allocable to the award.
- Conform to any limitations or exclusions set forth in the award.
- Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-federal entity.
- Be accorded consistent treatment.
- Be determined in accordance with generally accepted accounting principles.
- Not be used to meet cost sharing or matching requirements of any other federally-financed program (without prior approval from the state).
- Be adequately documented.

Expenditures of WIOA funds are allowable only for those activities permitted by the WIOA statute or federal regulations. Required and permissible program activities for adult and dislocated workers can be found in the WIOA Section 134(c) and (d) respectively. Similarly, allowable program activities for the youth program can be found in WIOA Section 129.

Funds awarded prior to December 26, 2014

Funding received prior to December 26, 2014 (i.e., PY 2014-15 funds and before) must continue to follow the terms and conditions of those awards, including the cost principles required under the former OMB guidance. For information on allowable costs under the former OMB guidance, please refer to [WIAD03-10](#).

ACTION

Please bring this directive to the attention of all appropriate staff and subrecipients.

INQUIRIES

For further information regarding this directive, please contact your [Regional Advisor](#) or Project Manager.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [Cost Items Matrix](#)
2. [Summary of Comments](#)

COST ITEMS MATRIX

THIS COST ITEMS MATRIX SHOULD ONLY BE USED AS A QUICK REFERENCE GUIDE. The *Workforce Innovation and Opportunity Act (WIOA)* and *Uniform Administrative Requirements, Cost Principles, and Audit Requirements Final Rule (Uniform Guidance)* contain definitive guidance and final authority for determining whether or not a cost is allowable.

The matrix on the following page identifies the cost items and different types of entities. When determining whether the cost of an item is allowable, users must also refer to the applicable sections of the Uniform Guidance and the WIOA.

Failure to address a particular cost item is not intended to imply that it is allowable or unallowable. Rather, the determination of allowability in each case should be based on the treatment or principles provided for similar or related costs. In the case of a discrepancy between the Uniform Guidance and the provisions of a specific federal award administered by the pass-through entity, the federal award provisions govern. Note also that, in some instances, different cost items may be similarly named, and there may be some overlap between the various cost items.

When reviewing the matrix please use the following legend:

Legend Key	Legend Key Definition
A	Allowable
AP	Allowable with Prior Approval
AC	Allowable with Conditions
U	Unallowable
NS	Not Specified in the Uniform Guidance

If a cost item is denoted with two or more legend keys, users should delve further into the various information sources as they may provide the additional clarity that is needed. If this effort does not provide the necessary information, then subrecipients should contact their Regional Advisor/Project Manager. The “NS” legend key means that information may not be readily available. In this event, the subrecipient should seek other information sources before contacting their Regional Advisor/Project Manager.

The “AP” legend key means that, in some instances, prior written approval will be required from the Cognizant Agency or Governor. In this event, the user should adhere to the Uniform Guidance Section 200.407, DOL Exceptions Section 2900.16, and review the existing policies and procedures established in the [Workforce Services Directive 14-13](#), until further guidance is provided by the state.

	Cost Item	Educational Institutions	Non-Profit Organizations	State, Local and Indian Tribal Governments	Uniform Guidance Section	DOL Exception Section
1	Advertising and public relations	A/U	A/U	A/U	200.421	
2	Advisory councils	AC/U	AC/U	AC/U	200.422	
3	Alcoholic beverages	U	U	U	200.423	
4	Alumni/ae activities	U	NS	NS	200.424	
5	Audit services	AC/U	AC/U	AC/U	200.425	
6	Bad debts	U	U	U	200.426	
7	Bonding costs	A	A	A	200.427	
8	Collection of improper payments	A	A	A	200.428	
9	Commencement and convocation costs	AC/U	NS	NS	200.429	
10	Compensation – personal services	A/U	A/U	A/U	200.430	
11	Compensation – fringe benefits	A /U	A /U	A /U	200.431	
12	Conferences	A	A	A	200.432	
13	Contingency provisions	AC/U	AC/U	AC/U	200.433	2900.18
14	Contributions and donations	U	U	U	200.434	
15	Defense and prosecution of criminal and civil proceedings, claims, appeals, and patent infringement	AC/U	AC/U	AC/U	200.435	
16	Depreciation	AC	AC	AC	200.436	
17	Employee health and welfare costs	A	A	A	200.437	
18	Entertainment costs	U/AP	U/AP	U/AP	200.438	
19	Equipment and other capital expenditures	AP/U	AP/U	AP/U	200.439	
20	Exchange rates	AP	AP	AP	200.440	
21	Fines, penalties, damages and other settlements	U/AP	U/AP	U/AP	200.441	
22	Fund raising and investment management costs	U/AP/A	U/AP/A	U/AP/A	200.442	
23	Gains and losses on disposition of depreciable assets	AC	AC	AC	200.443	
24	General cost of government	NS	NS	U/A	200.444	
25	Goods or services for personal use	U/AP	U/AP	U/AP	200.445	
26	Idle facilities and idle capacity	AC/U	AC/U	AC/U	200.446	

	Cost Item	Educational Institutions	Non-Profit Organizations	State, Local and Indian Tribal Governments	Uniform Guidance Section	DOL Exception Section
27	Insurance and indemnification	AC/U	AC/U	AC/U	200.447	
28	Intellectual property	A/U	A/U	A/U	200.448	
29	Interest	AC/U	AC/U	AC/U	200.449	
30	Lobbying	U	U	U	200.450	
31	Losses on other awards or contracts	U	U	U	200.451	
32	Maintenance and repair costs	A	A	A	200.452	
33	Material and supplies costs, including costs of computing devices	A	A	A	200.453	
34	Memberships, subscriptions, and professional activity costs	A/U	A/U	A/U	200.454	
35	Organization costs	U/AP	U/AP	U/AP	200.455	
36	Participant support costs	AP	AP	AP	200.456	
37	Plant and security costs	A	A	A	200.457	
38	Pre-award costs	AP	AP	AP	200.458	
39	Professional services costs	A	A	A	200.459	
40	Proposal costs	A	A	A	200.460	
41	Publication and printing costs	A	A	A	200.461	
42	Rearrangement and reconversion costs	A/AP	A/AP	A/AP	200.462	
43	Recruiting costs	A/U	A/U	A/U	200.463	
44	Relocations costs of employees	AC/U	AC/U	AC/U	200.464	
45	Rental costs of real property and equipment	AC/U	AC/U	AC/U	200.465	
46	Scholarships and student aid costs	AC	NS	NS	200.466	
47	Selling and marketing	U/AP	U/AP	U/AP	200.467	
48	Specialized service facilities	AC	AC	AC	200.468	
49	Student activity costs	U/AP	U/AP	U/AP	200.469	2900.19
50	Taxes	AC	AC	AC	200.470	
51	Termination costs	AC/U	AC/U	AC/U	200.471	
52	Training and education costs	A	A	A	200.472	
53	Transportation costs	A	A	A	200.473	
54	Travel costs	AC	AC	AP	200.474	
55	Trustees	A	A	NS	200.475	

WORKFORCE SERVICES DIRECTIVE

Number: WSD15-16

Date: February 5, 2016
50:74:km:17921

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: FINAL STATE-LEVEL W-PA AND WIA TITLE IB LOCAL AREA PERFORMANCE GOALS FOR PY 2015-16

EXECUTIVE SUMMARY

Purpose

This announces the final State-level *Wagner-Peyser Act* (W-PA) and *Workforce Investment Act* (WIA) Title IB Adult, Dislocated Worker, and Youth program performance goals for Program Year (PY) 2015-16. These final performance goals are for Local Workforce Development Area (Local Area) Adult, Dislocated Worker, and Youth programs for PY 2015-16. The California Workforce Development Board (State Board) intends to extend Local Area negotiated PY 2014-15 goals into PY 2015-16. Guidance for Local Areas that decide to negotiate revised goals for PY 2015-16 is also included.

Scope

This Directive applies to all Local Areas and the EDD, the operator of California's W-PA program.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- *Workforce Innovation and Opportunity Act* (WIOA) Sec. 503
- WIA Sections 136(b) and 136(c)
- Title 20 *Code of Federal Regulations* (20 CFR) Part 666
- Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 30-14, *Negotiating or Extending Performance Goals for the Workforce Investment Act (WIA) Title IB Programs and Wagner-Peyser Act (W-PA) Funded Activities for Program Years (PY) 2015*

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- DOL TEGL 25-13, *Negotiating Performance Goals for the Workforce Investment Act Title 1B Programs and Wagner-Peyser Act Funded Activities for Program Year (PY) 2014 (May 15, 2014)*
- DOL TEGL 17-05, *Common Measures Policy for the Employment and Training Administration's Performance Accountability System and Related Performance Issues (February 17, 2006), and DOL TEGL 17-05 Change 2 (May 20, 2009)*
- Workforce Services Directive WSD14-10 – *Initial Local Area Designation and Local Board Certification under WIOA*

STATE-IMPOSED REQUIREMENTS

This Directive contains some state-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS

This directive finalizes Workforce Services Draft WSDD-132, issued for comment on December 16, 2015. The State Board received zero comments. Retain this directive until further notice.

BACKGROUND

States are required to reach agreement with the Secretary of Labor on state-level performance goals for W-PA, WIA Adult, Dislocated Worker, and Youth programs. WIA Section 136(c)(2) states that the Local Workforce Development Board (Local Board), chief elected official, and the Governor shall negotiate and reach agreement on the local levels of performance.

In accordance with WIOA Sec. 116, states will implement the new WIOA performance provisions in July 2016. Due to the phased-in implementation of WIOA performance accountability requirements, the State Board will assess LWDA performance for PY 2015 in accordance with WIA, focusing on Local Area preparedness for transitioning to the WIOA performance accountability system. The State Board will also allow Local Boards who undertake activities that result in new services, partnerships, and/or service redesign, or other WIOA transitional activities, the opportunity to maintain or set goals that enable them to perform successfully.

To provide greater flexibility and allow Local Areas to focus on WIOA transitional activities, the State Board is extending all currently negotiated PY 2014-15 goals forward into PY 2015-16 (see attachments). The goals contained within this directive will be the negotiated performance goals for PY 2015-16, unless Local Areas renegotiate their goals and different goals established for them.

POLICY AND PROCEDURES

As the primary contact for performance negotiations, the State Board negotiated performance goals with all 48 Local Areas for PY 2014-15, and followed the authorization set

forth in WIOA Sec. 503, detailed in [TEGL 30-14](#), to extend negotiated performance goals into PY 2015-16. The objective of the negotiations process is to define local performance targets that are aligned with current economic indicators and reflect local area service strategies and local achievements, while at the same time building on the overall system goal of continuous improvement for our clients and customers.

Local Areas have the opportunity to renegotiate performance goals. Local board recertification under the WIOA will be effective July 1, 2016. Local Boards will be expected to perform successfully for both PY 2013-14 and PY 2014-15 in order to be eligible for recertification (Note – successful performance alone will not constitute eligibility for recertification). The evaluation of local performance outcomes will consider the extent to which local boards have begun to implement WIOA, and the potential impact on local performance levels.

Requests to renegotiate Local Area performance goals for PY 2015-16 must be submitted to the State Board no later than March 16, 2016, and negotiations completed by March 31, 2016.

Requests for renegotiations need to include data-driven analysis, as referenced in [TEGL 25-13](#) and [TEGL 30-14](#). The TEGs identify data, such as past program performance, unemployment rate, labor market statistics, and current program participant data (accessed through CalJOBSSM), to be used to support the renegotiation of performance goals.

ACTION

This directive should be brought to the attention of Chief Elected Officials and Local Area administrators and staff.

INQUIRIES

If you have any questions about this policy, please contact Loren Shimanek at Loren.Shimanek@cwdb.ca.gov or by phone at 916-657-1459.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachments are available on the Internet:

1. [W-PA and WIA Title I Program Year 2015-16 Final Performance Goals](#)
2. [LWDA Program Year 2015-16 Adult Final Performance Goals](#)
3. [LWDA Program Year 2015-16 Dislocated Worker Final Performance Goals](#)
4. [LWDA Program Year 2015-16 Youth Final Performance Goals](#)

PROGRAM YEAR 2015-16 FINAL PERFORMANCE GOALS

WAGNER PEYSER COMMON MEASURES			
	ENTERED EMPLOYMENT	RETENTION RATE	AVERAGE EARNINGS
STATEWIDE GOAL PY 2015-16	54.0%	83.5%	\$18,750

ADULT WIA TITLE IB COMMON MEASURES			
ADULT	ENTERED EMPLOYMENT	RETENTION RATE	AVERAGE EARNINGS
STATEWIDE GOAL PY 2015-16	64.2%	82.0%	\$14,573

DISLOCATED WORKER WIA TITLE IB COMMON MEASURES			
DISLOCATED WORKER	ENTERED EMPLOYMENT	RETENTION RATE	AVERAGE EARNINGS
STATEWIDE GOAL PY 2015-16	70.5%	85.5%	\$19,201

YOUTH WIA TITLE IB COMMON MEASURES			
YOUTH	PLACEMENT	ATTAINMENT	LITERACY & NUMERACY
STATEWIDE GOAL PY 2015-16	75.0%	64.0%	59.0%

PROGRAM YEAR 2015-16 FINAL PERFORMANCE GOALS BY LOCAL AREAS

ADULT	ENTERED EMPLOYMENT	RETENTION RATE	AVERAGE EARNINGS
ALAMEDA	58.5%	81.0%	\$17,600
ANAHEIM	75.0%	85.0%	\$13,875
CONTRA COSTA	75.0%	82.5%	\$14,950
FOOTHILL CONSORTIUM	74.5%	84.0%	\$14,000
FRESNO	64.0%	81.0%	\$13,150
GOLDEN SIERRA CONSORTIUM	70.5%	82.0%	\$17,500
HUMBOLDT	55.0%	78.0%	\$13,200
IMPERIAL	65.0%	70.0%	\$10,000
KERN/INYO/MONO CONSORTIUM	68.0%	79.0%	\$12,700
KINGS	64.0%	82.0%	\$12,850
LONG BEACH	51.5%	77.5%	\$14,000
LOS ANGELES CITY	60.0%	78.0%	\$12,850
LOS ANGELES COUNTY	72.0%	80.0%	\$12,500
MADERA	51.5%	76.5%	\$11,650
MARIN	72.5%	82.0%	\$16,600
MENDOCINO	72.5%	81.0%	\$13,500
MERCED	74.0%	81.5%	\$12,750
MONTEREY	65.0%	74.5%	\$10,600
MOTHER LODE CONSORTIUM	60.5%	79.5%	\$12,300
NAPA-LAKE	70.0%	82.0%	\$16,200
NORTH CENTRAL COUNTIES CONSORTIUM	72.0%	78.0%	\$13,500
NORTHERN RURAL TRAINING EMPLOYMENT CONSORTIUM	75.0%	81.5%	\$15,050
NOVA	51.5%	82.5%	\$20,650
OAKLAND	60.5%	77.5%	\$11,650
ORANGE	75.0%	82.0%	\$15,450
RICHMOND	73.5%	83.0%	\$14,250
RIVERSIDE	51.5%	72.0%	\$10,700
SACRAMENTO	54.5%	79.0%	\$13,450
SAN BENITO	75.0%	80.0%	\$11,650
SAN BERNARDINO CITY	73.5%	83.0%	\$11,950
SAN BERNARDINO COUNTY	51.5%	78.0%	\$13,000
SAN DIEGO	60.5%	79.0%	\$13,400
SAN FRANCISCO	73.5%	82.0%	\$13,050
SAN JOAQUIN	68.0%	80.5%	\$14,000
SAN JOSE CITY	51.5%	79.0%	\$14,200
SAN LUIS OBISPO	63.0%	75.0%	\$12,750
SANTA ANA	69.0%	81.0%	\$11,650
SANTA BARBARA	63.5%	86.5%	\$11,650
SANTA CRUZ	72.0%	85.0%	\$16,500
SOLANO	68.0%	80.0%	\$12,650
SONOMA	55.5%	79.0%	\$12,650
SOUTH BAY	74.0%	82.0%	\$11,400
SOUTHEAST LOS ANGELES COUNTY	72.5%	84.0%	\$16,000
STANISLAUS	72.0%	76.0%	\$11,300
TULARE	51.5%	77.5%	\$10,100
VENTURA	73.5%	83.5%	\$14,000
VERDUGO CONSORTIUM	59.0%	82.0%	\$17,250
YOLO	75.0%	85.0%	\$14,250
STATEWIDE GOAL PY 2015-16	64.2%	82.0%	\$14,573

PROGRAM YEAR 2015-16 FINAL PERFORMANCE GOALS BY LOCAL AREAS

DISLOCATED WORKER	ENTERED EMPLOYMENT	RETENTION RATE	AVERAGE EARNINGS
ALAMEDA	69.0%	85.0%	\$20,950
ANAHEIM	79.0%	84.0%	\$16,850
CONTRA COSTA	77.5%	85.0%	\$20,250
FOOTHILL CONSORTIUM	75.0%	87.5%	\$20,000
FRESNO	73.0%	84.5%	\$14,300
GOLDEN SIERRA CONSORTIUM	72.0%	84.5%	\$18,950
HUMBOLDT	67.0%	86.5%	\$14,750
IMPERIAL	70.0%	73.0%	\$10,500
KERN/INYO/MONO CONSORTIUM	73.0%	82.0%	\$14,550
KINGS	68.0%	83.0%	\$15,500
LONG BEACH	61.5%	82.5%	\$17,300
LOS ANGELES CITY	67.5%	80.2%	\$15,150
LOS ANGELES COUNTY	73.0%	84.0%	\$15,400
MADERA	69.0%	83.5%	\$13,100
MARIN	70.0%	82.0%	\$18,500
MENDOCINO	73.0%	79.0%	\$14,900
MERCED	79.0%	83.5%	\$14,500
MONTEREY	62.0%	75.5%	\$13,600
MOTHER LODGE CONSORTIUM	71.5%	83.0%	\$15,650
NAPA-LAKE	73.5%	80.0%	\$16,350
NORTH CENTRAL COUNTIES CONSORTIUM	73.5%	79.5%	\$14,200
NORTHERN RURAL TRAINING EMPLOYMENT CONSORTIUM	78.0%	81.0%	\$15,250
NOVA	57.5%	83.0%	\$26,500
OAKLAND	63.5%	82.5%	\$17,050
ORANGE	79.0%	85.0%	\$18,600
RICHMOND	75.0%	85.0%	\$18,300
RIVERSIDE	56.5%	75.5%	\$13,750
SACRAMENTO	62.5%	83.0%	\$17,800
SAN BENITO	77.5%	82.5%	\$14,500
SAN BERNARDINO CITY	81.0%	86.0%	\$14,750
SAN BERNARDINO COUNTY	56.4%	81.5%	\$13,250
SAN DIEGO	73.5%	79.5%	\$18,050
SAN FRANCISCO	71.5%	87.5%	\$18,000
SAN JOAQUIN	71.5%	83.5%	\$17,200
SAN JOSE CITY	58.5%	83.0%	\$20,100
SAN LUIS OBISPO	65.0%	77.0%	\$14,250
SANTA ANA	62.0%	89.0%	\$14,850
SANTA BARBARA	82.0%	89.5%	\$14,400
SANTA CRUZ	70.5%	84.0%	\$15,050
SOLANO	72.0%	80.0%	\$17,300
SONOMA	60.0%	83.5%	\$17,300
SOUTH BAY	79.0%	86.5%	\$17,000
SOUTHEAST LOS ANGELES COUNTY	73.5%	86.5%	\$16,500
STANISLAUS	78.0%	82.0%	\$14,700
TULARE	57.5%	77.5%	\$11,900
VENTURA	76.5%	84.0%	\$15,750
VERDUGO CONSORTIUM	67.0%	82.0%	\$16,100
YOLO	78.5%	85.0%	\$15,750
STATEWIDE GOAL PY 2015-16	70.5%	85.5%	\$19,201

PROGRAM YEAR 2015-16 FINAL PERFORMANCE GOALS BY LOCAL AREAS

YOUTH	PLACEMENT EMPLOYMENT EDUCATION	ATTAINMENT DEGREE CERTIFICATE	LITERACY NUMERACY GAINS
ALAMEDA	60.0%	51.5%	40.5%
ANAHEIM	72.0%	60.0%	54.0%
CONTRA COSTA	60.0%	51.5%	40.5%
FOOTHILL CONSORTIUM	68.0%	51.5%	62.0%
FRESNO	60.0%	55.0%	45.0%
GOLDEN SIERRA CONSORTIUM	63.5%	64.0%	48.0%
HUMBOLDT	68.0%	57.0%	54.0%
IMPERIAL	50.0%	57.0%	60.0%
KERN/INYO/MONO CONSORTIUM	65.0%	64.0%	40.5%
KINGS	68.0%	62.0%	60.0%
LONG BEACH	72.0%	60.0%	54.0%
LOS ANGELES CITY	72.9%	63.0%	54.4%
LOS ANGELES COUNTY	60.0%	49.0%	53.0%
MADERA	55.0%	64.0%	57.5%
MARIN	55.0%	51.7%	60.5%
MENDOCINO	65.0%	55.0%	50.0%
MERCED	68.0%	64.0%	40.5%
MONTEREY	70.0%	64.0%	59.0%
MOTHER LODE CONSORTIUM	74.0%	51.5%	55.0%
NAPA-LAKE	65.5%	60.0%	48.0%
NORTH CENTRAL COUNTIES CONSORTIUM	68.0%	60.0%	54.0%
NORTHERN RURAL TRAINING EMPLOYMENT CONSORTIUM	64.0%	58.0%	62.0%
NOVA	59.5%	48.0%	48.5%
OAKLAND	55.0%	56.5%	40.5%
ORANGE	70.0%	51.5%	67.0%
RICHMOND	65.0%	51.5%	40.5%
RIVERSIDE	54.0%	60.0%	70.0%
SACRAMENTO	65.0%	64.0%	59.5%
SAN BENITO	70.0%	59.0%	48.5%
SAN BERNARDINO CITY	72.0%	60.0%	65.0%
SAN BERNARDINO COUNTY	67.0%	60.5%	57.0%
SAN DIEGO	70.5%	51.5%	54.5%
SAN FRANCISCO	60.0%	51.5%	40.5%
SAN JOAQUIN	67.2%	55.5%	56.0%
SAN JOSE CITY	60.0%	64.0%	63.5%
SAN LUIS OBISPO	65.0%	64.0%	55.0%
SANTA ANA	70.0%	64.0%	69.5%
SANTA BARBARA	68.0%	64.0%	53.5%
SANTA CRUZ	70.5%	64.0%	72.0%
SOLANO	60.0%	45.0%	42.0%
SONOMA	60.0%	42.0%	35.0%
SOUTH BAY	65.0%	55.0%	55.5%
SOUTHEAST LOS ANGELES COUNTY	68.5%	53.0%	48.5%
STANISLAUS	60.0%	51.5%	61.5%
TULARE	68.0%	53.0%	53.5%
VENTURA	68.0%	58.0%	58.0%
VERDUGO CONSORTIUM	62.5%	64.0%	72.0%
YOLO	72.0%	64.0%	72.0%
STATEWIDE GOAL PY 2015-16	75.0%	64.0%	59.0%

WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-21

Date: December 30, 2015
Expiration Date: 01/30/18
50:dic:kd:17887

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: IMPLEMENTATION OF THE CalJOBSSM CUSTOMER RELATIONSHIP MANAGEMENT (CRM) MODULE

The Employment Development Department (EDD) is pleased to announce the addition of the Customer Relationship Management (CRM) module in CalJOBSSM. The module will be available for use by the Local Workforce Development Areas and the EDD staff on December 31, 2015.

The CRM module meets the business needs of managing, recording, and conducting employer recruitments actively. Currently, CalJOBSSM uses "Preferred Employer" as the only employer account type. CRM will offer "Marketing Lead" as a second employer account type where staff can convert a business contact into an active recruiting employer. Marketing Leads can be created by staff in two different ways: (1) by manual entry, or (2) by converting an external (spidered) employer. Staff should exercise caution when selecting either option as each method will differ in how the marketing lead is completed:

- Creating Marketing Leads by manual entry will require staff to provide employer contact information.
- Creating Marketing Leads by using an external (spidered) employer will allow staff to populate employer contact information from employers who have active job orders in CalJOBSSM.

Ideally, a Marketing Lead should be created when staff establish initial contact with any potential employer and/or business customer.

With the additional options that CRM provides for creating employer recruitments, staff should be aware of, and conduct, the following check points prior to converting a Marketing Lead into a Preferred Employer account:

- Check if the employer is already in CalJOBSSM.
- Verify the employer account type before recording employer service codes or completing any other tasks on behalf of the employer. The indication of account

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type can be found in two places: (1) the “Employer Profile,” under “General Information,” or (2) “Case Management Profile,” under “Marketing Details.”

- Follow current practices for creating job referrals. Job referrals are created for Preferred/Recruiting employers only – not for Marketing Leads. Marketing Lead employers do not have access to post job orders or search for candidates.
- When converting a “Marketing Lead” account to a “Preferred Employer” account, the employer’s username (generated by CalJOBSSM) will remain the same, including the “MKT” prefix. It is recommended that staff remove the “MKT” prefix.
- The traditional employer vetting process will occur when a “Marketing Lead” account is converted into a “Preferred Employer” account type. Employer information will be verified by the WSB staff before the employer is provided CalJOBSSM access.
- CalJOBSSM allows staff to search for employers by “Marketing Lead” or “Preferred Employer” account types. Detailed employer reports also give staff the ability to run reports by “Marketing Lead” or “Preferred Employer” account type.
- EDD and Local Area staff are recommended to continue following the current procedures for employer outreach in respect to other Local Areas.

CRM will also offer “Work Items” as a feature that will allow assigning tasks to staff for completion on behalf of Marketing Lead employers. Detailed CRM reports will be available for the tracking of Work Items and activities provided to Marketing Lead employers. Work Items tasks are not region specific and may be accessed by any staff. Staff with CRM have access to all active marketing leads with no separation between Local Areas.

For further and detailed information on Customer Relationship Management, please refer to the *Staff Services User Guide*, Chapter 28 linked below.

Questions regarding this Information Notice can be directed to Kayleigh Davis, CalJOBSSM Operations Unit, at 916-653-0202.

JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachment is available on the internet:

1. [Staff Services User Guide, Chapter 28](#)

WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-22

Date: January 22, 2016

Expiration Date: 02/22/18

88:42:ls:17919

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: GRANT APPLICATION OPPORTUNITY – SOCIAL INNOVATION FUND PAY FOR
SUCCESS COOPERATIVE AGREEMENT

On December 09, 2015, the Corporation for National and Community Service announced the availability of approximately \$10.6 million in grant funds for the Social Innovation Fund (SIF) Pay for Success (PFS) Cooperative Agreement.

The SIF PFS grant seeks to advance and evaluate emerging models that align payment for social services with verified social outcomes. The SIF PFS seeks to develop emerging models that direct resources toward interventions that produce measurable outcomes. The PFS is consistent with the broader mission of the SIF. Approximately 4 grants up to \$5.4 million will be funded, not to exceed \$10.6 million.

Eligible applicants are non-profit organizations, including public or non-profit universities; faith-based organizations; state and local governments; and other political subdivisions. Applicants must demonstrate that they will provide a dollar-for-dollar match from non-federal funds. Applicants must also demonstrate that they are experienced in social innovation financing and must describe already-conceptualized projects, which applicants would help project operators to implement pursuant to the PFS model. Refer to solicitation for complete detail on special requirements.

The Employment Development Department will not be pursuing this funding opportunity.

Applications must be submitted by February 11, 2016.

For more information about this grant opportunity, please visit the National & Community Service website at <http://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2016/social-innovation-fund-2016-pay-success-grant>.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

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WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-23

Date: January 22, 2016

Expiration Date: 02/22/18

69:97:so:17923

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: WIOA MOU REGIONAL TRAINING SESSIONS

The California Workforce Development Board (State Board), the California Workforce Association (CWA), and the Employment Development Department (EDD) are sponsoring three Memorandum of Understanding (MOU) training sessions. The training is being provided by Greg Newton from Greg Newton and Associates. The purpose of these training sessions is to assist Local Workforce Development Boards (Local Boards) and their core partners in developing the vision, partnerships, and service strategies that are necessary to implement [California's Workforce Development Plan: Skills Attainment for Upward Mobility; Aligned Services for Shared Prosperity](#) (State Plan).

The sessions will provide Local Boards with the opportunity to invite the local core partners that operate the *Workforce Innovation and Opportunity Act* (WIOA) Title II, III, IV and CalWORKS programs for a joint discussion of [Workforce Services Directive WSD5-12: WIOA Memorandums of Understanding](#) and to begin the MOU development process in a manner that effectively implements the WIOA State Plan vision and provides employers and job seekers with seamless access to services through the America's Job Center System of CaliforniaSM (AJCC) system.

Invitations were sent to Local Boards from each regional planning unit with a request for them to compile a team of their local core partners and register for one of the training sessions listed below.

Northern California / Central Valley Training

Date: February 2, 2016

Location: Red Lion Woodlake

500 Leisure Lane

Sacramento, CA 95815

Regional Planning Units: North State, North Bay, Humboldt, Middle Sierra, Capital, San Joaquin

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Southern California Training

Date: February 4, 2016

Location: Buena Park Community Center
6688 Beach Boulevard
Buena Park, CA 90621

Regional Planning Units: Southern Border, Los Angeles Basin, Orange, Ventura, Inland Empire

Bay Peninsula / Central Coast Training

Date: February 23, 2016

Location: San Jose AJCC
1601 Foxworthy Drive
San Jose, CA 95118

Regional Planning Units: Bay-Peninsula, Central Coast, East Bay

State level core partners are strongly encouraged to ensure participation of their local counterparts in these training sessions, and to ensure they're well informed about the partner specific expectations included in the State Plan prior to attending.

All training materials will be sent out in advance for attendees to print and bring with them. Hard copies of the materials will not be provided on site.

If you have any questions please contact Robin Purdy at Robin.Purdy@cwdb.ca.gov.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-24

Date: February 1, 2016

Expiration Date: 03/01/18

50:60:ha:17479

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: CALJOBSSM TRAINING ACTIVITY SERVICE CODES FOR THE ETPL

The Employment Development Department is providing the Workforce Development Community with additional guidance to the Eligible Training Provider List (ETPL) Directive [WSD 15-07](#).

The following list of training activity codes are referenced in the ETPL Directive.

CalJOBS SM Service Code	Training Service Code Description	Definition
224	Pre-Apprenticeship Training	The participant enrolled in a Pre-Apprenticeship (PA) program or set of strategies designed to prepare the individual to enter and succeed in a Registered Apprenticeship (RA) program that has a documented partnership with at least one, if not more, RA programs. The PA's training and curriculum must be based on industry standards; approved by the documented Registered Apprenticeship partner(s); and prepare the individual with the skills and competencies needed to enter one or more Registered Apprenticeship program(s) (TEGL 13-12). This activity code requires staff to provide justification in CalJOBS SM under case notes.
300	Occupational Skills Training - Approved Provider List (ITA)	The participant enrolled in a State Board-approved ETPL training program designed to provide the technical skills necessary to perform a specific job or group of jobs.

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301	On-The-Job Training	A participant took part in paid training while engaged in productive work in a job. The training: (a) provided knowledge or skills essential to the full and adequate performance of the job; and (b) provided reimbursement to the employer for up to 50% of the participant's wage rate, for extraordinary costs of providing the training and additional supervision related to the training; and (c) was limited in duration that was appropriate to the occupation for which the participant was being trained, taking into account the training's content, the participant's prior work experience, and the participant's service strategy, as appropriate.
302	Entrepreneurial Training	A participant attended entrepreneurial skills training that included, but was not limited to: the elements of starting and operating a small business, business plan development, securing financing, general business law concepts, employee management, and the understanding marketing concepts.
304	Customized Training	An individual took part in an employer's customized training program. The training was designed to meet the specific requirements of an employer and was conducted with a commitment by the employer to employ an individual upon successful completion of the training. The employer paid a significant portion of the cost of training, as determined by the local board involved, taking into account the size of the employer and such other factors as local board determines appropriate, which may include the number of employees participating in training, wage and benefit levels of those employees, relation of the training to the competitiveness of a participant and other employer-provided training advancement opportunities. In the case of customized training involving an employer located in multiple areas in the State, a significant portion of the cost of the training, as determined by the Governor of the State, taking into account the size of the employer and such other factors as the Governor determines to be appropriate.
305	Skills Upgrading & Retraining	A participant was provided training for the purpose of upgrading his/her skills, and/or re-training.
306	WIOA Prerequisite Training	A participant attended pre-requisite coursework/training that a training institution requires before entry into an approved training program.
320	Private Sector Training	A participant attended a training program operated by the private sector.
323	Workplace Training & Cooperative Education	A participant attended a training program that combined workplace training with related instruction. This definition includes cooperative education programs.

325	Apprenticeship Training	A participant was enrolled into an apprenticeship program approved and recorded by the U.S. Department of Labor's Employment and Training Administration, Bureau of Apprenticeship and Training; or, by a recognized state apprenticeship agency or council, such as the California Department of Industrial Relations, Division of Apprenticeship Standards.
330	Local Board Determination	A participant enrolled in a training program that can bypass the ETPL upon the determination of the California Workforce Development Board (CWDB) for reasons such as, higher education, lack of providers, and barriers to employment etc. This activity code requires staff to provide justification in CalJOBS SM under case notes.
346	Out of State Training Provider – Other ETPL	A participant who is enrolled with a provider headquartered outside of California who does not have an in-state training facility. Provider must be listed on another state's ETPL. This activity code requires staff to provide justification in CalJOBS SM under case notes.
416	Out of School Youth – Aged 18-24 – Approved Provider List (ITA)	An out-of-school Youth participant aged 18 to 24, who was enrolled in occupational skills training, which included priority consideration for training programs that led to recognized post-secondary credentials, and that is aligned with an in-demand industry sector(s) or occupations in the Youth's local area (W Sec 129 c/2/D). Provider must be on the statewide Eligible Training Provider List (ETPL)

For information on the Eligible Training Provider List (ETPL), please refer to [WSD 15-07](#).

For questions on the ETPL, please contact WSBETPL@edd.ca.gov or 916-654-9311.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-25

Date: February 2, 2016

Expiration Date: 03/02/18

88:42:ls:17931

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: GRANT APPLICATION OPPORTUNITY – LINKING TO EMPLOYMENT ACTIVITIES
PRE-RELEASE (LEAP-2) THROUGH SPECIALIZED AJC LOCATIONS

On January 13, 2016, the U.S. Department of Labor Employment and Training Administration announced the availability of approximately \$5 million in grant funds for the LEAP-2 grant.

The LEAP-2 grant funds will be used to establish and operate jail-based America's Job Center (AJC) locations, or expand existing career centers within jails that provide reentry services. The jail-based AJCs will be linked with AJCs that serve the general public to provide adult inmates opportunities for successful reentry into the community. Inmates eligible for these services are those scheduled for release within 180 days and who have not been convicted of a sexual offense other than prostitution. Approximately 10 grants up to \$500,000 each will be funded, not to exceed \$5 million.

Eligible applicants are Local Workforce Development Boards in partnerships with their county or municipal governments and their county, municipal or regional correctional facilities. State and federal correctional facilities are not eligible. Evidence of this partnership must be provided in the application. Current LEAP grantees may seek additional funding to propose new and separate projects that will not serve any of the same correctional facility locations currently funded by the LEAP grant.

The Employment Development Department will not be pursuing this funding opportunity.

Applications must be submitted by February 26, 2016.

For more information about this grant opportunity, please visit the grants.gov website at <http://www.grants.gov/web/grants/view-opportunity.html?oppId=280963>.

JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

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WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-26

Date: February 2, 2016

Expiration Date: 03/02/16

88:42:ls:17924

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: GRANT APPLICATION OPPORTUNITY – TECH HIRE PARTNERSHIP GRANTS

On November 17, 2015 the Department of Labor announced the availability of \$100 million in H-1B grant funds for the TechHire Partnership Grant.

The TechHire Partnership grant will fund efforts to provide the fastest paths for eligible individuals to well paying, middle and high skilled, high growth jobs in occupations for which H-1B visas have been certified, or other occupations in industries in which a significant number of H-1B visas have been certified within a service area. At least \$50 million of the grant funds will be used for projects serving individuals ages 17-29 who face barriers to training and employment. No more than \$50 million will be funded for projects serving individuals of any age over 17 with disabilities, with limited English proficiency, or with criminal records. Approximately 30-40 grants ranging from \$2-\$5 million each will be funded.

Eligible applicants are public and nonprofit entities that must include the workforce investment system; an education and training provider; and a business-related nonprofit organization, an organization functioning as a workforce intermediary, a consortia of three or more businesses, or at least three independent businesses that may not be grant applicants.

The Employment Development Department will not be pursuing this funding opportunity.

Applications must be submitted by March 11, 2016.

For more information about this grant opportunity, please visit the grants.gov website at <http://www.grants.gov/web/grants/view-opportunity.html?opId=280094>.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

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WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-27

Date: February 2, 2016

Expiration Date: 03/02/18

88:42:ls:17915

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: GRANT APPLICATION OPPORTUNITY – STRENGTHENING WORKING FAMILIES
INITIATIVE

On December 17, 2015 the U.S. Department of Labor announced the availability of approximately \$25 million in grant funds for the Strengthening Working Families Initiative.

The Strengthening Working Families Initiative will fund projects that can provide affordable, high-quality child care for working families and families that are involved with employment and/or training, taking into account the barriers that are encountered by working families. Approximately 10 grants up to \$4 million each will be awarded.

Eligible applicants are partnerships that include the public workforce system, education and training providers, business entities, and local child-care or human-service providers. All partnerships must include at least three employer partners, or an employer or regional industry association consisting of at least three employers with demonstrated engagement in the project. Grantees will be required to secure at least a 25 percent match through outside leveraged resources.

The Employment Development Department will not be pursuing this funding opportunity.

Applications must be submitted by March 16, 2016.

For more information about this grant opportunity, please visit the grants.gov website at <http://www.grants.gov/web/grants/view-opportunity.html?oppld=280609>.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

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WORKFORCE SERVICES INFORMATION NOTICE

Number: WSIN15-28

Date: February 5, 2016

Expiration Date: 03/05/18

50:94:rr:17942

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: CalJOBSSM USER GROUP MEETING MAY 2016

The Workforce Services Branch (WSB) invites Local Workforce Development Area (Local Area) Management Information System Administrators and Alternates, Employment Development Department (EDD) Single Points of Contact/Ambassadors, and other Local Area/EDD Staff who would benefit from the information being provided to attend the upcoming CalJOBSSM User Group Meeting. This meeting will be held at the following location on May 25 and 26, 2016:

Hilton San Diego Mission Valley
901 Camino Del Rio South
San Diego, CA 92108
619-767-5514

With the implementation of the *Workforce Innovation and Opportunity Act* and new performance standards on the horizon, there will be a benefit for program staff to attend this meeting. The draft agenda and breakout session overview are attached below. We will be soliciting for more topics in the near future.

REGISTRATION

Complete the [online Registration Form](#) to register for the Spring 2016 CalJOBSSM User Group Meeting. The online registration website is open from February 5, 2016 to April 20, 2016. You will receive a confirmation e-mail from Eventbrite when registration is complete.

Contact the CalJOBSSM Training Team at CalJOBSTrainingTeam@edd.ca.gov if you need assistance with registering.

SPACE LIMITATIONS

We will guarantee a place for the meeting for three representatives from each Local Area, 15 representatives from each of the WSB field divisions, and two representatives from non-Local Areas (EDD Direct Subgrantees and Non-Local Areas). On April 21, we will begin approving the

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waiting list. If additional representatives would like to be added to the waiting list, complete the CalJOBSSM User Group Meeting Spring 2016 [Waiting List Registration Form](#) on Eventbrite and submit it to CalJOBSTrainingTeam@edd.ca.gov. You will receive a confirmation e-mail from Eventbrite when space becomes available, after the registration period is complete.

ROOM RESERVATIONS

Room reservations must be made directly with the Hilton San Diego Mission Valley by Monday, April 25, 2016, to guarantee you receive the special group rate. Reservations can be made in one of two ways:

- Call 1-800-682-6099 and mention the Group Name “CalJOBSSM User Group Meeting”
- Use the online reservation website, [CalJOBS User Group Meeting](#)

A block of rooms has been reserved under the Group Name “CalJOBSSM User Group Meeting” with a special room rate of \$125 per night plus tax. The hotel will offer this rate for the night of May 24 through May 27.

Check-In time is 4 p.m., and Check-Out time is 11 a.m.

Hotel self-parking is \$5 per day for meeting attendees. Airport shuttle transportation to and from the San Diego Airport is also discounted for meeting attendees by \$2 for One-Way trip or \$4 for Roundtrip through [Super Shuttle](#).

The hotel will provide complimentary guest room internet, as well as basic meeting room WiFi.

If you have any questions regarding this notice, please contact Janna Evans, CalJOBSSM Education and Development Unit Analyst, at 916-653-3277 or janna.evans@edd.ca.gov.

We look forward to seeing you in San Diego.

/S/ JOSÉ LUIS MÁRQUEZ, Chief
Central Office Workforce Services Division

Attachments are available on the internet:

1. [Draft Agenda May 2016: CalJOBSSM User Group Meeting](#)
2. [Draft Breakout Session Overview](#)