

WIOA Monitor Manual

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NEBRASKA

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DEPARTMENT OF LABOR

Table of Contents

Section I:	General Information.....	2
	• Preface	3
	• Introduction	4
	• Monitoring Process	6
	• Definitions	10
	• Time Schedules	16
Section II:	Monitor Plans	17
	• Review Plans	18
Section III:	Example of Working Papers	58
	• Governance	59
	• One-Stop System	111
	• Program	118
	• Reporting	162
	• Equal Opportunity/Nondiscrimination	169
Section IV:	Other Reviews	205

Section I

General Information

Preface

This monitoring manual has been developed to be a reference for statewide Workforce Innovation and Opportunity Act (WIOA) programs and American Job Centers (AJCs) monitoring activities. This manual is intended to be used as a guide and does not limit the reviewer in number, scope, or format.

This document is based on the WIOA, its final corresponding regulations, U.S. DOL guidance, State Policies, statutes and issuances in place at development, December 2, 2016. This policy may be subject to change as additional TEGs are released. Users must always check for the most current guidance prior to conducting a review.

Introduction

Title I of the Workforce Innovation and Opportunity Act (WIOA) focuses on increasing access to, and opportunities for individuals in employment, education, training and support services to allow them to succeed in the labor market with particular focus on those individuals with disabilities or other barriers to employment. State and local officials and local workforce Development Boards (WDB) have a strategic role in increasing flexibility and tailoring services of the public workforce system to meet employer and worker needs. The one-stop system requires streamlining service delivery across multiple programs through colocation, coordination and integration of activities and information to make the system understandable and accessible. Partner alignment of workforce investment, education and economic development systems support development of a comprehensive, accessible, and high quality workforce development system at all levels. WIOA places emphasis on program performance and accountability at the State and local area levels.

Each recipient and subrecipient must monitor grant-supported activities in accordance with 2CFR Part 200. For WIOA Adult, Dislocated Worker and Youth grants the Nebraska Department of Labor (NDOL) must develop a monitoring system¹ that demonstrates sufficiency to ensure establishment of policies to achieve program performance and outcomes, enable the State to determine if subrecipients and contractors have demonstrated substantial compliance with the Act, enable the State to determine whether a local plan will be disapproved for failure to make acceptable progress in addressing deficiencies as required in WIOA sec.108 (e), enable the State to ensure compliance with the nondiscrimination, disability and equal opportunity requirements of WIOA sec. 188. The system must provide annual on-site monitoring of compliance with 2CFR part 200 as required by WIOA sec.184(a)(4), require that prompt corrective action be taken if any substantial violation of standards identified and impose sanctions provided in WIOA secs. (184)(b)-(c) in the event of a subrecipient's failure to take required corrective action.² The State must certify to the Secretary of Labor, every two years that monitoring of local areas has occurred to ensure compliance with the uniform administrative requirements and taken appropriate action to secure compliance with the requirements pursuant to paragraph.³

The NDOL, Office of General Counsel, Program Specialist is responsible for development and implementation of Nebraska's oversight system. This manual, applicable to WIOA Adult, Dislocated Worker and Youth WIOA funds passed through the Governor to the local workforce development areas, represents the Nebraska State Monitoring System developed to meet the requirements of the Act⁴, its implementing regulations⁵ and government uniform administrative requirements⁶.

¹ 20 CFR §683.400(c)(2)

² 20CFR §683.410(b)(5)

³ WIOA Sec. 184(a)(6)

⁴ WIOA Sec. 184 (a)(3)-(6); (b)(1)

⁵ 20 CFR §683.400 & .410

⁶ 2 CFR §200..328, 330, .331, .338; §2900.3

The manual is divided into four sections.

- Section I provides general information.
- Section II provides Monitor Plans. Plans include information on the manner in which reviews are typically conducted on an annual basis; scope, areas of review, relevant references, documents, and interview. The plans are the basis for review, all or part may be included in a given review, additional areas of review may be added based on history, circumstances or specialist's assessment. The guide is based on the applicable statutes regulations, rules and guidance released by the U.S. Government and the State of Nebraska in place at the time of development. Changes may occur with the release of revised or additional statutes, regulations, rules, guidance and policies.

The oversight goal is to conduct each review for each local workforce development area (WDA) on an annual basis. Variances may occur based on risk assessments evaluating areas with a significantly higher risk or with a lower risk or other circumstances as determined by the Program Specialist with notification and concurrence of the General Counsel.

- Section III provides examples of monitoring tools which may be used in the oversight process.
- Section IV provides space for additional areas of oversight. Additions may be made to incorporate special reviews, assignment of new funding oversight responsibilities or requests.

Monitor Process

Nebraska Department of Labor (NDOL) utilizes a hybrid of virtual, onsite and desk review

- A. Notification Process:** With the exception of unscheduled reviews, notification of pending reviews will be given at least ten (10) days before each review. The written notice informs the entity of the area of review, materials to be provided by the local area, and the date material submissions are due. The Nebraska Department of Labor (NOL) is authorized to monitor any entity receiving WIOA funds, and these reviews may include virtual file reviews, entering sites or premises to examine program and fiscal records, question employees, and interview participants. NDOL reserves the option to conduct unannounced or unscheduled reviews as appropriate.

The specialist will determine and schedule dates for onsite activities, if any, based in part on the information and materials provided by the local area. Interviews will be arranged with the administrative entity. When onsite date(s) selected by the specialist are not convenient for the entity being monitored, the Program Specialist shall be contacted immediately with a written request to reschedule identifying reasons for request and other dates available. Reasons, previous requests, failure to comply and the timeframe available for completion of scheduled review will be considered. When the specialist determines there is good cause and time available to conduct annual reviews they will work with the local area in an attempt to determine a mutually satisfactory date(s) within the period available for completion of the review.

- B. Monitor Review Process:** The NDOL shall utilize monitor review plans and guides to conduct objective system and program evaluations. These guides may be amended as regulatory changes occur.

The monitor review may be conducted through desktop evaluation, onsite evaluation, remote access or a combination process.

The NDOL is authorized to monitor any entity receiving Workforce Innovation and Opportunity Act (WIOA) funds, the review may include examining program records, questioning employees, interviewing participants and entering any site or premise which receives WIOA funds.

Random sample techniques will be used to perform the review of program records. The goal is to select a sample pool equal to 10% of the number of total participants during the program year through review period and may include up to 100% of the record universe if the universe is small or if problems are identified during the review. Sample pools may be adjusted based on results and consistency of records inspected at the discretion of the program specialist.

Monitor review interviews will be held with appropriate officials for each review conducted. Exit interviews are available to administrators or other designees at the completion of desk, remote and onsite review activities, reviews will be completed based on information available if administrative contacts decline or fail to respond to interview request.

Monitor review working papers will be established during the review and maintained by the Program Specialist, Office of General Counsel, NDOL.

C. Programs and Systems: The oversight goal is to examine the following programs and systems at least once annually. Neither NDOL nor the Program Specialist, Office of General Counsel, are limited to this list and may review other areas as necessary or upon request. Areas of review may be conducted as a standalone review or incorporated into other monitoring reviews.

1. Governance

- a. Workforce Development Board⁷

2. Financial⁸

- a. Financial Management Systems - Accountability and Internal Controls
- b. Procurement
- c. Property Management

3. One-Stop System⁹

4. Program

- 4.1 Adult/Dislocated Worker
- 4.2 Youth¹⁰

- a. Delivery

- Program Design
- Linkages
- Participant Eligibility Determination and Documentation
- Participant Priority Documentation
- Participant Assessment and Referral
- Outreach and Recruitment
- Career Planning
- Activities
- Supportive Service
- Follow-up Services

⁷ WIOA Sec. 107, 20 CFR §679.300-.430

⁸ 2CFR §200

⁹ WIOA Sec. 121

¹⁰ WIOA Title I Subtitle B Chapters 2 and 3, 20 CFR §680, §681

- Closures and Exits
- Record Creation and Maintenance

b. Training

- Eligibility for Training Services
- On-the-Job Training
- Occupational Skills Training
- Summer Employment (Youth only)
- Incumbent Worker Training
- Workplace training combined with related instruction
- Private Sector Training
- Skill Upgrading and Retraining
- Entrepreneurial Training
- Transitional Jobs
- Pre-apprenticeship Programs (Youth only)
- Internship/Job Shadowing (Youth only)
- Job Readiness in combination with other training services
- Adult Education and Literacy activities, English Language Acquisition and education and training programs provided concurrently or in combination with other training services
- Customized Training
- Individual Training Accounts
- Eligible Training Providers

5. Reporting¹¹ reviews.

These areas of review are not conducted as standalone

- Management Information System timeliness and accuracy
- Follow-up Systems
- Tracking and reporting of mandated expenditure percentages
- Tracking and reporting of maximum expenditure percentages

6. Additional WIOA Areas

- Equal Opportunity/Nondiscrimination
- Grievances or Complaints of a Nondiscriminatory and Noncriminal Nature

¹¹ State WIOA; ETA 9170 – PIRL; TEGL 22-15; 20 CFR §681.410 & .590, §683.300, 2 CFR §200.302, .327 & .308

- D. Monitor Reports:** The Program Specialist shall issue an electronic monitor report and forward it to the administrative entity monitored within 30 days of the completion of the review. Copies of reports will be distributed to the Chief Elected Official or Chief Elected Officials Board, Workforce Development Board Chair, local administrator, Commissioner of Labor, NDOL General Counsel and Executive Director, NDOL Office of Employment and Training.

The monitor report shall be published in the in a format selected to provide recipients with:

- Scope of Review
- Limitations (if applicable)
- Areas of Review and Findings
- Areas of Concern (if applicable)
- Corrective Action if Required

- E. Corrective Action:** If corrective action is required as a result of the monitor review, the entity must submit a corrective action plan in writing to the Program Specialist within 30 days of the receipt of the monitor report.

The corrective action plan shall identify the action steps that the entity has or will initiate to correct the problem, estimated date the problem will be resolved, and how the local board shall be involved in addressing the issues.

The Program Specialist will review all corrective action plans submitted and evaluate the content of the plan to determine if it is sufficient to reasonably result in resolution of the finding. A written statement will be issued within ten (10) working days acknowledging receipt, approving plan resolving findings or requiring additional action. The local area may request an in person meeting with the specialist to discuss any corrective action plan which is not accepted for resolution.

The entity may be required to provide a monthly progress report during any month that a corrective action plan implementation is pending, incomplete or was not accepted as sufficient to achieve resolution. Reports are a means to track pending corrective action plans and accepted corrective action plans to full implementation. This report will describe the progress the entity has made in the past month toward correcting those problems identified in the review findings and additional action steps planned, if any.

In the event it is determined by the specialist that an entity is either unable or unwilling to resolve issues of a review through the corrective action process a referral will be made to the Commissioner of Labor for action. The request will provide notification that resolution is not possible through the monitoring system, a summary of the findings, steps to date of referral and supporting references and guidance; the specialist may make recommendations, however, final action

is determined by the recipient of the referral. The Commissioner, as the Governor's designee, may take any action he or she determines appropriate to resolve such as reviewing conflicting monitor finding(s) and local area written supported position(s), mandated technical assistance or any action described in WIOA Sec. 184(b) to assist the local area in achieving compliance.¹²

Inappropriate and/or unsupported expenditures identified as the result of oversight activities, unresolved through exit interview(s) or service provider discussions, including those due to a failure to accurately determine and/or sufficiently document eligibility, failure to record a participant in NEworks at the time of expenditure or other issues impacting allowability will be questioned or disallowed costs. The administering entity will be notified of questioned cost and/or required to provide total expenses for any participant who fails eligibility for participation or activity eligibility, no further Federal funds may be used.

Both review findings and questioned/disallowed costs will be considered in evaluating whether a substantial violation of standards has occurred; sanctions and fiscal controls may be imposed according to WIOA sections 184(b) and (c) by the Governor or his designee. These actions may be appealed to the Secretary of Labor in accordance with section 184(b) (2).

At the discretion of the NDOL, Office of General Counsel or upon request of the Commissioner of Labor, State Board or State WIOA Administrator further reviews may be implemented. NDOL reserves the right to conduct unannounced or unscheduled monitor reviews as determined appropriate by the Program Specialist.

- G. Circulation:** Correspondence and copies of the monitor reports will be dispensed to the following; it is the responsibility of local administrators to provide other parties they may determine necessary with copies:
- Local Workforce Development Area Administrative Entity
 - Local Workforce Development Area Board Chair
 - Commissioner of Labor
 - Chief Elected Official or Chief Elected Officials Board
 - Executive Director, Office of Employment & Training (NDOL)
 - General Counsel (NDOL)
 - Monitor File
 - Equal Opportunity Officers will receive copies of the EO/Nondiscrimination Report

DEFINITIONS

ADMINISTRATIVE COSTS means the term “administrative costs” means expenditures incurred by State boards and local boards, direct recipients (including State grant recipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant

¹² 20 CFR §683.720

recipients, local fiscal agents or local grant subrecipients, and one-stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and nonpersonnel costs and both direct and indirect costs.¹³ As described in 20 CFR§683.205.

ADULT means, except as otherwise specified in section 132, the term “adult” means an individual who is age 18 or older.¹⁴

BASIC SKILLS DEFICIENT means an individual who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or who is a youth or adult, that the individual 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.¹⁵

CAREER PATHWAY means a combination of rigorous and high-quality education, training, and other services that aligns with the skill needs of industries in the economy of the State or regional economy involved; prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171); includes counseling to support an individual in achieving the individual's education and career goals; includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster; organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable; enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and helps an individual enter or advance within a specific occupation or occupational cluster.¹⁶

CAREER PLANNING means the provision of a client-centered approach in the delivery of services, designed to prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and to provide job, education, and career counseling, as appropriate during program participation and after job placement.¹⁷

CHIEF ELECTED OFFICIAL means the chief elected executive officer of a unit of general local government in a local workforce development area; and in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in section 107(c)(1)(B).¹⁸

CONTRACT means a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in the uniform administrative requirements does not include a legal instrument, even if the non-

¹³ WIOA sec. 3 (1)

¹⁴ WIOA sec. 3 (2)

¹⁵ WIOA sec. 3 (5)

¹⁶ WIOA sec. 3 (7)

¹⁷ WIOA sec. 3 (8)

¹⁸ WIOA Sec. 3 (9)

Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward.¹⁹

CORRECTIVE ACTION means action taken by the auditee that corrects identified deficiencies; produces recommended improvements; or demonstrates that audit findings are either invalid or do not warrant auditee action.²⁰

CROSS MATCH: Detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence. For example, Temporary Assistance to Needy Families (TANF) participation can be determined by a cross-match with the state's public assistance database. It is not sufficient to find that the sampled SSN is present in the public assistance database; validators must also find supporting information such as dates of participation and services rendered.²¹

DEPARTMENT OR DOL means the U.S. Department of Labor, including its agencies and organizational units. NDOL indicates the Nebraska Department of Labor.

DESIGNATED LOCAL AREA means a local workforce development area (WDA) designated by the Governor under WIOA sec. 106.

DISALLOWED COSTS means those charges to a Federal award that the Federal awarding Agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award.²²

EMPLOYMENT AND TRAINING ACTIVITY means an activity described in section 134 that is carried out for an adult or dislocated worker.²³

EQUAL OPPORTUNITY DATA means data on race and ethnicity, age, sex, and disability required by 29 CFR part 38 of the Department of Labor regulations implementing sec. 188 of WIOA, governing nondiscrimination.²⁴

EMPLOYMENT AND TRAINING ADMINISTRATION or ETA means the Employment and Training Administration of the U.S. Department of Labor²⁵, or its successor organization. (Office of Employment and Training indicates a division of the Nebraska Department of Labor).

EXPENDITURE means charges made by a non-Federal entity to a project or program for which a Federal award was received.²⁶

FAMILY means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple²⁷

¹⁹ 20 CFR § 675.300

²⁰ 2 CFR § 200.26

²¹ TEGL 22-15

²² 2 CFR § 200.31

²³ WIOA sec. 3(19)

²⁴ i.d.

²⁵ i.d.

²⁶ 2 CFR § 200.34

²⁷ 20 CFR § 675.300

FEDERAL AWARD means: The Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in 2 CFR 200.101²⁸

GAAP has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).²⁹

GRANTEE the direct recipient of grant funds from the Department of Labor under a grant or grant agreement. A grantee also may be referred to as a recipient.³⁰

INTERNAL CONTROLS means a process implemented by a non-Federal entity designed to provide reasonable assurance regarding the achievement of the following objectives for Federal awards: (a) Effectiveness and efficiency of operations; (b) Reliability of reporting for internal and external use; and (c) Compliance with applicable laws and regulations.³¹ Non-Federal entities must establish and maintain effective internal control over the Federal award as described in §200.303.

LOCAL WORKFORCE DEVELOPMENT BOARD (Local WDB) means a local workforce development board established under WIOA sec. 107, to set policy for the local workforce development system.³²

MANAGEMENT INFORMATION SYSTEM DOCUMENTATION: Unless otherwise noted, refers to specific, detailed information that is stored in the state's information system (NEworks) that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable source documentation in and of itself.³³

NDOL means Nebraska Department of Labor.

NON-FEDERAL ENTITY in the DOL means a state, local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, foreign organization or nonprofit organization that carries out a Federal award as a recipient or subrecipient.³⁴

NONPROFIT ORGANIZATION means any corporation, trust, association, cooperative, or other organization, not including IHEs, that: is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses net proceeds to maintain, improve, or expand the operations of the organization.³⁵

PARTICIPATION occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff assisted WIOA service, which does not include self-service or informational activities. (See register).³⁶ To participate in the WIOA youth program all of the following must occur: an eligibility determination,

²⁸ i.d.

²⁹ 2 CFR § 200.49

³⁰ 20CFR § 675.300

³¹ 2 CFR § 200.61

³² 20CFR § 675.300

³³ TEGL 22-15 Attachment A

³⁴ 2 CFR § 2900.2, § 200.69

³⁵ 2 CFR § 200.70

³⁶ 20 CFR §680.110(b)

development of an individual service strategy and participation in any of the 14 WIOA youth elements.³⁷

PASS-THROUGH ENTITY means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.³⁸

QUESTIONED COSTS means a cost that is questioned by an auditor, Federal Project Officer, Grant Officer, or other authorized awarding agency representative because of an audit or monitoring finding which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds; where the costs, at the time of the audit, are not supported by adequate documentation; or where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.³⁹

RECIPIENT means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients.⁴⁰

REGISTER means the point at which an individual seeks more than minimal assistance from staff in taking the next step towards self-sufficient employment. This is also when information that is used in performance information begins to be collected. At a minimum, individuals must provide identifying information to be registered.⁴¹

SECRETARY means the Secretary of the US Department of Labor, or their officially delegated designees.⁴²

SELF-ATTESTATION: Self-attestation (also referred to as a participant statement) occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the state management information system, with an online signature.⁴³

SOURCE DOCUMENTATION: Standards set by U.S. DOL issued through TEGLs, Attachment A. The validation instructions provide multiple forms of acceptable source documentation. Ideally, all source documentation should tell the same story regarding the participant, services rendered, and outcomes. However, if the state collects multiple sources for the same data element and the sources conflict, the most reliable source should be used to determine if the element passes or fails. For example, for School Status at Participation (DRVS Field# 30), copies of records from an educational institution are a more reliable source than participant self-attestation.⁴⁴

STATE BOARD means a State Workforce Development Board (State WDB) established under

³⁷ 20 CFR §681.320

³⁸ 2 CFR §200.74

³⁹ 2 CFR §200.84

⁴⁰ 2 CFR §200.86

⁴¹ 20 CFR Preamble Page 56086 B. Part 675

⁴² 20 CFR §675.100

⁴³ TEGL 22-15

⁴⁴ i.d.

WIOA sec. 101.⁴⁵

SUBAWARD means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.⁴⁶

SUBRECIPIENT means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual that is a beneficiary of such program. A subrecipients may also be a recipient of other Federal awards directly from a Federal awarding agency.⁴⁷

UNIT OF GENERAL LOCAL GOVERNMENT means any general purpose political subdivision of a State that has the power to levy taxes and spend funds, as well as general corporate and police powers.⁴⁸

WAGNER-PEYSER ACT means the Act of June 6, 1933, as amended, codified at 29 USC 49 et seq.⁴⁹

WORKFORCE INVESTMENT ACTIVITIES mean the array of activities permitted under title I of WIOA, which include employment and training activities for adults and dislocated workers, as described in WIOA sec. 134, and youth activities, as described in WIOA sec. 129.⁵⁰

YOUTH WORKFORCE DEVELOPMENT ACTIVITIES the term “youth workforce investment activity” means an activity described in section 129 that is carried out for eligible youth (or as described in section 129(a) (3) (A)).⁵¹

⁴⁵ 20 CFR §675.100

⁴⁶ 2 CFR §200.92

⁴⁷ 2 CFR §200.93

⁴⁸ WIOA Sec. 3 (62)

⁴⁹ 20 CFR §675.100

⁵⁰ WIOA Sec. 3 (68)

⁵¹ WIOA Sec. 3 (71)

Time Schedules

- Notification:** Notification of impending monitor onsite review activities and material request will be sent (10 days prior whenever possible).
- Monitor Report:
(30 days)** A monitor report will be issued within 30 days of the completion of the monitor working papers.
- Corrective Action:
(30 days)** Submission of a corrective action plan will be required within 30 days of a monitor report. This plan must be submitted in writing from the Workforce Development Board (WDB) or the named administrative entity, copied to the WDB Chair, to the WIOA Program Specialist at first initial. last name (i.e. john.doe)@nebraska.gov.
- Progress Reports:
(30 days)** A progress report will be issued by the local area to WIOA Program Specialist each month until the corrective action has been accomplished.
- Monitor Report:** Additional monitor reviews may be conducted at the discretion of the WIOA Program Specialist.

Section II

Monitor Plans

1. a. WIOA Local Workforce Development Board (WDB) Monitor Plan

Workforce Innovation and Opportunity Act (WIOA) Section 107 (a) there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the Functions described in Subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist will conduct a review examining the creation of a local Workforce Development Board (WDB) compliant with the composition requirements of the WIOA and its implementing regulations. Certification by the Governor recognizing the WDB and authorizing functions of a WDB board. Performance of WDB in conducting assigned responsibilities are also considered. This review will be conducted primarily as a desk review. Initiation of an onsite review may result from local area preference to review documents onsite or questions arising from review activities or an exit interview request from the local area. Some areas listed may be incorporated in other annual reviews.

Area of Review:

1. **Workforce Development Board (WDB):** WIOA sets standards for establishing a workforce development board in each local area of a State to carry out the functions of the local area. Board membership must be consistent with the law and, when the Governor has established criteria for use in local area appointment of members, followed such procedures and seated a board with a majority of members who are representatives of business in the local area nominated by business organizations or trade associations; not less than 20% of the membership is representatives of labor organizations nominated by labor federations including a representative from a joint labor-management assistance program and may include representatives of community-based organizations that have demonstrated expertise in addressing employment needs of individuals or addressing employment, training, or education needs of eligible youth and representatives of entities administering education and training activities. Each board may include such other individuals as the chief elected official deems appropriate. A chair must be elected from the business representatives.
2. **Certification:** The Governor is charged with certifying the board every two years based initially on the membership requirements under (b) and for subsequent certification, the extent to which the board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106 (e) (2).
3. **By-Laws and Conflict of Interest:** The Chief Elected Official must establish by-laws, consistent with State policy for Local WDB membership, that at a minimum address: the nomination process used by the CEO to select the Local WDB chair and members; the term limitations and how the term appointments will be staggered to ensure only a portion of membership expire in a given year; the process to notify the CEO of a WDB member vacancy to ensure a prompt nominee; the proxy and alternative designee process that will be used when a WDB member is unable to attend a meeting and assigns a designee as per the requirements at 20CFR §679.110(d)(4); the use of technology, such as phone and Web-based meetings, that will be used to promote WDB member participation; the process to ensure WDB members actively participate in convening the workforce development system's stakeholders, brokering relationships with a diverse range of employers, and leveraging support for workforce development activities; and a description of any other conditions governing appointment or membership on the Local WDB as deemed appropriate by the CEO.

A Local WDB member, or WDB standing committee member must neither cast a vote on, nor participate in any decision-making such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or

that member's immediate family. Neither membership on the Local WDB, or a WDB standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions. In accordance with the requirements at 2CFR §200.112, recipients of Federal awards must disclose in writing any potential conflict of interest to the Department. Subrecipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

4. **Plan:** Consistent with WIOA section 108, functions of the local WDB include development of the local area plan in partnership with the chief elected official(s), collaborate in regional planning, assist in the development of labor market information, convening local workforce development system stakeholders to take part in development of the plan and identify expertise and resources to leverage support, lead efforts to engage employers, with local secondary and postsecondary education programs lead efforts to develop and implement career pathways, identify, promote and disseminate information on promising strategies and initiatives, develop strategies for using technology to maximize accessibility and effectiveness of the local system, negotiate performance goals with State, select one stop operator (sec. 121(d)) with the agreement of CEO and certify one-stop(s) (sec. 121 (d)(2)(A) 0, selection of youth providers (sec. 123), identify eligible service providers (sec. 122) of training services and identification of eligible providers of career services (sec. 134(c)(2)). The local WDB work with the state to ensure there are sufficient numbers and types of providers of services (sec. 122(2) & (3), sec. 134(c)). Coordinate activities with education and training providers in the area.

The local WDB is responsible for developing a WIOA budget consistent with the local plan, subject to CEO approval.

5. **Agreements:** In a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials in the appointment of the members of the local board from the individuals nominated or recommended to be such members in accordance with the criteria established under subsection WIOA Sec. 107(b); and in carrying out any other responsibilities assigned to such officials under this title. If, after a reasonable effort, the chief elected officials are unable to reach agreement, the Governor may appoint the members of the local board from individuals so nominated or recommended.

Local Workforce Development Areas (WDA) receive WIOA grant funds through NDOL as the pass-through entity. Heartland Workforce Services Board passes-through Greater Omaha WDA sub-award to the service provider. A subaward may be provided through any form of legal agreement, including an agreement considered by the pass-through entity as a contract

When local organizations often function simultaneously in a variety of roles, including local fiscal agent, WDB staff, one-stop operator, and direct provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the local WDB and CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy.

6. **Transparency:** The WDB must conduct its business in an open manner as required by WIOA sec. 107(e), by making available to the public, on a regular basis through electronic means and open meetings, information about the activities of the WDB. This includes: information about the local plan, or modification to the local plan, before submission of the plan; list and affiliation of WDB members; selection of one-stop operators; award of grants or contracts to eligible training providers of workforce investment activities including providers of youth workforce investment activities; minutes of formal meetings of the WDB; and WDB by-laws, consistent with §679.310(g).

7. **Oversight:** The local WDB in partnership with the chief elected official for the local area, shall conduct oversight for local youth workforce investment activities authorized under WIOA sec. 129(c), local employment and training activities authorized under subsections (c) and (d) of WIOA sec. 134, and the one-stop delivery system in the local area; and ensure the appropriate use and management of the funds provided under subtitle B for the activities and system; and for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA sec.116.
 - **Accessibility:** The WDB shall annually assess the physical and programmatic accessibility, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the WDA. (May be included in EO review.)

Documents examined within the course of this review may include but are not necessarily limited to: WDB Roster/ Membership list; nomination forms and appointment letters; WDB Bylaws, agreements, meeting minutes, agendas and handouts; public announcements; oversight plan, schedule and reports; written policies and operation manuals, local area plan, revisions and/or modifications, WDB meeting schedule.

References include but may not have been limited to the following: WIOA Sec. 107, 2CFR §200.92, 20 CFR §683, 20CFR §679, State WIOA Policies

2. Financial

a. WIOA Financial Management Systems Monitor Plan

WIOA Section 184(a) (3) (A) requires that each State (including the Governor of the State), Workforce Development Area (including the chief elected official for the area), and provider receiving funds under WIOA Adult, Dislocated Worker and Youth grants comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget. The Department of Labor adopted the Office of Management and Budget (OMB) Guidance in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities (subparts A through F of 2 CFR §200), as supplemented by 2 CFR §2900, as the Department of Labor policies and procedures for financial assistance administration. Financial management system standards for non-Federal entities can be found at 2 CFR §200.302. WIOA Sec. 185 (a) requires retention of records that are sufficient to permit the preparation of reports required for WIOA and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist will conduct a review examining written policies, processes and procedures making up the financial management system applicable to WIOA grant funds. Oversight is conducted through site visits, desk reviews and analyses of fiscal activities, records and reports. Systems are evaluated in comparison to the Act, its implementing regulations, Uniform Administrative requirements found in 2CFR§200 and §2900 and NDOL WIOA policies. Reviews are conducted to ensure that resources are efficiently and effectively used for authorized purposes and that internal controls and accounting procedures are in place to protect from waste, fraud and abuse. System reviews are conducted on an annual basis with the possibility of altered frequency at the discretion of the specialist or upon request to reflect need and review history of the entity subject to review.

Area of Review:

1. **Financial management System:** The financial management system of each non-Federal entity must provide for the identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, name of the Federal agency, and name of the pass-through entity, if any. Accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient must not be required to establish an accrual accounting system. This recipient may develop accrual data for its reports on the basis of an analysis of the documentation on hand. Similarly, a pass-through entity must not require a subrecipient to establish an accrual accounting system and must allow the subrecipient to develop accrual data for its reports on the basis of an analysis of the documentation on hand. Records that identify adequately the source and application of funds for federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation. Effective control over, and accountability for, all funds, property, and other assets. The non-Federal entity must adequately safeguard all assets and assure that they are used solely for authorized purposes. Comparison of expenditures with budget amounts for each Federal award. Written procedures to implement the requirements of payment. Written procedures for determining the allowability of costs and the terms and conditions of the Federal award.
2. **Agreements:** Local organizations often function simultaneously in a variety of roles, including local fiscal agent, local Workforce Development Board (WDB) staff, one-stop operator, and direct

provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the WDB and Chief Elected Official (CEO) to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars and the State's conflict of interest policy.

3. **Audit:** An audit is required for every non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this Part. Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section. Entity single audits may not always include WIOA grant funds.

For-profit subrecipient. Audit requirements do not apply to for-profit subrecipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient should describe applicable compliance requirements and the for-profit subrecipient's compliance responsibility.

4. **Budgets and Plans:** The financial management system of each non-federal entity must provide for the comparison of expenditures with budget amounts for each Federal award.

At the end of first two-year period of the four-year local plan, each WDB, in partnership with the CEO(s), must review the local plan and prepare and submit modification to the reflect changes in labor market and economic conditions, other factors affecting implementation of the local plan such as significant economic changes, changes in financing, changes in WDB structure, need to revise to meet performance goals.

A plan revision shall be made when a change of 25% or less of the cumulative number of participants are served; a change of 15% or less of the financial available in any one of the individual WIOA program funds (Adult, Dislocated Worker, Youth) to support Title I and partner-provided WIOA services. This includes the receipt of program year, fiscal year and additional funds from the State; a need to revise strategies to meet performance goals or any change that does not meet the modification criteria that is not defined as a substantial deviation from the state plan, i.e., program design issues.

5. **Internal Controls:** The non-Federal entity must establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards. Evaluate and monitor the non-Federal entity's compliance with statute, regulations and the terms and conditions of Federal awards. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings. Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state and local laws regarding privacy and obligations of confidentiality.
6. **Program Income:** Under secs. 121(d), 122(a) and 134(b) of WIOA, for-profit entities are eligible to be one-stop operators, service providers, and eligible training providers. Where for-profit entities are one-stop operators, service providers, and eligible training providers, and those entities are recipients of Federal financial assistance, the recipient or subrecipient and the for-profit entity must follow 2 CFR §200.323 (Contract cost and price.) For programs authorized by

other sections of WIOA, 2 CFR §200.400(g) prohibits earning and keeping of profit in Federal financial assistance unless expressly authorized by the terms and conditions of the Federal award. Income earned by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.

7. **Monitoring and Reporting Program Performance:** The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities. The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the non-Federal entity must cover each program, function or activity. See also §200.331 Requirements for pass-through entities.
8. **Cost:** Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards: Be necessary and reasonable for the performance of the Federal award and be allocable thereto under uniform administrative requirement principles. Conform to any limitations or exclusions set forth in those principles or in the Federal award as to types or amount of cost items. Be consistent with policies and procedures that apply uniformly to both federally-financed and other

Recipients and subrecipients of a Federal award under title I of WIOA and the Wagner-Peyser Act must follow the cost principles at subpart E and Appendices III through IX of 2 CFR part 200, including any exceptions identified by the Department at 2 CFR part 2900

9. **Cost Allocation:** A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. Direct cost allocation principles. If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost should be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then, the costs may be allocated or transferred to benefitted projects on any reasonable documented basis.
10. **Cash Management:** Subgrantees/non-Federal entities shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments. The financial management system of each subgrantee/non-Federal entity must provide written procedures to implement the requirements of §200.305 of the Uniform Guidance.

Advance payments must be limited to the minimum amounts needed and be timed in accordance with the actual, immediate cash requirements in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements for direct program or project costs and the proportionate share of any allowable indirect costs. The subgrantee/non-Federal entity must make timely payments to contractors in accordance with the contract provisions.

Reimbursement method of payment shall be paid as promptly as possible after receipt of a proper request for reimbursement.

11. **Record Retention:** Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities.

The only exceptions are if any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period. Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition. When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the three-year retention requirement is not applicable to the non-Federal entity. Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned. Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates). If submitted for negotiation. If the proposal, plan, or other computation is required to be submitted to the Federal government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission. If not submitted for negotiation. If the proposal, plan, or other computation is not required to be submitted to the Federal government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

Documents examined within the course of this review may include but are not necessarily limited to: a sample pool of individual expenditure extracted from reports supporting the drawdown requests submitted to NDOL for the period of review, ledgers, printouts, budgets, organizational charts, reimbursement requests, fiscal reporting, board oversight, local area plan, written policies, most recent outside audit, cost allocation plan, indirect cost rate, management information system reports and participant files. Additional documentation or information may be requested as a result of the review process. Questionnaires and interviews will be completed with the local administrative entity and Chief Financial Officers.

References include but may not have been limited to the following: 2CFR §200 (www.doleta.gov/grants/uniformguidance.cfm/), 20CFR §679, 31 CFR Part 205, State WIOA Policies

b. WIOA Procurement Standards Monitor Plan

WIOA Section 184(a)(3)(A) requires that each State (including the Governor of the State), local Workforce Development Area (WDA) (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements (2CFR§200) for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

Standards have been established to ensure fiscal accountability and prevent waste, fraud, and abuse in all programs administered under the Act. In addition, the Act introduced changes in the way services for youth workforce development activities are obtained.

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist will conduct a review examining procurement standards and processes of the local workforce development areas to procure products and services through the expenditure of WIOA funds. Oversight activities address the award of funds, delivery of goods and services by procedures or practices in comparison to the Act and its implementing regulations, Uniform Administrative Requirements of 2 CFR §200 & §2900, State WIOA policies, Nebraska Revised Statutes and other applicable guidance or instruction.

Onsite activities will include an administrative entity interview. Examination of procurement records for part or all of those initiated during the review period and for contracts or other agreements in effect during the review period.

Area of Review:

1. **Written Procurement Procedures:** The WDA must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR §200 General procurement standards. Procurement contract requirements for non-Federal entities, including subrecipients of the State, can be found in sections §200.318 through §200.326 of the Uniform Administrative Requirements (UAR).
2. **Contract Administration:** Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Awards shall be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Subgrantees/non-Federal entities shall conduct and document oversight of contractor activity to ensure compliance with procurement standards.
3. **Affirmative Steps:** The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include: Placing qualified small and minority businesses and women's business enterprises on solicitation lists; assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed.

4. **Code of Conduct/Conflict of Interest:** The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, Award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

Recipients of Federal awards must disclose in writing any potential conflict of interest to the Department. Subrecipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

A state board member, a local board member, or a standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or the member's immediate family.

5. **Competition:** All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements.

The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.

6. **Methods of Procurement:** The non-Federal entity must use one of the following methods of procurement.
- Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act).
 - Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
 - Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.
 - Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply: The item is available only from a single source; The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or after solicitation of a number of sources, competition is determined inadequate.
7. **Maintenance and Access to Records:** The non-Federal entity must maintain procurement records sufficient to detail the history of procurement. These records will include, but are not necessarily 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.

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following: If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.

8. **Bonding:** For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected.
9. **Contract Provisions:** All contracts made by the local area under the Federal award must the following provisions, as applicable:
- Compliance with WIOA – contracts shall contain provisions requiring compliance with WIOA, its implementing regulations, and State WIOA policies including those pertaining to reporting.

- Compliance with Neb. Rev. Stat. § 4-108 Lawful Presence in the U.S. – all contracts shall certify that the contractor has registered with and is using a federal immigration verification system as defined in Neb. Rev. Stat. § 4-114(1)(a) to determine the work eligibility status of all employees physically performing services within the State of Nebraska. A sole source proprietorship contractor must complete the DAS Citizenship self-attestation form at http://das.nebraska.gov/lb403/attestation_form.pdf.
- Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the mandated award information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification.
- Negotiated contracts awarded by the grantee or subgrantee shall include a provision to the effect that subgrantees, State of NE, USDOL, or any other duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts, copies and transcriptions. Reasonable access to personnel for purposes of interviews and discussions related to such documents shall be permitted.
- Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
- All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
- All contracts shall contain a Termination for Default.
- Equal Opportunity: include the equal opportunity clause provided under 41CFR60-1.4(b) and assure compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and its implementing regulations
- All contractors shall maintain all required records for three (3) years after the grantees or subgrantees/non-Federal entities make final payment and all other pending matters are closed. The records shall be sufficient enough to detail the significant history of the procurement. These records will include, but are not necessarily 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.
- Assurances of adherence to: 1) Davis Bacon Act construction contracts in excess of \$2,000 and Copeland Anti-Kickback contracts for construction or repair in excess of \$2,000. 2) Labor Standard Provisions On-the-Job training construction contractors and other construction contracts shall require Davis-Bacon Act and Safety Standards Act 3) Contracts in excess of \$100,000 that involve mechanics or laborers Contract Work Hours and Safety Standards Act , 4)Rights to Inventions Made Under a Contract or Agreement , 5) Clean Air Act – in excess of \$150,000.00, 6) State Energy Conservation Plan 7) Byrd Anti-Lobbying Amendment a contract shall not be made to parties Debarred or Suspended, 8) Contracts that apply or bid an award of \$1000,000 must file the required certification 9)Recovered Materials – contracts between a State agency or agency of a political requires 10) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the baes of race, color or national origin. 11) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities 12) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age 13) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age

Subrecipients must comply with:

- Drug Free Workplace Act of 198841. U.S.C. 8103 et. Seq. and 2 CFR 182/ 20CFR §683.200(d)). All WIOA title I and Wagner-Peyser Act grant recipients and subrecipients must comply with the government-wide requirements.

- Buy American - As stated in Sec. 502 of WIOA, all funds authorized in title I of WIOA and the Wagner-Peyser Act must be expended in compliance with secs. 8301 through 8303 of the Buy American Act (41 U.S. C. 8301-8303)
10. **Cost Analysis:** The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (currently set at \$150,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-federal entity must make independent estimates before receiving bids or proposals.
 11. **Debarment and Suspension:** A contract award (see 2 CFR § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM.gov), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
 12. **Risk Assessment:** Evaluate each subrecipients risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraph (e) of this section, which may include consideration of such factors as: The subrecipients prior experience with the same or similar subaward; The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this Part, and the extent to which the same or similar subaward has been audited as a major program; Whether the subrecipient has new personnel or new or substantially changed systems; and The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).
- Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.
13. **Economies and Efficiencies:** Proposed procurement shall be reviewed to avoid acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the grantee or subgrantee/non-Federal entity is encouraged to enter into State and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common goods and services. When feasible, Federal excess and surplus property shall be used in lieu of purchasing new equipment and property, when such use reduces project costs.
- When contracting for construction projects, value engineering clauses shall be considered for appropriateness in reducing costs. Value engineering is systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
14. **Oversight:** The WDB must monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include: (1) Reviewing financial and programmatic reports required by the pass-through entity. (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through

audits, on-site reviews, and other means. (3) Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient from the pass-through entity as required by § 200.521 Management decision.

16. **Youth Services:** WDBs shall award grants or contracts on a competitive basis to providers of youth activities identified based on the criteria of the State plan and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program and shall conduct oversight with respect to such providers.
17. **One Stop Operator:** The WDB, with the agreement of the chief elected official for the local area) shall designate or certify one-stop operators through a competitive process.

Documents examined may include but not necessarily be limited to the following: Written procurement procedures/policies, local area plan, templates, contracts, agreements, requests for proposals, and requests for bid, procurement files, public offerings, municipal codes, organizational chart, oversight reports and websites.

References include but may not have been limited to the following: WIOA sec. 121, sec. 123, sec. 184; 2CFR §200, Appendix II to Part 200; WIOA Sec. 123, 20CFR §679, §683, Neb. Rev. Stat. § 4-108-114, State WIOA Policies

c. **WIOA Property Management Monitor Plan**

WIOA sec.184 requires that each Workforce Development Area (including the chief elected official for the area), and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget. WIOA Sec. 194 (11) states the Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments. With limitations individual with an entitlement to a service under this title. Services, facilities, or equipment funded by WIOA Title I may be used, as appropriate, on a fee-for-service basis, by employers in a WDA in order to provide employment and training activities to incumbent workers. Uniform Administrative Requirements can be found at 2CFR §200.

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist will conduct a desk review of WDA policies and practices of property management for compliance with Workforce Innovation and Opportunity Act (WIOA), its implementing regulations, Uniform Administrative Requirements and State Policies. Areas of examination will include inventory, property management procedures and related record keeping practices. Primarily a desk review onsite monitoring may occur based on results of desk review or to provide onsite interviews.

Areas of Review:

1. **Real Property:** Real property is defined as land, including land improvements, structures and appurtenances thereto, but excludes moveable machinery and equipment. WIOA title I funds cannot be spent on construction, purchase of facilities or buildings or other capital expenditures for improvements to land or buildings, except with prior written approval.

Title to real property acquired or improved under WIOA vest upon acquisition in the non-Federal entity. Real property is to be used for the originally authorized purpose as long as needed for that purpose, during which time the WDA must not dispose of or encumber its title or other interests. When real property is no longer needed for the originally authorized purpose, the non-Federal entity must obtain disposition instructions from the Federal awarding agency or pass-through entity. The instructions must provide for specific alternatives.

2. **Internal Control:** WDAs must have an internal control structure and written policies in place that provide safeguards to protect grant funds, equipment and tangible items. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. Procedures for managing equipment, whether acquired in whole or in part under Federal funding, until disposition takes place will, at a minimum meet the following requirements:
 - Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.
 - A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
 - A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

- Adequate maintenance procedures must be developed to keep the property in good condition.
- If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

3. **Inventory:** A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

Documents examined may include but not necessarily be limited to the following: written property management and inventory procedures, most recent physical inventory report, list of items disposed of during review period, list of equipment purchased during review period, service agreements, insurance for real property and equipment.

References include but may not have been limited to the following: WIOA sec. 192 & 194; 2CFR §200, 20CFR§683, State WIOA Policies.

3. One-Stop System Monitor Plan

WIOA sec. 121 recognizes the value of the one-stop delivery system placing a greater emphasis on achieving results for job seekers, workers and businesses. It reinforces the partnership and strategies necessary for American Job Centers to provide job seekers and workers with high-quality career services, education and training, and the supportive services they need to obtain good jobs and stay employed; and to help businesses find skilled workers and access other supports, including education and training for their current workforce. Partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs collaborate to create a seamless customer-focused one-stop delivery system that integrates service delivery across all programs and enhances access to the programs' services. The one-stop delivery system includes six core programs (Title I adult, dislocated worker, and youth programs; Title II adult education and literacy programs; Title III Wagner-Peyser program; and Title IV vocational rehabilitation program), as well as other required and optional partners identified in WIOA.

Scope: The Nebraska Department of Labor, Office of General Counsel Program Specialist will complete a review of the local area one-stop system. The review will include both desk and onsite activities examining the local area creation and functions of a one-stop delivery system in comparison to the Workforce Innovation and Opportunity Act (WIOA), it's implementing regulations, U.S. DOL guidance, State policy and issuances.

Areas of Review:

1. **Workforce Development Board Standing Committees:** Standing committees may be established by the local Workforce Development Board (WDB) to provide information and assist the WDB in carrying out its responsibilities under WIOA sec. 107. Standing committees must be chaired by a member of the WDB, may include other members of the WDB, and must include other individuals appointed by the WDB who are not members of the WDB and who have demonstrated experience and expertise in accordance with §679.340(b) and as determined by the WDB. Standing committees may include each of the following: (1) A standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system, which may include representatives of the one-stop partners. (3) A standing committee to provide information and to assist with operational and other issues relating to the provision of services to individuals with disabilities, including issues relating to compliance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.
2. **One-Stop Operator:** The WDB, with the agreement of the chief elected official for the WDA shall designate or certify one-stop operators as described in WIOA sec. 21(d)(2)(A); and may terminate for cause the eligibility of such operators. To be eligible to receive funds made available under WIOA to operate a one-stop center, an entity (which may be a consortium of entities) shall be designated or certified as a one-stop operator through a competitive process; and shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes three or more of the required one-stop partners, of demonstrated effectiveness, located in the WDA, which may include an institution of higher education; an employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), on behalf of the local office of the agency; a community-based organization, nonprofit organization, or intermediary; a private for-profit entity; a government agency; and another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization. Elementary schools and secondary schools shall

not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or certification.

The WDB shall ensure that in carrying out activities under this WIOA Title I, one-stop operators disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers; do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

A WDB may be selected as a one-stop operator through sole source procurement in accordance with 20CFR §678.610 or through successful competition in accordance with §678.615 with the agreement of the Chief Elected Official and the Governor. The State must ensure certification of one-stop centers in accordance with §678.800.

Local organizations often function simultaneously in a variety of roles, including local fiscal agent, WDB staff, one-stop operator, and direct provider of services. Any organization that has been selected or otherwise designated to perform more than one of these functions must develop a written agreement with the WDB and CEO to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations, relevant Office of Management and Budget circulars, and the State's conflict of interest policy.

3. **Partners:** Mandated partners are those have programs and activities: programs authorized under WIOA Title I; programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.); adult education and literacy activities authorized under WIOA Title II; programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741); activities authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.); career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and technical Education Act of 2006 (20 U.S.C. 2301 et seq.); activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.); activities authorized under chapter 41 of title 38, United States Code; employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.); employment and training activities carried out by the Department of Housing and Urban Development; (xi) programs authorized under State unemployment compensation laws (in accordance with applicable Federal law); (xii) programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and (xiii) programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

Additional Partners: With the approval of the WDB and chief elected official other entities that carry out workforce development programs may be one-stop partners and carry out those responsibilities. The programs referred to in) may include) employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act (42 U.S.C. 1320b–19); employment and training programs carried out by the Small Business Administration; programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C.2015(d)(4)); work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C.2015(o)); programs carried out under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732); programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

Roles and Responsibilities: Each one-stop partner that carries out a program or activity must access through the one-stop delivery system to such program or activities carried out by the entity, including making the career services described in WIOA sec.134(c)(2) that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations); use a portion of the funds available for the program and activities to maintain the one-stop delivery system, including payment of the infrastructure costs of one-stop centers in accordance with subsection; enter into a local memorandum of understanding with the WDB, relating to the operation of the one-stop system, that meets the requirements; participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding, the requirements of this title, and the requirements of the Federal laws authorizing the program or activities; and provide representation on the State board to the extent provided under WIOA sec.101.

4. **Memorandums of Understanding:** The WDB, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the WDB and the one-stop partners), concerning the operation of the one-stop delivery system in the WDA. Each memorandum of understanding shall contain provisions describing the services to be provided through the one-stop delivery system consistent with the requirements of WIOA sec. 121, including the manner in which the services will be coordinated and delivered through such system; how the costs of such services and the operating costs of such system will be funded, including 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; and funding of the infrastructure costs of one-stop centers; methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities; 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; and the duration of the memorandum of understanding 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; and other provisions as parties to the agreement determine appropriate.
5. **One-Stop Delivery System:** There shall be established in each WDA a one-stop delivery system, which shall: provide the career services described in WIOA sec. 134(c)(2); provide access to training services as described in sec. (c)(3), including serving as the point of access to training services for participants in accordance with sec. 134(c)(3)(G); provide access to the employment and training activities carried out under section 134(d), if any; provide access to programs and activities carried out by one-stop partners described in subsection (b); and provide access to the data, information, and analysis described in section 15(a) of the Wagner-Peyser Act (29 U.S.C. 491–2(a)) and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

The one-stop delivery system at a minimum, shall make each of the programs, services, and activities described in WIOA sec.121 accessible at not less than one physical center in each WDA. Programs, services, and activities may additionally be available through a network of affiliated sites that can provide one or more of the programs, services, and activities to individuals; and through a network of eligible one-stop partners in which each partner provides 1 or more of the programs, services, and activities to such individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and that assures individuals that information on the availability of the career services will be available regardless of where the individuals initially enter the statewide workforce development system, including information made available through an access point that consists of a physical location

or is electronically or technologically linked; may have specialized centers to address special needs, such as the needs of dislocated workers, youth, or key industry sectors or clusters; and as applicable and practicable, shall make programs, services, and activities accessible to individuals through electronic means in a manner that improves efficiency, coordination, and quality in the delivery of one-stop partner services.

Consistent with section 3(d) of the Wagner-Peyser Act (29 U.S.C. 49b(d)), and in order to improve service delivery, avoid duplication of services, and enhance coordination of services, including location of staff to ensure access to services in underserved areas, the employment service offices in each State shall be collocated with one-stop centers established under this title.

The WDA must make information available, ensuring the dissemination through the one-stop delivery system on career and training services, training provider information including formats accessible to individuals with disabilities, supportive services and youth participants with information about the full array of applicable or appropriate services available.

6. **Oversight:** The WDB shall annually assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the WDA.

Documents examined may include but not necessarily be limited to the following: WDA plan, Memorandums of Understanding, outreach materials, written policies and procedures, customer service surveys, performance information, service schedules, certification criteria, certification, WDB oversight reports to include assessment of accessibility, one-stop agreement and partner contributions.

References include but may not have been limited to the following WIOA sec. 107, sec. 108, sec. 121; 2CFR §200; 20CFR §678, §679, §680, §681; Neb. Rev. Stat. § 4-114; State WIOA Policies and Issuances.

4. PARTICIPATION

4.1 WIOA Adult and Dislocated Worker Monitor Plan

WIOA authorizes funds to be expended in provision of services to Adults and Dislocated Workers meeting eligibility and receiving services within the program parameters. Eligible Adults and Dislocated Worker must be age 18 or older (20CFR §681.120), Dislocated Workers must meet one of five parts defined in WIOA sec. 3(15). To receive career services a Dislocated Worker must have been terminated or laid off, from employment; be eligible for or has exhausted entitlement to unemployment compensation or has been employed for a duration sufficient to demonstrate attachment to the workforce but is not eligible due to insufficient earnings or was employed by an employer not covered; and is unlikely to return to their previous occupation or industry; has been terminated or laid off, or has received a notice, whose employer has made a general announcement of facility closure within 180 days, was self-employed now unemployed as a result of general economic conditions in the community, is a displaced homemaker or the spouse of a member of the Armed Forces. To receive training services a participant must be determined by a one-stop operator or partner, after an interview, evaluation, or assessment, and career planning as unlikely or unable to obtain or retain employment, in need of training services, have skills and qualifications to participate successfully in training services, have selected a program of training directly linked to employment opportunities and are unable to obtain grant assistance from other sources or requires additional assistance. Training services provided through the adult funding stream must be determined eligible in accordance with State and local priority systems.

Scope: The Nebraska Department of Labor, Office of General Counsel Program Specialist will conduct a review of Adult and Dislocated Worker WIOA eligibility and activities comparing program administration, operations and delivery to the Act, its implementing regulations, Federal and State guidance, State WIOA policies and the Local workforce development area (WDA) plan. Fields of review include outreach, enrollment, assessment, determining and documenting eligibility and priority of service, activities, supportive services, management information system accuracy and record maintenance.

A sample pool consisting of participant's files to be examined is randomly selected from NEworks printouts. The goal is for the sample pool to equal 10% percent of those reported by NEworks as enrolled and/or receiving service during the period of review. A sample pool of closures and exits may also be developed. For NEworks reports showing 25 or less, 100% will be included in the sample pool.

This hybrid review will be conducted through virtual participant file examination and onsite activities. Interviews will be conducted with the WDA administrative entity.

Area of Review:

1. **Adult Eligibility:** WIOA sec. 3(2) of WIOA defines an "adult" as an individual who is age 18 or older. Generally, there are no special eligibility requirements for participation by adults in career services under WIOA sec.134(c)(2). However, if the career services provided to adult participants include comprehensive and specialized assessments, individual employment plan development, group/individual counseling, career planning, short term prevocational services, internships/work experience, workforce preparation, financial literacy, out-of-area job search or English language acquisition and integrated education and training programs priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. The local Workforce Development Board (WDB) and the Governor will direct the One-Stop operators in the WDA with regard to making determinations related to such priority.
2. **Dislocated Worker Eligibility:** In order to receive services as a dislocated worker, the individual must be 18 years of age or older. In determining eligibility WIOA sec. 3(15) defines "dislocated worker", for purposes of qualifying for services under WIOA Sec.134, as an individual must meet one of the five parts described in Sec. 3(15) (A-D), workers who have been laid off, plant closures

or significant layoffs, self-employment ended, Displaced Homemakers; or spouses of a member of the armed forces. See State WIOA *Eligibility for Dislocated Worker Policy* for instruction on determining and documenting dislocation category at <http://dol.nebraska.gov/webdocs/Resources/WIOA/Policies/Interim%20Policy%20on%20Eligibility%20for%20Dislocated%20Workers.pdf>.

3. **Personal Identifiable Information:** WDAs must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grant funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market, or that the Department or the recipient or subrecipient considers to be sensitive, consistent with applicable Federal, State and local privacy and confidentiality laws.
4. **Outreach:** WIOA title I funds may also be used to provide the additional services described in WIOA sec. 134(d), including provision of outreach. Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to: advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations; sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.
5. **Activities:**
 - **Career Services:** Generally, there are no special eligibility requirements for participation in career services under Section 134(c)(2) of WIOA Services, if determined to be appropriate in order for an individual to obtain or retain employment. However, if the career services provided to adults include comprehensive and specialized assessment, Individual Employment Plan, group or individual counseling; career planning; short-term prevocational services; internships/work experience linked to careers; workforce preparation; financial literacy, out-of-area job search/relocation or English Language acquisition and integrated education and training programs priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.
 - **Training Services:** Under WIOA sec. 134(c)(3)(A) training services may be made available to employed and unemployed adults and dislocated workers who: a one-stop center or one-stop partner determines, after an interview, evaluation, or assessment, and career planning, are unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services; in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and have the skills and qualifications to participate successfully in training services. Participants must select a program of training services that is directly linked to the employment opportunities in the WDA, planning region or somewhere they are willing to relocate to.

Participant case files must contain a determination of need for training services under 20 CFR §680.210 as determined through an interview, evaluation, or assessment , and

career planning informed by local market information and training provider performance information, or through any other career service received. If training services are provided through the adult funding stream, trainees must be determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) and §680.600. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the WDB must document the circumstances that justified its determination to provide training without first providing the services described in 20 CFR §680.220.

Trainees must be unable to obtain other grant assistance for such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants, or require WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants. When making the determination about whether an individual requires assistance, a One-Stop operator may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate. When making the determination about whether an individual requires assistance, a One-Stop operator may take into consideration the full cost of participating in training services, including the costs of dependent care and transportation, and other appropriate costs.

Training services for adults and dislocated workers must be directly linked to an in-demand industry sector or occupation in the WDA or planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate. However, the WDB may approve training services for occupations determined by the WDB including it in the local plan. Nebraska defines in-demand sectors and occupations as those which fall into the High Demand, High Wage, and High Skills definitions are reported on the Labor Market Information website <http://h3.ne.gov/H3/>.

Individual Training Account: Training services for eligible individuals are typically provided by training providers who receive payment for their services through an ITA. The ITA is a payment agreement established on behalf of a participant with a training provider. WIOA title I adult and dislocated workers purchase training services from State eligible training providers they select in consultation with the career planner, which includes discussion of program quality and performance information on the available eligible training providers. Under waiver these service may be contracted rather than using an ITA. Contracts for services may be used in place of ITAs when on-the-job training services, customized training, incumbent worker training or transitional jobs are being provided or when the WDB decides there are insufficient number of eligible training providers or when WDB determines there is a training service of demonstrated effectiveness offered by a community based organization, when the WDB determines that it would be most appropriate to contract with an institution of higher education to provide training to multiple individuals in in-demand industry sectors or occupations or when the WDB is considering a pay-for-performance contract.

Work-Based Training: Work-based training activities (20CFR§680.700-.840) include On-the-Job Training, Customized Training and Incumbent Worker Training provided to Adult and Dislocated Workers. Work-Based Training may be included in the Adult/Dislocated Worker Participation Review or conducted as a separate review when sufficient numbers present in NEworks reports for activities occurring in the period of review. (See Workbased Training Monitor Plan.)

6. **Supportive Services:** “Supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under WIOA. WDBs, in consultation with the One-Stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination. Such policy should address procedures

for referral to such services, including how such services will be funded when they are not otherwise available from other sources. WDBs may establish limits on the provision of supportive services or provide the One-Stop operator with the authority to establish such limits, including a maximum amount of funding and maximum length of time for supportive services to be available to participants.

7. **Eligible Training Providers:** The WDB must carry out the procedures assigned to the WDB by the State, such as determining the initial eligibility of entities providing a program of training services, renewing the eligibility of providers, and considering the possible termination of an eligible provider due to the provider's submission of inaccurate eligibility and performance information or the provider's substantial violation of WIOA requirements. Work with the State to ensure there are sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities described under WIOA sec. 107(d)(10)(E), serving the WDA. Ensure the dissemination and appropriate use of the State list through the local one-stop system. The WDB may: make recommendations to the Governor on the procedure used in determining eligibility of providers; require additional criteria and information from local providers as criteria to become or remain eligible; and set higher levels of performance than those required by the State as criteria for local providers to become or remain eligible to provide services in that particular WDA.
8. **Exit/Closure:** Everyone who has a WIOA Participation Date in NEworks shall be assigned a WIOA Case Closure when he or she is finished receiving WIOA-funded services and is not scheduled for future services. Every WIOA participant receiving an exit date shall be counted in WIOA performance with the exception of a participant satisfying one of the following global exclusions, either at the time of exit or during the three-quarter measurement period following the exit quarter: institutionalized; deceased; health/medical; family care; relocated to a mandated program (youth only); reservists called to active duty who choose not to return to WIOA; or invalid or missing social security number

For purposes of performance calculations, exit is the last date of service after which an individual received services through the adult, dislocated worker, or youth program under WIOA Title I, the Adult Education and Literacy program under WIOA Title II, or the employment services authorized by Wagner Peyser as amended by WIOA Title III, and no future services other than follow-up services are planned. Ninety days of no service does not include self-service or information-only activities or follow-up services. Supportive services for adults and dislocated workers may only be provided when they are necessary to enable individuals to participate in career service or training activities.

9. **Follow Up:** Adult and dislocated workers follow up services, as described in Section 134(c)(2)(A)(xiii) of WIOA and 20CFR §678.430(c), must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. Follow-up services must be provided, as appropriate, including: counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

Documents examined may include but not necessarily be limited to the following: local plan, participant records, NEworks reports, written policies, procedural manuals, State issued performance reports, negotiated local area performance rates, assessments, Individual Employment Plans, Board, Eligible Training Provider, Board one-stop procedures for one-stop operator application of priority and special populations

References include but may not have been limited to the following: WIOA Sec. 3, sec. 102, sec. 116, sec.134, sec. 185; 2 CFR §200; 29 CFR §38, 20 CFR §170, §680, §681, §683; TEGL 06-14, 22-15 Attachment A; Neb. Rev. Stat. § 4-108-1114; State WIOA policies and issuances.

4.2. WIOA Youth Monitor Plan

Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and providing resources to support in-school youth (ISY) and out-of-school youth (OSY), affirming a commitment to providing high-quality services for all youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in postsecondary education, or a Registered Apprenticeship. Youth-serving programs continue to promote evidence-based strategies to assist in achieving high-levels of performance, accountability, and quality in preparing young people for the workforce.

WIOA shifts the focus of resources to OSY providing support for the reconnection to education and jobs. A minimum of 75% of program funds allotted to the local workforce development area (WDA) must be spent on OSY. In addition, WIOA includes a major focus on providing youth with work experience opportunities by requiring that WDAs spend a minimum of 20 percent of program funds on work experience activities which must include academic and occupational education. Although work experience has become the most important of the program elements, each WDA must deliver or provide access to 13 other activities: tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies; alternative secondary school services; occupational skill training; education offered with workforce preparation and training; leadership development opportunities, supportive services; adult mentoring; follow-up services; comprehensive guidance; financial literacy; entrepreneurial skills training; services that provide labor market and employment information about in-demand industry sectors or occupations available in the WDA, such as career awareness, career counseling, and career exploration services; and activities that help youth prepare for and transition to postsecondary education and training.

Scope The NDOL, Office of General Counsel, Program Specialist will examine and evaluate the WDA's WIOA Youth program design and delivery including service provider selection, one-stop services, eligibility and activities comparing program administration, operations and delivery to the Act, it's implementing regulations, Federal and State guidance, State WIOA policies, Nebraska Statutes and the local plan. Fields of review may include program design, coordination, outreach, enrollment, assessment, determining and documenting eligibility, activities, closures, WDA goals, percentages expended, management information system accuracy and record maintenance.

A sample pool consisting of participant's files to be examined is randomly selected from NEworks printouts of enrollments, activities and closures. The goal a sample size equaling 10% percent of those reported by NEworks as receiving service during the period of review. 100% will be sampled for reports of 25 or less.

This hybrid review will be conducted as a virtual participant record review and onsite activities. Interviews will be conducted with the local administrative entity, service provider and work experience youth and employers.

1. Local Workforce Development Board(WDB):

- **Youth Standing Committee:** The Workforce Innovation and Opportunity Act (WIOA) eliminates the requirement for WDBs to establish a youth council. However, the Department encourages WDBs to establish a standing committee to provide information and to assist with planning, operational, oversight, and other issues relating to the provision of services to youth. If the WDB does not designate a standing youth committee, it retains responsibility for all aspects of youth formula programs chaired by a WDB member and including members of qualifying community based organizations and other individuals with appropriate experience who are not members of the WDB

The committee, under the direction of the WDB, may recommend policy direction for the design, development and implementation of programs that benefit all youth; recommend the design of a comprehensive community workforce development system to ensure a

full range of services and opportunities for all youth, including disconnected youth; recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth; recommend ways to coordinate youth services and recommend eligible youth service providers; provide on-going leadership and support for continuous quality improvement for local youth programs; assist with planning, operational, and other issues relating to the provision of services to youth; and if so delegated by the WDB after consultation with the chief elected official (CEO), oversee eligible youth providers, as well as other youth program oversight responsibilities.

- **Involvement:** The WDB shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design and implementation of the programs design.

2. Eligibility and Enrollment:

To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth as described in WIOA sec. 129 (a)(1)B) (OSY) and (C) (ISY). For OSY, only those youth who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner, and youth who require additional assistance to enter or complete an educational program or to secure or hold employment, must be low-income. All other OSY meeting OSY eligibility are not required to be low income. All ISY must be low-income to meet the ISY eligibility criteria, except those that fall under the low-income exception.

In addition to the criteria in the definition of “low-income individual” in WIOA sec. 3(36), a youth is low income if he or she receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42U.S.C. 1751 et seq. or if he or she lives in a high poverty area.

To participate in youth programs, participants must enroll in the WIOA youth program. To be a participant in the WIOA youth program, all of the following must occur: an eligibility determination; the provision of an objective assessment; development of an individual service strategy; and participation in any of the 14 WIOA youth program elements.

3. **Limitation & Priority:** WIOA allows a low-income exception where five percent of WIOA youth may be participants who ordinarily would be required to be low income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of newly enrolled youth in the WDA’s WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria.

In each WDA, not more than five percent of the ISY newly enrolled in a given program year may be eligible based on the “requires additional assistance to complete an educational program or to secure or hold employment” criterion.

For any program year not less than 75 percent of the funds allotted under section 127(b)(1)(C), reserved under section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to WDAs under subsection (c), shall be used to provide youth workforce investment activities for out-of-school youth.

For any program year the local program must expend 20 percent of allocated program funds on work experience, tracking program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting.

4. **ISS/Assessment:** Requires that local programs provide an objective assessment of each youth participant that meets the requirements of WIOA sec. 129(c)(1)(A), and includes a review of the academic and occupational skill levels, as well as the service needs, of each youth for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy. Develop, and update as needed, an individual service strategy for each youth participant that is directly linked to one or more indicators of performance described in WIOA sec. 116(b)(2)(A)(ii), that identifies appropriate career pathways that include education and employment goals, that considers career planning and the results of the objective assessment and that prescribes achievement objectives and services for the participant.
5. **Program:** Local programs must make each of 14 services available to youth. The local plan must describe the design framework for youth programs in the WDA, and how the 14 program elements are to be made available within that framework.
- Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
 - Alternative secondary school services, or dropout recovery services, as appropriate;
 - Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences: (summer and year round employment opportunities); pre-apprenticeship programs; internships and job shadowing and on-the job training opportunities.
- The local program must expend 20 percent of allocated program funds on work experience, that have academic and occupational education as a component of the work experience, tracking program funds spent on paid and unpaid work experiences, including wages and staff costs for the development and management of work experiences, and report such expenditures as part of the local WIOA youth financial reporting.
- Occupational skill training, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the WDA involved, if the WDB determines that the programs meet the quality criteria described in WIOA sec. 123;
 - Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
 - Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;
 - Supportive services, including the services listed in 20CFR §681.570;
 - Adult mentoring for a duration of at least 12 months, that may occur both during and after program participation;
 - Follow-up services for not less than 12 months after the completion of participation, as provided in §681.580;

- Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;
 - Financial literacy education;
 - Entrepreneurial skills training;
 - Services that provide labor market and employment information about in-demand industry sectors or occupations available in the WDA, such as career awareness, career counseling, and career exploration services; and
 - Activities that help youth prepare for and transition to postsecondary education and training.
6. **Oversight:** WDB, in partnership with the chief elected official for the WDA, shall conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under subsections (c) and (d) of section 134, and the one-stop delivery system in the WDA; and ensure the appropriate use and management of the funds provided under subtitle B for the activities and system) for workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA section 116.

Documents examined may include but not necessarily be limited to the following: Youth committee roster, minutes of last two committee meetings, bylaws of committee, written policies, budgets, fiscal reports, workforce development board policies and oversight, calendar of events, orientation for youth and worksites, list of worksites, work experience forms and procedures, youth participant injury report(s) participant records, NEworks reports, worksite agreements, waiver request(s) and referrals, program goals, local plan and modifications; handbooks, worker's compensation covering work experience activity trainees.

References include but may not have been limited to the following: WIOA sec. 3, sec. 107, sec. 108, sec. 116, sec. 129, sec. 185, sec. 189; 2 CFR §200, §2900; 20 CFR §675, §678, §679, §681; NE Statute §4-108-114; State WIOA policies and issuances.

4. b. 1. WIOA Work-Based Training Monitor Guide

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel, Program Specialist will conduct a review of policies and procedures for on-the job training (OJT), customized training and incumbent training provided or planned for adults, dislocated workers and youth. Policies, plans and activities will be compared to the Act, its implementing regulations, Federal and State guidance and State WIOA policies. Fields of review include employer recruitment and orientation, eligibility, assessment, career planning, screening, contracting, reimbursement, record keeping and local workforce development area (WDA) oversight. Activities may be examined as they are encountered in participant records during program reviews and/or a sample pool consisting of activities randomly selected from NEworks printouts. The goal is for the sample pool to equal 10% percent of those reported by NEworks during the period of review. Customized and Incumbent Training projects will be examined for those occurring or under consideration of the WDB during the period of review.

Work-based Training: Work-based training activities may be included in the Adult/Dislocated Worker and/or Youth program reviews or conducted as a separate review when sufficient numbers present in NEworks reports for activities occurring in the period of review.

Reviews will be conducted through onsite and desk monitoring activities. Observation of active projects, employer interviews and records as time allows or at the discretion of the monitor based on review or lack of record retention by WDAs.

Area of Review:

1. **Training Services:** Participant care files must contain a determination of need for training services under 20 CFR §680.210 as determined through the interview, evaluation, or assessment, and career planning informed by local market information and training provider performance information, or through any other career service received. There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the local workforce development board (WDB) must document the circumstances that justified its determination to provide training without first providing the services described in 20CFR §680.220. For the receipt of training services, WDAs must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient.

Each program under WIOA shall provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. If training services are provided through the adult funding stream WIOA Section 134(c)(3)(E) requires that priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient or determined eligible in accordance with the State and local priority system, if any, in effect for adults under WIOA sec. 134(c)(3)(E) and §680.600. Training services for adults and dislocated workers must be directly linked to an in-demand industry sector or occupation in the WDA or planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate. However, the WDB may approve training services for occupations determined by the WDB. Nebraska defines in-demand sectors and occupations as those which fall into the High Demand, High Wage, and High Skills definitions are reported on the Labor Market Information website <http://h3.ne.gov/H3/>.

Work-based training may be provided pursuant to a contract for services in lieu of an individual training account.

2. **Pre-Award Review:** It is essential to conduct pre-award reviews or employer evaluations prior to executing an on-the-job training contract. Service deliverers shall determine if the

employer/training provider is qualified and capable of entering into an agreement to provide on-the-job training. Pre-award reviews should be in written format and part of OJT contract.

Standardized pre-award review criteria developed by the State must be completed and documented jointly by the WDA and the business establishment as a prerequisite to WIOA assistance. The review must include names under which the establishment does business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIOA assistance is sought in connection with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed. The review may include consultations with labor organizations and others in the affected WDA(s).

OJT contracts should not be entered into with employers who received payments under WIOA or the Workforce Investment Act and have exhibited a pattern of failing to provide on-the-job training participants with continued long-term employment as regular employees with wages and employment benefits and working conditions on the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

Funds may not be used for: the encouragement or inducement of a business, or part of a business, to relocate from any location in the United States, if the relocation results in any employee losing his or her job at the original location; customized training, skill training, on-the-job training, incumbent worker training, transitional employment, or company specific assessments of job applicants for or employees of any business or part of a business that has relocated from any location in the United States, until the company has operated at that location for 120 days, if the relocation has resulted in any employee losing his or her jobs at the original location.

3. **On-the-Job Training Contract:** OJT contracts shall be procured in accordance with all federal, state and local procurement policies and at a minimum shall contain or address the following information: occupation for which training is to be provided; length of time the training will be provided for based on skill gap assessment for not more than six months or 140 hours of work; wage rate to be paid to participant; reimbursement for OJT Training; training outline listing work skills to be learned in the position; other classroom training; employers agreement to maintain records and make available.

OJT contracts may be written for eligible employed workers when: the employee is not earning a self-sufficient wage as determined by WDB policy; the requirements of 20 CFR § 680.700 are met; and the OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the WDB.

Contracts must contain written assurances listed in State WIOA OJT Interim Policy.

4. **Customized Training:** Customized Training (WIOA Sec. 3(14)) is described as an activity designed to provide WDAs with flexibility to ensure that training meets the unique needs of the job seekers and employers or groups of employers; that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and for which the employer pays for a significant cost of the training, as determined by the WDB.

5. **Incumbent Training:** The WDA may reserve up to 20 percent of their combined total of adult and dislocated worker allocations for incumbent worker training designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. Conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained. Employers participating in incumbent worker training are required to pay the non-Federal share of the cost of providing training to their incumbent workers.
6. **Performance Information:** Providers of on-the-job, customized and incumbent worker training will not be subject to the eligible provider requirements. However, American Job Centers in a WDA must collect and disseminate performance information on providers of on-the-job training. At a minimum, this performance information should include:
 - Data on placement of trainee at end of the contract
 - Six-month employment retention rate
 - Rate of successful completion of On-the-Job Training
 - Average Wage of OJT Training Recipients and Wage after his/her training ends (increase or decrease)

The American Job Center will determine whether providers meet acceptable performance levels for the above criteria. If a provider meets the performance criteria, it is considered an eligible provider of training services. The American Job Center will include the provider on the list of eligible providers, with accompanying performance information, and disseminate this information through the American Job Center delivery system.

7. **Monitoring and Oversight:** Subrecipients in each WDA must monitor training, invoice and reimbursement systems on a pre-determined systematic and documented basis. The employer must preserve all trainee payroll, fringe benefit, and personnel records (including time and attendance sheets normally kept by the employer for employees) for three years from the close of the applicable program year or longer if any litigation or audit has begun or any claim is instituted which involves these records. In that case, the employer shall retain the records beyond the three year period until the litigation, audit findings or claim has been resolved. The employer must allow access to those records by authorized entities.

Monitoring of OJT contracts must include review of selection patterns to ensure compliance with WIOA Section 188 regarding nondiscrimination.

Documentation of employer payment for non-Federal portion of the cost of training, as established by the WDB.

8. **Eligible Training Provider List:** Employers participating in the OJT Program will be listed on the State's Eligible Training Provider list. NEworks will be the source for employer information. The American Job Center will determine whether providers meet acceptable performance levels for the above criteria. If a provider meets the performance criteria, it is considered an eligible provider of training services. The American Job Center will include the provider on the list of eligible providers, with accompanying performance information, and disseminate this information through the American Job Center delivery system.

Documents to be examined within the scope of this review may include but are not necessarily limited to local plan, goals and written procedures/policies; templates for contract, preaward and employer evaluation/selection forms; examples of outreach; contracts/agreements, project records, employer

selection/ evaluation materials, participant records including eligibility, assessments, career planning, determination of need, in-demand determinations, contract(s) or other agreement(s), training plan, preaward(s), reimbursement requests, oversight by case manager; and performance information collected by WDA.

References include but may not have been limited to the following: WIOA Sec. 3(5), (36) & (44), sec. 108, sec. 122, sec. 134, sec. 181, sec. 188, sec. 194; 2 CFR §200; 29 CFR §38; 20 CFR §679, §680, §683; 41 U.S.C. § 8102, 40 U.S.C. § 3142; NE Statute §48-1203, §4-108-114; State WIOA Policies and Issuances.

4. b. 2. Youth Summer Employment Opportunity Element Monitor Plan

WIOA does not require local workforce development boards (WDB) to offer summer youth employment opportunities as summer employment is not its own program element but one option of a paid and unpaid work experiences that has an academic and occupational education as a component of the work experience. WIOA set workplace training as priority by requiring that at 20 percent of youth program funds be used for work experience opportunities.

Scope: The NDOL, Office of General Counsel, Program Specialist will conduct a review the local workforce development area's (WDA) Summer Employment Opportunities element. Monitoring activities included examination and evaluation of participating youth eligibility, service strategy and activity, coordination with other youth organizations, service provider selection, design and implementation of element in comparison with WDB plan, the Act, Federal Regulations, U.S. DOL Guidance, State policies and plan. Review of Summer Employment Opportunities program may be conducted as a standalone review or as part of the WIOA Youth Program Review

A random sample will be extracted from NEworks of summer employment opportunities provided during the review period, the goal of the sample is 10% of total activities in the program year, 100% may be examined for small projects. A sample pool will be extracted from the requested WDA listing of worksites used during the review period, selected to represent a variety of the types of sites and positions available to youth. The sample size will be determined by the monitor based on the size of the program, time available and previous work experience monitoring results.

Review activities will include virtual, desk and onsite monitoring. Interviews will be conducted with local administrators, service providers, specialized staff, partners, worksite supervisors and participants.

Areas of Review:

1. **Service Provider Selection:** Summer employment opportunities are a component of the work experience program element. If youth service providers administer the work experience program element, they must be selected by the WDB according to the requirements of WIOA sec. 123 and §681.400, based on criteria contained in the State Plan. However, the summer employment administrator does not need to select the employers who are providing the employment opportunities through a competitive process.

The WDA has the option to provide directly some or all of the youth workforce investment activities. However, as provided in WIOA sec. 123, if a WDB chooses to award grants or contracts to youth service providers to carry out some or all of the youth workforce investment activities, the WDB must award such grants or contracts on a competitive basis, subject to the exception explained in paragraph (sole source basis).

2. **Element Design:** Summer employment opportunities are a component of the work experience program element. Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Consistent with §680.840 of this chapter, funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a

labor dispute involving a work stoppage. Work experiences provide the youth participant with opportunities for career exploration and skill development.

Work experiences must include academic and occupational education. The educational component may occur currently or sequentially with the work experience. Further academic and occupational education may occur inside or outside the work site.

3. **Eligibility:** To be eligible to participate in activities carried out under this chapter during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth as described in WIOA sec. 129 (a)(1)(B) (OSY) and (C) (ISY). For OSY, only those youth who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner, and youth who require additional assistance to enter or complete an educational program or to secure or hold employment, must be low-income. All other OSY meeting OSY eligibility are not required to be low income.

All ISY must be low-income to meet the ISY eligibility criteria, except those that fall under the low-income exception. In addition to the criteria in the definition of "low-income individual" in WIOA sec. 3(36), a youth is low income if he or she receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq. or if he or she lives in a high poverty area.

To participate in youth programs, participants must enroll in the WIOA youth program. To be a participant in the WIOA youth program, all of the following must occur: an eligibility determination; the provision of an objective assessment; development of an individual service strategy; and participation in any of the 14 WIOA youth program elements.

4. **ISS/Assessment:** Requires that local programs provide an objective assessment of each youth participant That meets the requirements of WIOA sec. 129(c) (1) (A), and includes a review of the academic and occupational skill levels, as well as the service needs, of each youth for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy; develop, and update as needed, an individual service strategy for each youth participant that is directly linked to one or more indicators of performance described in WIOA sec. 116(b) (2) (A) (ii), that identifies appropriate career pathways that include education and employment goals, that considers career planning and the results of the objective assessment and that prescribes achievement objectives and services for the participant.
5. **Work Experience:** Summer employment opportunities are a component of the work experiences program element. Work experiences are a planned, structured learning experiences that take place in a workplace for a limited period of time and have an academic and occupational education as a component of the work experience. Work experience may be paid or unpaid, as appropriate. A Work Experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work Experiences provide the youth participant with opportunities for career exploration and skill development. Work experiences must include academic and occupational education. The types of work experiences include summer employment opportunities.

Documents examined within the course of this review may include but are not necessarily limited local plan, service provider and worksite agreements, , timesheets, payroll, employment forms, written policies and procedures, participant files, workshop descriptions, attendance sheets, NEworks enrollment and

activity reports, outreach and orientation materials, injury reports and workers compensation insurance policy.

References include but may not have been limited to the following: WIOA sec. 3, sec. 129, sec. 185; 2CFR §675; §681, §684; NE Statute §48-1203, §4-108-114; TEGL 20-13; State WIOA Policies and Issuances

5. a. WIOA Equal Opportunity and Nondiscrimination Monitor Plan

Workforce Innovation and Opportunity Act (WIOA) Section 188 prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA. 29 CFR§38.54 requires that the Governor establish and implement a Nondiscrimination plan for State Programs as defined in §38.4(kkk), NDOL contains both WIOA and Unemployment insurance requiring a combined nondiscrimination plan in the form of a Methods of Administration. The plan will be designed to give a reasonable guarantee that all Workforce Development Areas (WDA) comply and are complying with the nondiscrimination and equal opportunity provisions for WIOA and 29 CFR §38.54. U. S.DOL's Equal Treatment rule, published on April 4, 2016, and effective May 4, 2016, amended DOL's existing rule at 29 CFR Part 2 Subpart D by prohibiting all recipients of DOL funding from discriminating on the basis of religion. TEGL 37-14 provided guidance for workforce programs updating nondiscrimination requirements identifying discrimination based on gender identity, gender expression and sex stereotyping as forms of sexual discrimination.

Equal Opportunity/Nondiscrimination oversight is a responsibility of the Equal Opportunity Officer (EOO) or their designee (§38.31(b)). WIOA standalone reviews will not be necessary if NDOL's EOO conducts an agency review.

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist conducts a review of local workforce development area's (WDA) implementation of Equal Opportunity/ Nondiscrimination procedures, processes and oversight of WIOA programs. Recipients of federal financial assistance are required to ensure adherence to these laws, acts and regulations in the provision of services to program participants: Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), 29 CFR Part 38, Section 504 of the Rehabilitation Act of 1973 and NDOL Methods of Administration. These regulations incorporate the statutory mandates articulated in Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments Act of 1972, as amended; Title VII of the Civil Rights Act of 1964, as amended; and the Americans with Disabilities Act of 1990. The EO oversight may be conducted as a standalone review or with portions addressed during other areas of review such as program, procurement review and board reviews. Activities will include an assessment of compliance with the nine elements of the NDOL WIOA Methods of Administration: EO Officer Designation, Notice and Communications; Assurances; Compliance with Section 504 of the Rehabilitation Act of 1973; Data and Information Collection and Maintenance; Monitoring System; Complaint Processing Procedures; and Corrective Actions and Sanctions.

A sample of NEworks special reports of those who applied but did not receive services will be examined, training services for consideration by gender and demographic of applicants in comparison to participants to identify the possibility of disparate impact occurring. A random sample will be taken from those reports based on an evaluation of the content. Participant file perusal conducted as part of the program reviews will include consideration of those with a declared or documented disability and limited English skills for accommodations and service provided.

This review is conducted primarily as a desk review, supported by interviews/questionnaires and other monitoring activities. Information was collected from the administrative entity, WDA Equal Opportunity Officer. A walkthrough will be done at the comprehensive one stop considering mandatory posted notices, access and services.

Areas of Review:

1. **Designation of Equal Opportunity Officer (EOO):** Every recipient except small recipients (serving less than 15 during a grant year with fewer than 15 employees on any given day of the grant year) and service providers (operator or provider of aid, benefits, services or training to WIOA programs), must designate a recipient-level Equal Opportunity Officer (recipient level EO Officer), who reports directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Chair of the WDB, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official without job duties conflicting with EOO responsibilities. The EOO is responsible for serving as liaison with the Civil Rights Center (USDOL CRC), monitoring and investigating activities, reviewing written policies, developing procedures for processing discrimination complaints, conducting outreach and education, undergoing training to maintain competency and if applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan. The responsibilities of small recipients and service providers are described in §38.32 and .33.
2. **Notice and Communication:** A WDA must provide initial and continuing notice that it does not discriminate on any prohibited grounds to registrants, applicants, eligible applicants/registrants; participants; applicants for employment and employees; and unions or professional organizations that hold agreements with the recipient; subrecipients and members of the public including those with impaired vision or hearing and those with limited English proficiency (LEP). The entity must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals. The notice must contain the specific wording of the regulation. At a minimum notices must be posted prominently, in reasonable numbers and places, in available and conspicuous physical locations, and on the recipient's website pages; disseminated in internal memoranda and other written or electronic communications, included in employee and participant handbooks or manuals in any form; and made a part of each employee and participants file. The notice must be provided in appropriate formats to individuals with visual impairments, recording the alternative format in employee and participants files.

Publications, broadcasts, and other communications must include "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities" and other materials ordinarily distributed or communicated in writing, electronically or orally to staff, clients or the public at large to describe WIOA programs or the requirements for participation. Where a telephone contact is listed materials must state the telephone number of the TDD/TTY or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient.
3. **Universal Access:** WDAs must take appropriate steps to ensure they are providing equal access to their WIOA Title I-financially assistance programs and activities. These steps should involve reasonable efforts to include members of the various groups protected under 29 CFR §38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with disabilities, and individuals with limited English Proficiency, individuals with disabilities and individuals in different age groups. Such efforts may include, but are not limited to: advertising the programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations; sending notices about openings in programs and/or activities to schools or community service groups that serve various populations; and consulting with appropriate

community service groups about ways in which the WDA may improve its outreach and service to various populations.

The WDB shall annually assess the physical and programmatic accessibility, in accordance with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all ones-stop centers in the WDA.

4. **Compliance with 504 Disability Requirements:** As a program receiving Federal financial assistance the WDA is responsible for complying with Section 504 of the Rehabilitation Act of 1973 which provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination. Recipients are obligated to provide physical and programmatic accessibility and reasonable accommodation/modification.

With regard to aid, benefits, services, training, and employment, the WDA must provide reasonable accommodation to qualified individuals with disabilities who are applicant, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

5. **Data Collection and maintenance of data and other information:** Each recipient must collect data and maintain such records necessary to determine whether the WDA has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA. The system and format in which records and data are kept must adhere to Nebraska's NEworks management information system and electronic case files policy <http://dol.nebraska.gov/webdocs/Resources/WIOA/Policies//Preliminary%20Policy%20on%20Electronic%20Case%20Files.pdf>). Such records must include records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. WDAs must record race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminees, applicant for employment and employee. For applicants, registrants, eligible applicants/registrants, participants, and terminees, employees and applicants for employment.

WDAs must maintain and submit upon request, a log of complaints filed with the recipient that allege discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I financially assisted program or activity. The log must include: the name and address of the complainant; the basis of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

Each grant applicant and recipient must promptly notify the Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity.

6. **Monitoring and Oversight:** An Equal Opportunity Officer is responsible for coordinating monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient, to make sure that the recipient

and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA and 29 CFR §38.

The WDB must assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the WDA in accord with WIOA sec. 188.

- 7. Complaint Procedures:** The procedures for processing complaints of a discriminatory nature that a WDA adopts and publishes for processing complaints must provide for a written Notice of Final Action on complaints issued within 90 days of the date on which the complaint is filed. At a minimum, the procedures must include initial, written notice to the complainant that contains the following acknowledges receipt and that the complainant has the right to be represented in the process (29 CFR §38.35) and the right to request and receive at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages; a written statement of the issue(s) of the complainant listing each issue and if the recipient will accept or reject, reason for rejection: ; a period of fact finding or investigation; a period during which the entity attempts to resolve the complaint which must include Alternative Dispute Resolution; a written notice of final action within 90 days including notification of the right to appeal to U.S. DOL Civil Rights Center Director.

Documents examined within the course of this review may include but are not necessarily limited local plan, notifications, posters, handbooks, job description, organizational chart, written policies and procedures, complaint log, employee demographics, new hire activity records, oversight reports, bilingual materials, outreach materials, public notices and agreements.

References include but may not have been limited to the following: WIOA sec. 3, sec. 107, sec. 108, sec. 121, sec. 188; 2 CFR §200; 29 CFR §38; 20 CFR §679, §683; 41CFR §60; State nondiscrimination plan, WIOA policies and issuances.

5. b. WIOA Grievance and Complaints of a Nondiscriminatory Manner Monitor Plan

WIOA Sec. 181 (c) requires that each State and workforce development area (WDA) receiving WIOA shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of WIOA Title I from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint. 20CFR §683.600 requires that procedures must include a process for dealing with grievances and complaints, opportunity for information resolution, allows for submission for binding arbitration allegations related to labor standards when covered by a collective bargaining agreement and provide an opportunity for appeal to the State level. Each recipient must provide , require that their subrecipients provide the information and make reasonable efforts to assure it is understood by affected participants and older individuals, youth and limited-English speaking individuals.

Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the Department of Labor Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. The Web site is <http://www.oig.dol.gov/contact.htm>. Complaints of a non-criminal nature may be handled under the procedures set forth in §683.600 or through the U.S. Department of Labor's Incident Reporting System (20CFR §683.620).

Scope: The Nebraska Department of Labor (NDOL), Office of General Counsel, Program Specialist conducts a review of processes and procedures for handling complaints and grievances of a nondiscriminatory nature in comparison to the Act, Federal Regulations, U.S. DOL Civil Rights Center requirements, State MOA, policies and issuances' Areas of review will include procedures, notification and record keeping.

The oversight will be conducted as a desk review with questions addressed to the administrative entity. Onsite activities may occur during other program reviews collecting information or observation to be used for this review.

Area of Review:

1. **Procedures:** WIOA Sec. 181 (c) requires that each State and WDA receiving WIOA shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of WIOA Title I from participants and other interested or affected parties. Procedures must provide an opportunity for informal resolution a hearing and be completed within 60 days after the filing of the grievance or complaint. 20CFR §683.600 requires that procedures must include a process for dealing with grievances and complaints, opportunity for information resolution, allows for submission for binding arbitration allegations related to labor standards when covered by a collective bargaining agreement and provide an opportunity for appeal to the State level.
2. **Notification:** Each WDA, State, and direct recipient must: Provide information about the content of the grievance and complaint procedures required by this section to participants and other interested parties affected by the local Workforce Investment System, including one-stop partners and service providers; Require that every entity to which it awards title I funds provide the information to participants receiving title I-funded services from such entities; and must make reasonable efforts to assure that the information referred to in paragraph (b)(1) of this section will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29 CFR 37.35 regarding the provision of services and information in languages other than English.

A recipient is responsible for providing services and information in languages other than English when (a) A significant number or proportion of the population eligible to be served, or likely to be directly affected, by a WIOA Title I-financially assisted program or activity may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity. Where such a significant number or proportion exists, a recipient must take the following actions: (1) Consider: (i) The scope of the program or activity; and (ii) The size and concentration of the population that needs services or information in a language other than English; and (2) Based on those considerations, take reasonable steps to provide services and information in appropriate languages. This information must include the initial and continuing notice required under §38.29 and .30, and all information that is communicated under §38.34. (b) In circumstances other than those described in paragraph (a) of this section, a recipient should nonetheless make reasonable efforts to meet the particularized language needs of limited-English-speaking individuals who seek services or information from the recipient.

3. **Record Maintenance:** All non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities.

Documents to be examined within the scope of this review may include but are not necessarily limited to local plan, written procedures to include dissemination procedures; record of complaints and, grievances resolved and appealed to the state; complaint file.

References include but may not have been limited to the following: WIOA Sec. 181, 2CFR §200; 20CFR §683; State WIOA Policies and Issuances.

Section III

Examples of Monitor Guides and Tools

1. Local Workforce Development Board (WDB) Oversight Guide

WIOA Section 107 (a) ESTABLISHMENT.—Except as provided in subsection (c) (2) (A), there shall be established, and certified by the Governor of the State, a WDB in each local workforce development area (WDA) of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.

SCOPE	The Nebraska Department of Labor, Office of General Counsel Program Specialist will complete a desk review of the WDB. The review will examine creation and functions of a board compliant with the requirements of the Workforce Investment Act and its implementing regulations. Certification by the Governor recognizing the Board and authorizing it to conduct the functions of a WDB is also considered.		
Desk Review	This review will be conducted primarily as a desk review of preliminary information received from the WDA administrative entity. The specialist will conduct a comparison of submitted materials with the act, federal regulation and policies.		
Onsite Review	Initiation of an onsite may result from WDA preference to review documents onsite or questions arising from review activities or an exit interview request from the WDA.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Composition of Board	WIOA Sec. 107 (b)(2); 20CFR §679.320-.350	Membership list with designation; Nomination and appointment procedures; nominations, minutes	As necessary or upon request.
Functions	WIOA sec. 107(d); 20CFR §679.370 -.390	WDA plan, written policies, regional planning activities, research and labor market analysis documentation, meeting agendas/products, Career Pathways, budget for the activities of the WDB; accessibility assessment, certification of one-stop	As necessary or upon request.
Written Agreements	WIOA Sec. 107 (c)(1)(B)(i), 20CFR §679.310(e) & .430	Agreement with NDOL, interlocal Agreement, Agreement between WDB and Chief Elected Official	As necessary or upon request.
Standing Committees	WIOA sec. 107(b)(4); 20CFR §679.360	Bylaws, minutes, questionnaire	As necessary or upon request.
Board Certification	WIOA Section 107(c)(2); 20CFR §679.350,	Governor's Certification of WDB	As necessary or upon request.
Board Bylaws	20CFR §679.310(g)	Board bylaws	As necessary or upon request.
Sunshine Provision	20CFR §679.390 WIOA Sec. 107(e)	Public Notices, agendas, minutes, bylaws, awards, roster, website, meeting schedules, website	As necessary or upon request.
Local WDB as One-Stop Operator	WIOA sec. 107(d)(10)(A); 20CFR §679.410(a), .430	Sole Source procurement, agreement of the Chief Elected Official and the Governor, One-Stop certification by State	As necessary or upon request.
Local WDB as Career Services Provider	WIOA sec. 107(g)(2); 20CFR §679.410(b) & (c)	Agreement with between the CEO and Governor to serve as provider, public notice of waiver	As necessary or upon request.
Monitoring System	WIOA sec. 107(d)(8); 29CFR §679.360(a) & .370(i)	WDB oversight plan. Standing committee minutes. Oversight reports.	As necessary or upon request.

Material Request to accompany review notification:

- Membership list with officer designation
- WDB By-laws
- Agreements (NDOL/CEO, WDB/CEO, Interlocal)
- WDB Certification
- Minutes from last three WDB meetings
- Public Announcement of most recent WDB meeting

- Oversight Plan
- Completed oversight activities
- WDA Plan/Modifications (if not posted)
- WDB Meeting Schedules'
- Nominations and Appointments for new members
- Written Policies

LOCAL WORKFORCE DEVELOPMENT BOARD (WDB) WORKSHEET

WDB NAME				
CONTACT PERSON				
TELEPHONE				
DATE				
Governor's Criteria for appointments: (WIOA Sec. 107(a)(2))				
Total Seats (20CFR§ 679.320)	Required	% Required	Number	Actual % or Meets Number
I. Business	Majority	51%		
• Small Business (20CFR§679.320(b))	2			
II. Representatives of Workforce	3-5	20%		
III. Education & Training	2-3			
IV. Government & Econ. Develop.	3-5			
V. CEO Addition				

I. BUSINESS (WIOA Sec. 107 (b)(2)(A), (3), (5))

	NAME (Business Chair _____)	TITLE	ENTITY	NOMINATED BY BUSINESS (LOCAL BUSINESS ORG AND BUSINESS TRADE ASSOCIATIONS)	APPOINTED	TERM START	TERM END	OPTIMUM POLICY	PROVIDE EMPLOYMENT – HIGH QUALITY
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									

II. Representatives of the Workforce (WIOA Sec. 107(b)(2)(B))

Shall Include	NAME	TITLE	ENTITY	OPTIMUM POLICY AUTHORITY	NOMINATED BY (Labor Federations)	APPOINTED	TERM START	TERM END
1 Representative of Labor Organizations								
2 Representative of Labor Organizations								
No Labor Organizations - how determined?								
1A Other Representatives of Employees								
2A Other Representatives of Employees								
3 Representative of Joint Labor-Management Apprenticeship Program								
No joint Labor-Management Apprenticeship Program - how determined?								

3a	Representative of Apprenticeship Program								
		May Include:							
4	CBO								
5	Organizations								

III. Education and Training (WIOA Sec. 107(b)(2)(C))

SHALL INCLUDE	NAME	TITLE	ENTITY	OPTIMUM POLICY	NOMINATED BY	APPOINTE D	TERM START	TERM END
1 Eligible Provider administering Adult Education & Literacy								
2 Institution of Higher Education providing workforce investment activities (incl. community colleges)								
May include:								
3 Local Educational agencies, CBO demonstrated . . . education or training needs of individuals with barriers to employment								

IV. Governmental and Economic Development (WIOA Sec. 107(b)(2)(D))

SHALL INCLUDE	NAME	TITLE	ENTITY	OPTIMUM POLICY	NOMINATED BY	APPOINTED	TERM START	TERM END
1 Economic and Community Development Entity								
2 Wagner-Peyser								
3 Voc Rehab								
MAY INCLUDE:								
4 Agencies or entities – transportation, housing, public assistances								
5 Philanthropic Organizations								

V. CEO Addition's (WIOA Sec. 107(b)(2)(E))

MAY INCLUDE								
	NAME	TITLE	ENTITY	OPTIMUM POLICY	NOMINATED BY	APPOINTED	TERM START	TERM END
1								
2								
3								

VI. Standing Committees (WIOA Sec. 107(b)(4))

- Has the WDB named standing committees?
If No – does the board direct activities directly?
If yes:

Committee Name	Members <i>(*indicates WDB member)</i>	Duties

VII. Certification

Most Recent Certification	
Certified	
Date of Certification	
Timely Request of Certification (if due)	

Workforce Development Board (WDB) Interview/Questionnaire

Local Workforce Development Area (WDA):

Date:

1. Has the Workforce Development Board (WDB) establishing any standing committees (§679.360)? If yes name and describe.
 - Committees?
 - Chaired by a WDB Member?
 - Other WDB members?
 - Other committee members appointed by?
 - Demonstrated experience and expertise?
2. Has the WDB developed an approved 4-year WIOA plan (§679.370)? If yes how were stakeholders involved in development and identifying and leverage resources?
3. What efforts have been made to engage with employers and other entities in your WDA?
4. Has the WDB conducted workforce research and labor market analysis? If yes, describe:
5. Developed and implemented career pathways within the WDA aligning the employment, training, education and supportive services available? If yes, describe:
6. Identified proven and promising strategies and initiates for meeting the needs of employers, workers and job seekers and disseminating information on proven and promising practices carried out in other WDAs for meeting such needs?
7. Have strategies been implemented to maximize the accessibility and effectiveness of the local system through use of technology? If yes, describe:

Have strategies increased service:

 - To remote areas?
 - Meeting needs of individuals with barriers to employment?
 - Leveraged resources and capacity of the workforce development system?
8. Has the WDB conducted oversight of WIOA activities, the one-stop delivery system and the appropriate use and management of WIOA funds in conjunction with the CEO?
 - Developed an oversight policy/procedures
 - Developed an oversight schedule
 - Identified actions to be taken when deficiencies are identified
 - Completed any oversight activities in the last 12 months? If yes reports must be submitted with questionnaire.
9. Has the WDB developed and implemented a certification process for the one-stop center(s)?
 - When was most recent certification completed?
 - Affiliate sites?
10. Has the WDB negotiated funding for the infrastructure costs of one-stop centers in your WDA? If no describe attempts, progress, status. If yes, describe arrangements.
11. Has the WDB developed a system for receiving applications, evaluating and approved service providers?
 - Youth
 - Eligible Training Providers
 - One-Stop Operators

12. Has the WDB developed a line item budget for the activities of the board?
13. Has the WDB developed a system for assessment of the physical and programmatic accessibility of the one-stop center(s) in accord with WIOA sec. 188?
 - Are there written procedures?
 - Is there a written assessment? Provide most recent.

2. a. Financial Management Systems Oversight Guide

WIOA Section 184(a) (3) (A) requires that each State (including the Governor of the State), local workforce development area (WDA), including the chief elected official for the area, and provider receiving funds under WIOA Adult, Dislocated Worker and Youth grants comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget. The Department of Labor adopted the Office of Management and Budget (OMB) Guidance in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities (subparts A through F of 2 CFR §200), as supplemented by this 2 CFR §2900, as the Department of Labor policies and procedures for financial assistance administration. Financial management system standards for non-Federal entities can be found at 2 CFR §200.302. WIOA Sec. 185 (a) requires retention of records that are sufficient to permit the preparation of reports required for WIOA and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully.

Scope	<p>The Nebraska Department of Labor (NDOL), Office of General Counsel, Program Specialist conducts a review of the local area written policies, processes and procedures making up the financial management system applicable to WIOA grant funds. Oversight is conducted through site visits, desk reviews and analyses of fiscal activities, records and reports. Systems are evaluated in comparison to the Act, its implementing regulations, Uniform Administrative requirements found in 2 CFR§200 and §2900 and State WIOA policies. Reviews are conducted to ensure that resources are efficiently and effectively used for authorized purposes and that internal controls and accounting procedures are in place to protect from waste, fraud and abuse. System reviews are conducted on an annual basis with the possibility of altered frequency at the discretion of the specialist or upon request to reflect need and review history of the entity subject to review.</p> <p>Documents examined within the course of the review include a sample pool of individual expenditure extracted from drawdown requests supporting documentation submitted to NDOL for the period of review, ledgers, printouts, budgets, organizational charts, reimbursement requests, fiscal reporting, board oversight, local plan, written policies, most recent outside audit, cost allocation plan, indirect cost rate, management information system reports and participant files. Additional documentation or information may be requested as a result of the review process. Questionnaires and interviews will be completed with the local administrative entity and Chief Financial Officers.</p>		
Desk Review	A desk review will be conducted of preliminary information received from the local administrative entity, financial officers and NDOL. The program specialist will conduct a comparison of submitted written procedures with the act, federal regulation and policies. Additional examination will be conducted on practices relevant to disbursement and retention of the process based on information obtained from the WDA and observations during other onsite monitoring activities. State monitoring reports for previous years review will be considered.		
Onsite Review	Onsite activities include an examination of individual expenditure sample pool and their supporting documentation. An exit interview will be held with the WDA administrative entity and fiscal staff to address questions and report findings.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
System	2CFR§200.302(b)(3), .334, .336; 20CFR §683.200; State Preliminary Cash Management & Administrative Cost Limitations policies	Local plan, written policies/procedures, printouts, fiscal reports	Expenditure audit. Interview with administrative entity.
Budget	2CFR §200.302(b)(5), .308; Policy on Local Area Plan Modifications and Revisions – Change 1	Local plan and modifications, budget from subaward/contractor, fiscal reports	Interview with administrative entity.
Agreement	20CFR §679.430; Agreement with NDOL	Agreement between LWDA, CEO/Board Agreement/Contract with subaward	
Subaward Monitoring	Techniques for Monitoring Federal Subawards (Thompson), 2CFR§200.302(b)(2), .303(g), .328, .330, .331; 20CFR§679.420(c)(2), WIOA Sec. 184 (a)(4)	Local plan, WDB oversight plan, schedules, reports	Examination of system, implementation, results and follow up. May also be addressed in WDB review. Interview with administrative entity.
Single Audit	2CFR§200.501, 504, .507, 516(a), WIOA Sec. 185, 20CFR§683.210; State WIOA Audits and Audit Resolution Policy	Most recent audit from clearing house; audit response, management decisions	Did the WDA audit include WIOA as a “major program”? If no, monitoring may be expanded. Interview with

			administrative entity and finance staff.
Internal Control	2CFR§200.61-.62, 302-303, .333; "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO), 20CFR §679.420 & §683.220	Questionnaire, written policies and procedures, observation	Expenditure audit. Interviews with administration and fiscal agents.
Cost	2CFR§200.301, 302(b)(7), .400-.475; 20CFR §683.200	Questionnaire, written policies and procedures, observation	Expenditure audit. Interviews with administration and fiscal agents
Program Income	2CFR§200.80, .305(b)(5), .307, .313(c)(3), .333(e), .400(g), 20CFR §683.200(c)(3), .295	General ledger	Interviews with finance, administrators and one-stop operator
Cost Allocation	2CFR§200.9, .19, .27, .400, .404, .414-417 & .425	Cost Allocation Plan	Expenditure audit. Interviews with administration and fiscal agents
Cash Management	NDOLWIOA Cash Management Policy & Finance Drawdown Procedures; 2CFR§200.305	Ledger balances, reimbursement requests	Interviews with administration and fiscal agents as necessary.

Materials: May provide documents or link to posting.

- Drawdowns from NDOL Finance for selected
 - Organizational Chart
 - Written Procedures
 - WDA Plan – relevant portion
 - Budgets
 - Job Descriptions
 - Bank Reconciliation
 - Payroll
 - Annual Wage
 - General Ledger
 - Account balances report
 - Program Income
 - Fiscal Reports
 - Board Oversight Plan
 - Board Oversight Schedule
 - Board Oversight reports
 - Total Expenditure Reports (Youth, OSY, Youth Work Experience, Adult/DW Incumbent Worker)
- Program Specialist reserves the right to request additional information and/or documentation deemed relevant to the review.*

PROJECTED VS. ACTUAL WORKSHEET										
LWDA										
Date										
					Actual	Projected		Actual	Projected	
					EXPENDITURES THROUGH _____. SOURCE.,	Modified Budget	%	Cost Per Participate Estimate	Projected Cost Per Participant	%
Administrative Expenditures					\$0.00	\$0.00				
_____ TO _____										
- Report Type: Workforce Innovation and Opportunity Act (WIOA) Program										
- Customer Group: Adult										
- Region/LWIA Name: Region										
PY 15	Actual	Projected	% Achieved							
Total	0	0	#DIV/0!							
New Enroll	0	0								
Carry In	0	0								
					\$0.00	\$0.00	#DIV/0!	#DIV/0!	\$0.00	#DIV/0!
_____ to _____										
- Report Type: Workforce Innovation and Opportunity Act (WIOA) Program										
- Customer Group: Youth										
- Region/LWIA Name: Region										
PY 15	Actual	Projected	% Achieved							
Total	0	0	#DIV/0!							
New Enroll	0	0								
Carry In	0	0			\$0.00	\$0.00	#DIV/0!	#DIV/0!	\$9,020.00	#DIV/0!
_____ to _____										
- Report Type: Workforce Innovation and Opportunity Act (WIOA) Program										
- Customer Group: Dislocated Worker										
Total DW PY 15	Actual	Projected	% Achieved							
Total	0	0	#DIV/0!							
New Enroll	0	0								
Carry In	0	0			\$0.00	\$0.00	#DIV/0!	\$0.00	\$0.00	#DIV/0!

NAME:

FUND:

MONTH:

ENDING BALANCE PREVIOUS MONTH: Total balance General Operating
Funds Report minus \$ for other funds

DATE	FUNDS RECEIVED	FUNDS DISBURSED	FUNDS ON HAND
		enter expenditures in chart to right will total expenditures and record in this column	\$0.00
1	\$0.00	\$0.00	\$0.00
2	\$0.00	\$0.00	\$0.00
3	\$0.00	\$0.00	\$0.00
4	\$0.00	\$0.00	\$0.00
6-30	\$0.00	\$0.00	\$0.00
31	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00

NDOL DRAWOWN PAYMENT

EXCESS CASH WORKSHEET

SECTION A	A.1	RECORD TOTAL FUNDS ON HAND	\$0.00
	A.2	DAYS IN MONTH	31
	A.3	DIVIDE LINE 1 BY LINE 2. THIS GIVES AVERAGE DAILY CASH BALANCE	\$0
	B.1	RECORD TOTAL FUNDS DISBURSED	\$0.00
SECTION B	B.2	RECORD NUMBER OF "WORK DAYS" IN THE MONTH	21
	B.3	DIVIDE LINE B1 BY LINE BD. THIS IS THE AVERAGE DAILY DISBURSEMENT WHICH PROVIDES INDICATOR OF THE AVERAGE DAILY CASH NEEDS.	\$0.00
	C.1	RECORD THE DOLLAR FIGURE FROM A 1	\$0.00
	C.2	RECORD THE DOLLAR FIGURE OF LINE B.3 ABOVE	\$0.00
SECTION C	C.3	SUBTRACT LINE 2 FROM LINE 1. THE REMAINDER IS THE AVERAGE AMOUNT OF EXCESS CASH ON HAND BEYOND ONE DAYS AVERAGE NEED. SINCE THE HHS-PMS SYSTEM ENABLES A GRANTEE TO OBTAIN NEEDED CASH WITHIN 24 HOURS OF ITS REQUEST, FUNDS ON HAND OVER ONE DAYS AVERAGE NEED WITH BE CONSIDERED EXCESS(FEDERAL MONITOR TOOL KIT)	\$0.00
	C.4	RECORD THE DOLLAR FIGURE OF LINE B.3 ABOVE	\$0.00
	C.5	DIVIDE LINE C.3 BY LINE C.4 THIS WILL PROVIDE THE AVERAGE NUMBER OF WORKDAYS OF EXCESS CASH ON HAND.	#DIV/0!
SECTION D	D.1	IF LINE C.5 IS MORE THAN FIVE, ADD TWO ADDITIONAL DAYS FOR EVERY FIVE FULL WORKDAYS TO ACCOUNT FOR WEEKENDS. ENTER THE NUMBER OF ADDITIONAL DAYS.	0
	D.2	TOTAL LINE C.5 AND D.1. THE RESULT IS THE AVERAGE NUMBER OF CALENDAR DAYS OF EXCESS CASH ON HAND.	#DIV/0!

**a portion of operating expenses are applied to other programs
through the cost pools*

EXPENDITURE WORKSHEET

**LOCAL WORKFORCE
DEVELOPMENT AREWA
(WDA):
DATE:**

Payee	
Amount	
Program	
Object	
Authorized	
Reasonable	
Necessary	
Allowable	
Supported	
Comment	
Expenditures for Specified Participants – All/Sample of Participant Electronic Files Must Be	
Participant	
Eligibility Accurately Determined and Documented	
Active Participant	
Activity	
Expenditure Necessary for Activity	

WIOA Fiscal Review Interview/Questionnaire

Local Workforce Development Area (WDA):

Completed by:

Date:

1. What accounting system is used?

Are there written instructions?

2. Who may authorize/approve payments?

Name(s):

Title(s):

3. Who signs checks?

Name(s):

Title(s):

4. Who is responsible for general ledger transactions?

Name(s):

Title(s):

5. Has fiscal staff received any related training?

- Has technical assistance been requested from the State by Administrative entity?
- By the subaward to administrative entity?

6. Who is authorized to drawdown funds from NDOL?

Name(s):

Title(s):

7. Who is authorized to drawdown funds/request reimbursements for your Subrecipients if any?

- What process is used for requesting drawdowns?
- Are procedures written? Do they include:
 - 1) Timing
 - 2) Support

8. What supporting documentation is required for a payment/expenditure to be authorized?

9. Who reviews/approves invoices/billings to be paid?

Name(s)

Title (s)

- What is considered?
- What is required?

10. What administrative positions are supported all or in part by WIOA funds? (For GNWDA/GLWDA all positions Supported all or in part by WIOA funds.)

- Does the entity pay bonuses?

**documentation will be required onsite for highest paid for Salary Limitations Consideration*

11. What system is used to record and track time?
12. What would you consider program income?
 - Was any program income is earned?
 - How is it tracked?
 - Where is income deposited?
 - Do records include source, date, amount and deposit to account?
 - Is program income spent prior to request for additional amounts?
13. When was the most recent audit done?
 - Did it include WIOA funds?
 - Has it been submitted to the clearing house?
14. What type of fundraising activities has the board held, if any? (Who, what, when)
 - Subawardee same.
 - Where any WIOA \$\$ spent? Any WIOA supported administrators or staff?
15. Were any actions taken which would require prior approval by NDOL? (§200.308)(May be addressed in procurement reviews.)
16. Do written procedures/systems include a risk assessment of subrecipients/subawardee? (May be addressed in procurement reviews.)

Board Oversight (if not done as part of WDB review.)

17. What kind of access to Subrecipients records is included in the agreement/contract?(§200.336(a))
18. Has the board developed an oversight plan (Omaha for its subrecipient) GNWDA and GLWDA service provider?
 - Request the correct amount of federal funds (examine documentation such as payroll records, receipts, procurement documentation, etc.)
 - Use the funds for program related purposes
 - Ensure only authorized personnel requests funds
 - Deposit funds in the proper account; and
 - Otherwise properly account for federal funds spent
19. How do you correlate financial costs to program accomplishments? (§200.301)?

(EXAMPLE: Sub budget \$ to objectives)

 - How often
 - Issues
 - Resolutions
20. How does the board track budgets to actual expenses?
21. Has the administrative entity and/or subawardee requested or obtained prior approval for:
 - Budget/Financial Plan for Program approved by pass-through entity
 - Budget/Financial Plan approved for subawardee

(§200.8; §200.407). (Prime recipients may waive certain written prior approvals under §200.308).

If no, have any occurred:

- Major changes to budget
- Major changes to scope of work
- Changes in key personnel
- Changes to participant support costs
- Revisions in the scope or objectives of the subaward;
- Need to extend period of availability of funds through a carryover request and/or no-cost extension
- A break in performance by the principal investigator or project director for more than three months or a 25% reduction in time; and
- Changes in the amount of approved cost-sharing

22. How do you track youth funds for OSY vs. ISY and work experience? Who is responsible for ensuring the goals are met?

23. Do you have any PY15 pay-for-performance contracts?

Internal Control Local Area Monitoring Checklist

Local Workforce Development Area (WDA):

Date:

Some or all of the following may be addressed in the financial management system review; information may also have been collected/evaluated during other reviews such as WDB, Procurement and program delivery.

1. Control Environment	√ If Yes	Comment
Does the "tone at the top" demonstrate management?		
Is management intolerant of overriding established procedures to monitor subrecipient?		
Is the entity's organizational structure and its ability to provide the necessary information flow?		
To monitor subrecipients adequate?		
Are sufficient resources dedicated to subrecipient monitoring?		
Are the knowledge, skills and abilities needed to accomplish subrecipient monitoring tasks defined?		
Do individuals performing these tasks possess the knowledge, skills and abilities required?		
Do subrecipients demonstrate that: <ul style="list-style-type: none"> • They are willing and able to comply with the requirements of the award; and • They have accounting systems, including the use of applicable cost principles, and internal control systems adequate to administer award? 		
Are appropriate actions taken to correct subrecipient deficiencies, and if needed, are remedies (§200.338) applied for enforcement of subrecipient noncompliance?		
2. Risk Assessment	√ If Yes	Comment
Do key managers understand the subrecipients' environment, systems and controls sufficiently to identify the level and methods of monitoring required?		
Is the pass-through entity conducting risk assessments on subrecipients from pre-award through close-out?		
Do mechanisms exist to identify risks arising from external sources affecting subrecipient such as risks related to: <ul style="list-style-type: none"> • Economic conditions • Political conditions; • Regulator changes; and • Unreliable information 		
Do mechanisms exist to identify and react to changes in subrecipients such as: <ul style="list-style-type: none"> • Financial problems that could lead to diversion of grant funds; • Loss of license or accreditation to operate the program • Rapid growth; • New activities, products or services; and • Organizational restructuring? 		
3. Control Activities	√ If Yes	Comments
Does an official written policy exist establishing: <ul style="list-style-type: none"> • Communicational federal award requirements to the subrecipients; • Responsibilities for monitoring subrecipients; • Process and procedures for monitoring; • Methodology of resolving findings of subrecipients' noncompliance or weakness in internal controls and • Requirements for processing of subrecipient audits, including appropriate adjustment of pass-through entity's accounts? 		
Describe how the subrecipient's compliance with audit requirements is monitored. The techniques that may be used to include the following: <ul style="list-style-type: none"> • Determine by inquiry and discussion whether the subrecipient met thresholds requiring single audit; • If an audit is required, assuring that the subrecipient submits the report to the Federal Audit Clearinghouse (FAC), as well as reporting packages or documents required by the Subpart F of UAR or the prime recipient's requirements. • Following up on reported deficiencies related to programs funded by the prime recipient, and • If a subrecipient was required to obtain a single audit but did not do so, following up with the subrecipient until the audit is completed and taking appropriate actions such as withholding further funding until the subrecipient meets the audit requirements. 		
Describe the follow-up system used to track reported subrecipient deficiencies and resolution actions.		
Describe how the subrecipients' compliance with federal program requirements is monitored. The following techniques may be used: <ul style="list-style-type: none"> • Issue timely management decisions for audit and monitoring findings to inform the subrecipients whether the corrective action planned is acceptable; • Maintain a system to track with follow-up on reported deficiencies related to programs funded by the recipient and ensure that timely corrective action is taken; 		

<ul style="list-style-type: none"> • Contact subrecipients regularly and make appropriate inquiries concerning the federal program; • Review subrecipient reports and follow-up on areas of concern; • Monitor subrecipients budgets; • Perform site visits to subrecipients to review financial and programmatic records and observe operations, an • Offer subrecipients technical assistance where needed. 		
Are the federal award information (e.g. CFDA title and number, award name, name of federal agency, amount of award) and applicable compliance requirements identified to the subrecipient?		
Do agreements with sub recipient's specific compliance with requirements applicable to the federal program, including the single audit requirements?		
4. Information and Communication	√ If Yes	Comment
Do standard award documents used by the nonfederal entity contain: <ul style="list-style-type: none"> • A listing of federal requirements that the subrecipient must follow (items can be specifically listed in the award document, attached as an exhibit to the document or incorporated by reference to specific criteria); • The description and program number for each program as stated in the CFDA(if the program funds include pass-through funds from another recipient, the pass-through program information should be identified) and; • A statement signed by an official of the subrecipient, stating that the subrecipient was informed or, understands and agrees to comply with the applicable compliance requirement? 		
Is there a record-keeping system in place to ensure that documentation is retained for the time period required by the recipient (applies to subrecipients only)?		
Are procedures in place to provide channels for subrecipients to communicate concerns to the pass-through entity?		
5. Monitoring	√ If Yes	Comment
Has a tracking system been established to ensure timely submission of required reporting for such as: <ul style="list-style-type: none"> • Financial Reports • Performance Reports • Audit Reports • On-site monitoring reviews of subrecipients; and • Timely resolution of findings? 		
Are supervisory reviews performed to determine the adequacy of subrecipient monitoring?		

Revised 9/8/16

LOCAL WORKFORCE DEVELOPMENT AREA (WDA) RISK ASSESSMENT

This is not meant to be a formal evaluation. It is for Monitor Use only to evaluate the risk of each local area based monitoring. May be completed at the end of annual review process to assist in planning for following year. Prior to fiscal review to determine scope needed or during program year to assess improvements or ongoing issues.

RISK	LOW	MED	HIGH	JUSTIFICATION (if not low risk)	Specific Conditions (As Appropriate)
General Assessment	1 Point	2 Points	3 Points		High Risk areas trigger additional monitoring.
Suspension/Debarment	0	0	0	§§200.205(d) SAM.gov checked. Systems in place and being used result in LOW	
Financial Stability	0	0	0	§§200.207 Audit Reviewed	
Follow Statute/Regulations	0	0	0	§200.207 Past oversight, knowledge of statutes and regulations. As exhibited through implementation noted during review, responses/position during exit interview and corrective action plans.	
Management Systems	0	0	0	Reporting, Accuracy of systems used – NEworks if previously used	
Written Procedures	0	0	0	Organizational Policies, Operation Procedures	
Authorizations	0	0	0		
Conflict of Interest	0	0	0		
History of Performance					
Timeliness	0	0	0	Performance is examined reported by NDOL OET. Financial reporting and timeliness per Office of Finance NDOL. Risk scores here indicate information collected through review process	
Reporting	0	0	0		
Terms & conditions	0	0	0		
Prior approvals	0	0	0		
Remedies likely	0	0	0		
New Recipient				No prior performance data.	
Budget					
Cost overruns	0	0	0	Budgets, financial reports	
Unspent funds	0	0	0	Financial reports at period end	
Unallowable Costs	0	0	0	Oversight, Audits	
Unallocable Costs	0	0	0	Oversight, Audits	
Improper payments	0	0	0	Oversight, Audits	
Agreements					
NDOL	0	0	0		
CEO and Board	0	0	0		
Interlocal as applicable	0	0	0		
Partners	0	0	0		
Subrecipients	0	0	0		
Contracts	0	0	0		
Audit					
Findings	0	0	0		
Corrective action plan	0	0	0		
Corrective action taken	0	0	0		
State Program Specialist Findings				See WIOA tracker and reviews completed within last 12 months	
Findings	0	0	0		
Corrective action plan		0	0		
Corrective action taken	0	0	0		
WDB Board Oversight				Findings should be compared to State, if WDB did not find issues and State did - systems may indicate risk	
Oversight Plan	0	0	0		
Oversight conducted	0	0	0		
Findings	0	0	0		
Corrective action taken	0	0	0		
Performance				§200.207 History of Unsatisfactory performance, no prior performance	
Outcome and results	0	0	0	Projected, as reported by OET, pass all.	
Financial Data	0	0	0	Reported as timely by NDOL, Finance	
Assessed Risk of Subrecipient					
Completed	0	0	0	No subrecipients	
Included in oversight	0	0	0	No subrecipients	
Total	0	0	0	Reviews may be adapted based on low or high risk assessment. High risk may result in broadening of scope or increased sample pools.	

FINANCIAL MANAGEMENT SYSTEMS NARRATIVE WORKSHEET

Local Workforce Development Area (WDA):

Date:

Period of review:

NOO available for viewing only at NDOL-Office of Financial Services (Steve Bray)

The _____ is the Chief Elected Official with ultimate responsibility for WIOA funds in the local area. NDOL OET/Finance Offices have determined that _____ is a pass through agency to _____ service provider.

WDA Plan

- (1) Names Financial Officer
- (2) Describes Fiscal Controls and Reporting

The objective of the review:

1. Determine that the subrecipient fiscal control and accounting procedures are in accordance with generally accepted accounting principles (GAAP).
2. Determine that the subrecipient accounting procedures are sufficient to permit the preparation of required reports, tracing of expenditures, program income and stand-in costs.
3. Determine that the subrecipient maintains adequate systems of internal controls to safeguard assets and financial records.

1. **Budget Controls:** Does the WDA have a method for tracking planned expenditures that allows it to compare actual expenditures or outlays to planned estimated expenditures?

(Projected vs. Actual enrollment, exits and budgets may have been completed during program reviews.

- Does the WDA have a budget approved with its plan? Have there been modifications?
- When (how often) are expenditures matched to the budget? Who is responsible for comparing budgeted to actual expenditures? Taking action?
- Administrative Cost
- What systems are in place to prevent overspending?

2. **Cash Management:** Does the WDA have a method for determining what drawdowns will be requested?

- How often does the WDA draw down cash?
Check the cash management activities and the needs for the amounts to be drawn. Drawdown reports should be requested for NDOL Office of Finance WIOA Accountant.
- How do they determine the amount to be drawn?
NDOL procedures require that only the amount needed is requested. Drawdown requests are supported by WIOA Fiscal Reports, General Ledgers, etc. Drawdowns are audited by NDOL Office of Finance Compliance Officer.
- Is there a written cash management policy?
Check to see if its policy is followed as instructed?
- Did drawdown examples provided by NDOL show appropriate cash management practices?
- Did the WDA have excess cash on hand?
Compare the amount of drawdown each month with expenditures to see if all draws are expended before making additional drawdown requests.

- Timing *(verification of balance at time of reimbursement requests)*
- Amount close to disbursement? *(verification of actual disbursement dates)*
- Are policies and procedures in writing?
- When are bank statements or accounts reconciled?
 - a.) accounting for all check numbers used
 - b.) identifying outstanding checks
 - c.) investigating all checks outstanding
 - d.) tracing transfers to/from bank accounts/fund accounts
 - e.) comparing the account balance with the general ledger cash balance

Local procedures:

- If the organization has petty cash? Are there written policies and/or procedures?
 - a.) Who maintains?
 - b.) How often is it reconciled?
 - c.) What can it be used for?
 - d.) Are withdrawals documented and supported?

3. **Program Income:** Does the program understand the definition of program income, are they earning program income, is it documented correctly and used to provide additional services under the grant before drawing more funds?

Any fee for service activities (one-stop or programs)

- Describe program income:
- Tracking program income
- Using accurate definition of program income seem to understand
- Documentation of program:
 - a.) Expense of delivering service
 - b.) Fees received
 - c.) Use income before federal funds – use funds towards common costs which defrays costs at same % as program paid in their rent agreement.
- Report program income on quarterly reports account printout supplied upon request.

4. **Cost Allocation:** Costs not easily identified to a specific fund but beneficial to all may be applied to all. The WDA should only have allocated costs to funds to the extent that a benefit was received.

- Written indirect cost rate or cost allocation plan(s) provided
- Supported by written evidence (such as timesheet)
- Allocated costs treated consistently over time and within the accounting system
 - a.) Reasonable, necessary and allocated to the grant based on the benefits received means is % of overall expenses for all programs, those encountered met test
 - b.) Staff working under multiple grants –track work time to record hours spent on specific fund activities
 - 1. Payroll initiated through submittal of timesheet
 - 2. Employee and supervisor approval/signature
 - 3. Actual rather than planned activity
- Written time recording

5. **Allowable Costs:** The WDA must have a system in place to ensure the program is incurring necessary and reasonable costs and is only charging allowable and allocable cost to the WIOA funds.

- 2CFR220 Cost principles for Educational Institutions
(http://www.whitehouse.gov/omb/fedreg/2005/083105_a21.pdf) previously OMB A-21

- 2CFR Part 225 Cost Principles for State, Local, and Indian Tribal Governments (http://www.whitehouse.gov/omb/fedreg/2005/083105_a87.pdf) Previously OMB A-87
- 2CFR Part 230 Cost Principles for Non Profit Organizations (http://www.whitehouse.gov/omb/fedreg/2005/083105_a122.pdf) Previously OMB A-122

6. Internal Controls: Does the WDA system reflect effective procedures; control, integrity, and accountability are maintained for all cash, personal property and other assets.

- Written policies, procedures, agreements in place to ensure (should be included in review materials)
- Used solely for authorized purposes
- Prevents unauthorized purchases
 1. Purchase orders, related vouchers supporting materials attached, and checks pre-numbered
 2. Prohibition checks drawn to cash
 3. Procedures to prevent duplication of payment
 4. Demands entry into accounting system mandatory
 5. Reviewed for correct cost categories
 6. Reviewed for allowability
- No one person controls the order, receipt, payment and reconciliation of assets
 1. Job Descriptions supporting assignment of a separation of approving and entering payments until the system
- Controls for staff credit card Policy for credit cards.
- Advance any funds to any sub-contractor or employees
 - a. Are training costs paid by any means other than ITA?

7. Financial Reporting: Does the WDA use an accounting system that allows it to maintain accurate and complete disclosure of the financial results of its WIOA activities according to the financial reporting requirements of the grant?

Complete program fiscal reports to NDOL based on NDOL reporting forms and instructions.

- Expenditures reported on an accrual basis
- Reported expenditures supported (spreadsheets, printouts, etc.)
- Data extracted from accounting system traceable to general ledger
- Administrative costs
- Financial reports timely

8. Record Retention: Do the WDA record retention practices require maintenance of records for a minimum of three years following the date of grant closeout?

Financial and program records, supporting documents, statistical records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants:

- If any litigation, claim, negotiation, audit or other action involving the records has started before the expiration of the three-year period, retain records until completion of the action and resolution
- Contracts (see Procurement Review) contain access to duly authorized representatives
- Contracts (see Procurement Review) contain standards for record retention

9. Audits: Did the WDA have an outside audit within the last year?

- Date of last audit (Report should be in requested review materials)
- Was it submitted to Federal Audit Clearinghouse

- Were there findings
- Resolution
- If entity is not required to have audit was the requirement set in agreement

10. Risk Assessment of Noncompliance:

- Current/prior audits
- Weaknesses in internal controls
- Prior audit findings
- WIOA program was not included in audit
- Received Federal oversight
- Program Specialist review findings

11. MISC:

- Sample Pool: Testing of records selected in sample pool to provide multiple programs and types of expenditures.
 - a. Payroll: sample of WIOA funded employees for a pay period under review.
 - Timesheets
 - Payroll register (hours and codes agree with timesheets) –
 - Trace Payroll charges from general ledger to payroll.
 - Payroll Disbursal
 - W-4
 - I-9
 - Payroll taxes deducted
 - Within confines of salary limitations
 - b. Non Personnel Costs: select sampling of expenditures from cash disbursement record and review for: (Target between 20-30 representatives of different funds and types of expenditures. May expand pool if issues noted.)
 - Supporting documentation
 - Authorized
 - Invoiced
 - Necessary
 - Accurate
 - Allowable
 - Receipt documented
 - Program identification
 - c. Cancelled checks – double endorsements
 - d. Cost are allowable
 - e. Training (ITA's and other)
 - Validity of documentation supporting training reimbursement claims
 - Determining that training is what was authorized.
 - f. Accounts are reconciled.

Payments for supportive service and training are also reviewed during program delivery reviews.

- Does the local workforce development board (WDB) have the required systems prescribed by financial management system at 2 CFR§200 for the following?

Contract Management	Procurement Review
Property Management	Procurement Review
Audit and Resolution	
Debt Collection	
Record Retention	All reviews.

- Indirect Cost:
 - Allocation: Review a selected number of monthly allocations or rate applications to determine compliance with the plan.
 - Are indirect costs identifiable to ensure that unallowable cost items are not included?
 - Does the WDB allow contractors to charge indirect costs?
 - Does the WDDDB employ the use of cost pools other than Indirect/Share ?
 - If yes, what is the basis for charging to the pool?
 - What is the basis for distribution from the pool?
 - How does the administrative entity charge expenditures to the program?
 - Direct
 - Indirect
 - Combination of both
 - Check items included in the indirect pools:
 - Salaries & benefits
 - Resource room
 - Rent/depreciation
 - Utilities
 - Office equipment
 - Auto expense if not identifiable as one program
 - Copy machine
 - Postage
 - Insurance
 - Travel
 - Other
 - What is the basis for allocation of the following: (At the one stop)
 - Space:
 - Utilities:
 - Copies:
 - Telephone:
 - Travel:
 - Other routine expenses:

WIOA SALARY LIMITATIONS WORKSHEET

LWDA

Date

SLARY AND BONUS							
HIGHEST PAID POSITION(S)	% OF TIME ON WIOA	WIOA FUNDED Wages	WAGES	BONUS	TOTAL	\$ PAID BY WIOA	
1	0%	\$0.00	\$0.00	\$0.00	\$0.00		
2	0%	\$0.00	\$0.00	\$0.00	\$0.00		
Other WIOA Funded Positions(s)							
	% OF TIME ON WIOA	WIOA Funded Wages	WAGES	BONUS	Total	\$ PAID BY WOIA	
1				\$0.00			
2				\$0.00			
3				\$0.00			
Source Documentation							
Salary Table No. 2016-EX							

Rates of Basic Pay for the Executive Schedule (EX)

Effective January 2016

Level Rate

Level I \$205,700

Level II \$185,100

Level III \$170,400

Level IV \$160,300

Level V \$150,200

Note: Certain senior political officials may not receive a pay increase in 2016 or receive the 2016 established pay rates due to section 738 of title VII of division E of the Consolidated Appropriations Act, 2016. Section 738 continues the freeze on the payable pay rates for the Vice President and certain senior political appointees at applicable 2013 levels. The new pay freeze period commences on the first day of the first pay period that begins in January 2016 through the end of the last pay period that begins in 2016 (January 10, 2016, through January 7, 2017, for those on the standard biweekly pay period cycle). However, the officially established and posted pay rates (or pay ranges) for 2016 are in effect and used for determining pay for other employees. See CPM 2015-14 and

FINANCIAL MANAGEMENT SYSTEMS MONITORING CHECKLIST

Local Workforce Development Area (WDA):		Review Checklist (review addressed – maybe completed during onsite) Onsite Dates: Reviewed:		
Agreement Number: Period of Review: A. Pre-Visit Check				
1. Number of request for payment during period of review: _____		2. Amount Requested to date: _____		
3. Total Disbursed to Date: _____		4. Balance: _____		
5. Compare to local area reports: _____				
6. Follow Up from prior visits or audits: _____				
Documents				
1) Request from NDOL during review planning: <ul style="list-style-type: none"> List of drawdowns requested during review period Printouts of drawdowns paid Total amount requested to date Balance Select sample from drawdown requests 				
2) Request from local workforce development area with review notification/or request at entrance interview: <ul style="list-style-type: none"> Questionnaire/Interview Questions Drawdown requests with supporting documentation for review period (Quarter or Month) Copy of Revenue and Expense Ledgers: <ul style="list-style-type: none"> Account ledgers for program income printouts for review period Account ledgers showing itemized expenditures and date of disbursement Account records showing balance date of drawdown requests Written policies and procedures including supportive service (allowable, authorization, documentation) Organizational Chart Most recent audit report 				
B. Review Must Address				
	Yes	No	NA	Comment
1) Internal Controls				
a) Title of person(s) who approves expenditure.				
b) Title of person who signs checks.				
c) Title of person(s) who signs checks.				
d) Title of persons responsible for general ledger transactions				
2) Disbursement (random sample selected from disbursements during selected review period – not all local areas drawdown at same rate, sampling will occur from period of time)				
a) Requested No: _____ Amount: _____				
Date received: _____				
Date deposited: _____				
All funds disbursed within 10 days.				
b) Requested No: _____ Amount: _____				
Date received: _____				
Date deposited: _____				
All funds disbursed within 10 days.				
c) No improper costs incurred prior to release of funds date				
	Yes	No	NA	
Comment				
3) Source Documentation Files should contain original records, invoices, vouchers and				

documents – select a sample pool (% based on risk assessment)
trace through the system.

_____ Examined _____ Errors

4) Grant-funded Staff:

- a) Names/Titles
- b) Engaged in WIOA activities (described in grant/plan)
Included in multiple reviews.
- c) Time Records signed by employee and supervisor

5) Program Income

- a) Records indicate source, date, amount and deposit
account
- b) Disbursement for eligible activities
- c) Program income spent prior to additional requests
for funds (unless revolving loan fund)
- d) Payments timely

6) Property Management

See Property Management Review

- a) Fixed Assets ledger lists all assets acquired with grant
funds and includes: description, serial identification number,
acquisition date, invoice, unit, cost and total costs, location, use,
condition, documentation of disposition.
- b) Inventory agrees with subrecipient's application.

7) Other Items

- a) Indirect cost documentation, if applicable
- b) Audits: File contains and identifies location of all
audits and related correspondence.
- c) Follow-up actions from prior visit or audits were
implemented

PROGRESS EVALUATION (PROGRAM OR FISCAL REVIEWS)				
Date:				
Local Workforce Development Area (WDA):				
Area to Examine	WDA Action			LWDA compared to NDOL
Comparison of actual accomplishments to the objectives of the federal award established for the period.				
The reasons why established goals were not met, if appropriate.				
Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high cost per unit.				
Problems, delays, or adverse conditions which will materially impair the ability to meet the objectives of the federal award.				
Favorable developments which enable meeting anticipated time schedules or producing more or different time schedules and objectives sooner or at less cost than originally planned.				
Goal	Target	Actual	Unit Cost	Problem/Resolution
1				
2				
3				

EXPENDITURE WORKSHEET

LOCAL Workforce
Development Area (WDA)

DATE:

Payee	
Amount	
Program	
Object	
Authorized	
Reasonable	
Necessary	
Allowable	
Supported	
EXPENDITURES IDENTIFIABLE FOR SPECIFIC PARTICIPANTS, PARTICIPANT FILES MUST BE REVIEWED	
Eligibility determined and documented <i>if current PY enrollment</i>	
Active Participant	
Supported/Related Activity	
Expenditure necessary for activity	

2. b. Procurement Standards Oversight Guide

WIOA Section 184(a)(3)(A) requires that each State (including the Governor of the State), local workforce development area (WDA), including the chief elected official for the area, and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements (2CFR§200) for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

Standards have been established to ensure fiscal accountability and prevent waste, fraud, and abuse in all programs administered under the Act. In addition, the Act introduced changes in the way services for youth workforce development activities are obtained.

Scope	<p>The Nebraska Department of Labor, Office General Counsel Program Specialist conducts a review of procurement standards and processes of the WDAs to procure products and services through the expenditure of WIOA funds. Oversight activities address the award of funds, delivery of goods and services by procedures or practices in comparison to the Act and its implementing regulations, Uniform Administrative Requirements of 2 CFR§200 & §2900, State WIOA policies, Nebraska Revised Statute and other applicable guidance or instruction.</p> <p>Documents examined may include but not necessarily be limited to the following: bylaws, meeting minutes, procurement files, written procedures, local plan, contracts, agreements or similar documentation; state statutes, municipal codes, websites, purchasing procedures and procurement files; and Federal and State requirements, laws and regulations.</p>		
Desk Review	Review activities include an examination of submitted and published materials in comparison of written procedures with the act, federal regulation and policies. An onsite review will be conducted of procurement records for activities occurring during the period of review.		
Onsite Review	Onsite activities will include an administrative entity interview. Examination of procurement records for part or all of those initiated during the review period and for contracts or other agreements in effect during the review period.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Conflict of Interest	2 CFR §200.112, §200.318(c)(1) & (2), 20 CFR §683.200(c)(5), State WIOA Policy	Written procedures, local plan, WDB bylaws, board minutes, employee rules	Procurement records, interview with administrative entity.
Written Procedures	2CFR §200.318 , State WIOA Procurement Policy	Written procedures. local plan	Interview with administrative entity.
Competition	2CFR § 00.319, State WIOA Procurement Policy	Posted offerings on websites, RFPs, Bids, WDB meeting minutes.	Procurement records, interview with administrative entity.
Methods of Procurement	2CFR §200.320, State WIOA Procurement Policy	Written procedures	Procurement records, interview with administrative entity.
Contract Cost and Price	2CFR §200.323, State WIOA Procurement Policy	Written procedures	Procurement records, interview with administrative entity.
Bonding	2CFR § 200.325, State WIOA Procurement Policy	Written Procedures	Qualifying purchases – procurement records.
Risk Assessment	2CFR §200.331(b)	Written procedures, examples submitted	Procurement records, interview with administrative entity
Contract Provisions and Assurances	Appendix II to Part 200 State WIOA Procurement Policy Neb. Revised Statute § 4-108-114	Contracts, templates submitted	Procurement record, interview with administrative entity
Prior Approval	2CFR §200.308(c)(6), 20CFR Preamble page 56205, §679.390, §683.200(b)(2), .235	Written procedures	Procurement record, interview with administrative entity
One Stop Operator Procedures	WIOA sec. 107(d)(10)(A), sec. 121 (d)(4)(C); 20CFR §679.390, §678.605	Website postings to include RFPs offered, WDB meeting minutes	Procurement file for one-stop operator selection,
Youth Provider	2CFR §200.331; 20CFR §681.400	Website postings to include RFPs offered, WDB minutes	Procurement File
Monitoring	2CFR § 00.318(i), .328, .333 & 336(a)	Written procedures	Procurement records, interview with administrative entity
Record Keeping	§200.324 & 333	Written procedures, local plan , procurement records	Availability of records requested.

Materials:

- Procurement Procedures or posted site
- Portion of the WDA plan addressing procurement or posted site
- List of contracts. Agreements entered into or active during the review period

- List of any offerings that have begun
- Templates

WIOA CONTRACT WORKSHEET

Local Workforce Development Area (WDA):

Contract Reviewed:

Date:

I. Nebraska Requirement § 4-108-114

All contracts shall certify that the contractor has registered with and is using a federal immigration verification system as defined in Neb. Rev. Stat. § 4-114(1)(a) to determine the work eligibility status of all employees physically performing services within the State of Nebraska. Upon reasonable notice, the contractor shall provide documentation to the Department of Labor which proves that the contractor is or was at all times during the term of the agreement in compliance with this provision. If the contractor is an individual or sole proprietorship, the contractor shall complete the U.S. Citizenship Attestation Form, available at www.das.state.ne.us. If the contractor indicates on such attestation form that he or she is a qualified alien, the contractor shall agree to provide the U.S. Citizenship and Immigration Services documentation required to verify the contractor's lawful presence in the U.S. using the Systematic Alien Verification for Entitlements (SAVE) Program. The contractor understands and agrees that lawful presence in the U.S. is required and the contractor may be disqualified if such lawful presence cannot be verified.

II. § 200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Compliance with WIOA – contracts shall contain provisions requiring compliance with the WIOA, its implementing regulations, and State WIOA policies including those pertaining to reporting.

Compliance with Neb. Rev. Stat. § 4-108 Lawful Presence in the U.S. – all contracts shall certify that the contractor has registered with and is using a federal immigration verification system as defined in Neb. Rev. Stat. § 4-114(1)(a) to determine the work eligibility status of all employees physically performing services within the State of Nebraska.38 Upon reasonable notice, the contractor shall provide documentation to the Department of Labor which proves that the contractor is or was at all times during the term of the agreement in compliance with this provision (if sole proprietorship must sign U.S. Citizenship Attestation Form, available at www.das.state.ne.us

III. Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards in addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts other than small purchases (\$150,000 threshold) shall contain provisions or conditions which will **allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms**, and provide for such sanctions and penalties as may be appropriate.

(B) **Termination for Cause and for Convenience** – all contracts shall contain suitable provisions for termination by the grantee or subgrantee including the manner by which it will be effected and the basis of settlement (*All contracts in excess of \$10,000.*)

Termination for Default – all contracts shall contain suitable provision under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(C) **Equal Employment Opportunity** – a must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (*Contracts that meet definition of federally assisted construction contract 41 CFR Part 60-1.3*) *Assure compliance with WIOA Sec. 188 and implementing regulations.* .

(D) **Davis-Bacon Act**, as amended (40 U.S.C. 3141–3148). All prime construction contracts in excess of \$2,000 must include provision form compliance with this act as supplemented by the DOL 29 CFR Part 5 Labor Standards Provisions. A copy of the current prevailing wage determination issued by the in each solicitation. Must also include a provision for compliance with **Copeland Anti-Kickback Clause** - all contracts awarded by the grantee or subgrantee for construction or repair in excess of \$2,000shall include a provision for compliance with the Copeland "Anti-Kickback" Act as supplemented in DOL regulations 29CFR Part 3 . . Shall prohibit from inducing, by means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which he/she is otherwise entitled.

(D) **Labor Standards Provisions** – OJT construction contractors and other construction contractors involving the use of WIOA funds shall have provisions requiring adherence with the Davis-Bacon Act and Sections 103 and 107 of the contract Work Hours and Safety Standards Act as supplemented by DOL regulations.

(E) **Contract Work Hours and Safety Standards Act** (40 U.S.C. 3701–3708). Where applicable, must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations - all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers

(F)**Rights to Inventions Made Under a Contract or Agreement** - a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement,"

(G) **Clean Air Act** (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387) - Contracts and subgrants of amounts in excess of \$150,000

(H) **State Energy Conservation Plan** - contracts shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act

(I) **Debarment and Suspension** (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM). Did they check?

(J) **Byrd Anti-Lobbying Amendment** - Contractors that apply or bid for an award of \$100,000 or more must file the required certification

(K) **Recovered Materials 2CFR \$200.322** – contracts between a State agency or agency of a political subdivision of a State and its contractors shall recognize mandatory standards and policies relating to section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act

Maintenance of Records 20CFR \$200.318 (i)– a provision shall be included in the contract which shall require the contractors to maintain all required records for three (3) years after the grantees or subgrantees/non-Federal entities make final payment and all other pending matters are closed. The records shall be sufficient enough to detail the significant history of the procurement. These records will include, but are not necessarily 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

Access to Contractor's Records (§200.336(a))– all negotiated contracts awarded by the grantee or subgrantee shall include a provision to the effect that subgrantees, State of NE, USDOL, or any other duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts, copies and transcriptions. Reasonable access to personnel for purposes of interviews and discussions related to such documents shall be permitted.

20 CFR §683.200 All WIOA title I and Wagner-Peyser Act grant recipients and subrecipients must comply with the government-wide requirements.

Drug Free Workplace Act of 1988 41. U.S.C. 8103 et. Seq. and 2 CFR 182/ 20CFR§683.200 (d)). All WIOA title I and Wagner-Peyser Act grant recipients and subrecipients must comply with the government-wide requirements.

Buy American - As stated in Sec. 502 of WIOA, all funds authorized in title I of WIOA and the Wagner-Peyser Act must be expended in compliance with secs. 8301 through 8303 of the Buy American Act (41 U.S.C. 8301-8303)

29 CF§38.25 Assurances: As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the Nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award. The assurance is considered incorporation by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available whether explicitly incorporated :

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;

Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the baes of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.

The **Age Discrimination Act** of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs

The grant applicant also assures that it will comply with **29 CFR part 38** and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I—financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance

Other: Do RFPs include Grievance/Protest Procedures?

Subrecipient Agreement Reviewed:

(Pass Through Entity: State of Nebraska, City of Omaha and HWS. Subrecipient: HWS, Inc. is a subrecipient of City of Omaha, Goodwill (now ResCare) is a subrecipient. *State of Nebraska Procurement Policy)

I. General Provisions Checklist 2CFR §200.32 & .331 & Appendix II to Part 200 A-K

	Subrecipient name, which must match the registered name in DUNS (unique entity identifier)
	Subrecipient DUNS number/unique identifier
	Federal Award Identification Number (FAIN)
	Award Dates, period of performance, amount of funds obligated by this action and total amount of funds
	Project description, to comply with statutory requirements of the Federal Funding Accountability and Transparency Act (FFATA)
	Name of federal awarding agency and pass-through entity including awarding official and contact information
	Catalog of Federal Domestic Assistance (CFDA) number and program name identification if the award is for research and development (R&D)
	Indirect cost rate, including the de minimis rate if applicable (\$200.414)

II. Scope of Work and Budget 2CFR §200.20 & .331

	Scope of Work – describes performance goals, services or benefits to be provided; where and when; the proposed deliverables and timeline to complete (cannot be just RFP attached)
	Performance deliverables
	Authorizing Statute
	Program Regulations
	National or public policy requirements – Included in Assurances
	Budget – approved budget

III. Administrative Requirements Techniques for Monitoring Federal Subaward 4th Edition (2CFR §200)

	Property Standards
	Procurement Standards
	Performance and financial monitoring and reporting (Standards for data collection and reporting §200.328) (pass through should measure program performance against financial spending (§200.301))
	Subrecipient Monitoring
	Remedies for Noncompliance
	Closeout (2CFR §200.331, .333, .343, .344)
	Post Closeout adjustments and continuing responsibilities
	Collection of Amounts Due

IV. Risk Assessment 20CFR §200.205, 331(b)

	Completed Risk Assessment (See Risk Assessment Worksheet)
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VI. Audit Requirements 20CFR §200.101 .501(h))

	Audit
	For profit

VI. Indirect Cost (2CFR §200.331)

	Accepted Federal Indirect Cost Rate
	Does not have a Federal ICR: negotiated rate with subrecipient or allowed 10% flat rate

II. Nebraska Requirement §4-108-114

	Compliance with Neb. Rev. Stat. § 4-108 Lawful Presence in the U.S. – all contracts shall certify that the contractor has registered with and is using a federal immigration verification system as defined in Neb. Rev. Stat. § 4-114(1)(a) to determine the work eligibility status of all employees physically performing services within the State of Nebraska. Upon reasonable notice, the contractor shall provide documentation to the Department of Labor which proves that the contractor is or was at all times during the term of the agreement in compliance with this provision. If the contractor is an individual or sole proprietorship, the contractor shall complete the U.S. Citizenship Attestation Form, available at www.das.state.ne.us . If the contractor indicates on such attestation form that he or she is a qualified alien, the contractor shall agree to provide the U.S. Citizenship and Immigration Services documentation required to verify the contractor's lawful presence in the U.S. using the Systematic Alien Verification for Entitlements (SAVE) Program. The contractor understands and agrees that lawful presence in the U.S. is required and the contractor may be disqualified if such lawful presence cannot be verified
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WIOA SUBAWARD WORKSHEET

§ 200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200— Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

	Compliance with WIOA – contracts shall contain provisions requiring compliance with the WIOA, its implementing regulations, and State WIOA policies including those pertaining to reporting.
	Compliance with Neb. Rev. Stat. § 4-108 Lawful Presence in the U.S. – all contracts shall certify that the contractor has registered with and is using a federal immigration verification system as defined in Neb. Rev. Stat. § 4-114(1)(a) to determine the work eligibility status of all employees physically performing services within the State of Nebraska. ³⁸ Upon reasonable notice, the contractor shall provide documentation to the Department of Labor which proves that the contractor is or was at all times during the term of the agreement in compliance with this provision (if sole proprietorship must sign U.S. Citizenship Attestation Form, available at www.das.state.ne.us)

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards in addition to other provisions required by the

(A) Contracts other than small purchases (\$150,000 threshold) shall contain provisions or conditions which will allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.	
	(B) Termination for Cause and for Convenience – all contracts shall contain suitable provisions for termination by the grantee or subgrantee including the manner by which it will be effected and the basis of settlement <i>(All contracts in excess of \$10,000.)</i>
	Termination for Default – all contracts shall contain suitable provision under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
	(C) Equal Employment Opportunity – a must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor <i>(Contracts that meet definition of federally assisted construction contract 41 CFR Part 60-1.3) Assure compliance with WIOA Sec. 188 and implementing regulations.</i>
	(D) Davis-Bacon Act , as amended (40 U.S.C. 3141–3148). All prime construction contracts in excess of \$2,000 must include provision form compliance with this act as supplemented by the DOL 29 CFR Part 5 Labor Standards Provisions. A copy of the current prevailing wage determination issued by the in each solicitation. Must also include a provision for compliance with Copeland Anti-Kickback Clause - all contracts awarded by the grantee or subgrantee <i>for construction or repair in excess of \$2,000</i> shall include a provision for compliance with the Copeland “Anti-Kickback” Act as supplemented in DOL regulations 29CfR Part 3 . . Shall prohibit from inducing, by means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which he/she is otherwise entitled
	(D) Labor Standards Provisions – OJT construction contractors and other construction contractors involving the use of WIOA funds shall have provisions requiring adherence with the Davis-Bacon Act and Sections 103 and 107 of the contract Work Hours and Safety Standards Act as supplemented by DOL regulations.
	(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708). Where applicable, must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations - all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers
	(F) Rights to Inventions Made Under a Contract or Agreement - a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement.”
	(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387) - Contracts and subgrants of amounts in excess of \$150,000
	(H) State Energy Conservation Plan - contracts shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act
	(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM). Did they check?
	(J) Byrd Anti-Lobbying Amendment - Contractors that apply or bid for an award of \$100,000 or more must file the required certification
	(K) Recovered Materials 2CFR §200.322 – contracts between a State agency or agency of a political subdivision of a State and its contractors shall recognize mandatory standards and policies relating to section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act
	Maintenance of Records 20CFR §200.318(i) – a provision shall be included in the contract which shall require the contractors to maintain all required records for three (3) years after the grantees or subgrantees/non-Federal entities make final payment and all other pending matters are closed. The records shall be sufficient enough to detail the significant history of the procurement. These records will include, but are not necessarily 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
	Access to Contractor's Records (§200.333, .336(a)) – all negotiated contracts awarded by the grantee or subgrantee shall include a provision to the effect that subgrantees, State of NE, USDOL, or any other duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts, copies and transcriptions. Reasonable access to personnel for purposes of interviews and discussions related to such documents shall be permitted.
29 CFR §38.25 Assurances: As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the Nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award. The assurance is considered incorporation by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available whether explicitly incorporated	
	Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;
	Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the baes of race, color or national origin.
	Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
	The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
	Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs
	The grant applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I—financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance
OTHER	
	Do RFPs include Grievance/Protest Procedures?
20 CFR §683.200 All WIOA title I and Wagner-Peyser Act grant recipients and subrecipients must comply with the government-wide requirements.	
Drug Free Workplace Act of 1988) 41. U.S.C. 8103 et. Seq. and 2 CFR 182/ 20CFR§683.200 (d)). All WIOA title I and Wagner-Peyser Act grant recipients and subrecipients must comply with the government-wide requirements.	
Buy American - As stated in Sec. 502 of WIOA, all funds authorized in title I of WIOA and the Wagner-Peyser Act must be expended in compliance with secs. 8301 through 8303 of the Buy American Act (41 U.S. C. 8301-8303)	

Procurement Standards Worksheet

Workforce Development Area:

Date:

Check current simplified acquisition threshold determined by the Civilian Agency Acquisition Council and the Defense Acquisitions Regulations Council for changes in threshold.

29 CFR §200 and §900 contain the procurement standard for the recipients to meet in establishing procurement procedures. 29CFR §38 contains additional nondiscrimination assurances.		
§ 200.317 Procurements by states.		
1. Does the State follow the same policies for WIOA as for other procurements with non-Federal Funds?		§200.317 Procurements by states. When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds. The state will comply with §200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by §200.326 Contract provisions. All other non-Federal entities, including subrecipients of a state, will follow §200.318 General procurement standards through §200.326 Contract provisions.
2. Do State purchase orders and contracts contain mandatory clauses?		§200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.
§200.318 General procurement standards.		
1. Does the WDA have written procurement procedures?		(a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.
2. Does the WDA have a contract administration system to ensure that contractors perform in accordance with the terms, conditions, and specifications or their contracts or purchase orders?		(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
3. Does the WDA have written conflict of interest standards?		(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, Award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
<ul style="list-style-type: none"> • Employees • Officers • Board • Members of immediate family • Partners • An organization which employs or is about to employ any of the above 		
4. Does the WDA prohibit employees, officers and agents of the non-Federal entity from soliciting or accepting gratuities, favors or anything of monetary value from contractors or parties to subcontracts?		
5. Have standards been set for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value?		
6. Do standards include disciplinary actions to be applied for violations?		
7. Does the WDA have a parent, affiliate, or subsidiary organization that is not a state, local		(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of

government, or Indian tribe? If yes are there organizational standards of covering organizational conflicts of interest?		interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
8. Do procedures prevent or avoid the acquisition of unnecessary or duplicative items?		(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
9. Does the WDA enter into intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services?		(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or interentity agreements where appropriate for procurement or use of common or shared goods and services.
10. Does the WDA encourage use of Federal excess and surplus property in lieu of purchasing new equipment?		(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
11. Does the WDA use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions?		(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
12. How does the WDA ensure that contracts are awarded to responsible contractors able to perform successfully under the terms and conditions of offering?		(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
13. Does the WDA maintain records sufficient to detail the history of procurement (will include rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract)?		(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily 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.
14. Do the local procedures allow for time and material contracts? What are the requirements?		(j)(1) The non-Federal entity may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and material type contract means a contract whose cost to a non-Federal entity is the sum of: (i) The actual cost of materials; and (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. (2) Since this formula generates an open-ended contract price, a time-and materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
15. Does the WDA have a system in place for the settlement of contractual and administrative issues arising out of procurements (protest procedures)?		(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

§200.319 Competition. (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to		
1. Do WDA procedures restrict competition?		(a)(1) Placing unreasonable requirements on firms in order for them to qualify to do business; (2) Requiring unnecessary experience and excessive bonding; (3) Noncompetitive pricing practices between firms or between affiliated companies; (4) Noncompetitive contracts to consultants that are on retainer contracts; (5) Organizational conflicts of interest; (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and (7) Any arbitrary action in the procurement process.
2. Does the WDA impose geographical preference in the evaluation of bids or proposals?		(b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
3. Do WDA procedures include clear and accurate descriptions of technical requirements and factors to be used in evaluating bids or proposals?		(c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations: (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
4. Does the WDA maintain a list of prequalified sources?		(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
§200.320 Methods of procurement to be followed. The non-Federal entity must use one of the following methods of procurement.		
1. Do WDA procurement procedures include methods for procuring micro-purchases?		(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
2. Do WDA procurement procedures include methods for procuring small purchases?		b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
3. Do WDA procurement procedures include procurement by sealed bids?		(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply. (1) In order for sealed bidding to be feasible, the following conditions should be present : (i) A complete, adequate, and realistic specification or purchase description is available; (ii) Two or more responsible bidders are willing and able to

		<p>Compete effectively for the business; and (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. 2) If sealed bids are used, the following requirements apply: (i) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids; (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond; (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids; (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and (v) Any or all bids may be rejected if there is a sound documented reason.</p>
<p>4. Do WDA procurement procedures include procurement by competitive proposal?</p> <p>_____ Used when more than one source is expected to submit an offer</p> <p>_____ Fixed price or cost reimbursement contract will be awarded</p> <p>_____ Not appropriate for sealed bid</p> <p>Requires:</p> <p>_____ Must be publicized and identify all evaluation factors and their weight</p> <p>_____ Solicited from an adequate number</p> <p>_____ Written technical evaluations</p> <p>_____ Awarded to proposal most advantageous to the program</p> <p>_____ Must use RFP for qualifications-based architectural/engineering (A/E)</p>		<p>(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply: (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical; (2) Proposals must be solicited from an adequate number of qualified sources; (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients; (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.</p>
<p>5. Do local procurement procedures include a means for procuring by noncompetitive proposals?</p> <p>_____ Item is available from single source</p> <p>_____ Public exigency or emergency does not permit delay resulting from competitive solicitation</p> <p>_____ Federal or pass-through entity expressly authorized noncompetitive proposal in response to a written request</p>		<p>(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply: (1) The item is available only from a single source; (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or (4) After solicitation of a number of sources, competition is determined inadequate.</p>
<p>6. Do the local procurement procedures include taking all necessary affirmative action steps to assure minority businesses, women's business enterprises, and labor surplus area firms are used?</p> <p>Do affirmative action steps include:</p> <p>_____ Small and minority businesses and women's businesses on solicitation lists</p> <p>_____ Assure they are solicited whenever potential sources</p> <p>_____ Divide total requirements/tasks</p>		<p>§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. (b) Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules,</p>

<p>_____ Delivery schedules which encourage</p> <p>_____ Use Small Business Administration</p> <p>_____ Use Agency of the Department of Commerce</p> <p>_____ Use Minority Business Development</p> <p>_____ Require prime contractor, if subcontracts are to be let, to take affirmative action steps</p>		<p>where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.</p>
<p>7. If the WDA is a state agency or agency of a political subdivision of a state does it require itself and its contractors to comply with section 6002 of the Solid Waste Disposal Act?</p>		<p>§200.322 Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.</p>
<p>8. Do WDA procedures include a requirement for cost or price analysis for every procurement in excess of simple acquisitions (less than \$150,000) threshold?</p>		<p>§200.323 Contract cost and price. (a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals. (b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this Part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles. (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.</p>
<p>9. Do local procurement procedures include bonding requirements for facility contracts or subcontracts exceeding the Simplified Acquisition Threshold?</p>		<p>§200.325 Bonding requirements. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows: (a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.(b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.(c) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by</p>

		law of all persons supplying labor and material in the execution of the work provided for in the contract.
§200.324 Federal awarding agency or pass-through entity review.		
1. Does the WDA maintain and make available, upon request to the awarding agency or pass-through entity procurement records?		(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase. (b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when: (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this Part;(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product; (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold
2. Has the WDA requested review and certification of its procurement system?		(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass through entity determines that its procurement systems comply with the standards of this Part. (1)The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis; (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review
3. Has the WDA self-certified its procurement system?		
§200.325 Bonding requirements.		
1. Does the WDA require bonding for construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold?		For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:
(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified. (b) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract. (c)A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract		
§200.326 Contract provisions. The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards		

1. Do contracts and templates for contracts over the simplified acquisition threshold (\$150,000 5/18/2016)		Appendix 200: In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable. (A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate
2. Do contracts and templates for contracts over \$10,000 contain termination for cause and convenience clauses?		(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.
3. Do contracts and templates include necessary assurances?		(C) – (K) See Assurance Checklist.
§200.331 Requirements for pass-through entities		
(State Policy – State of Nebraska, City of Omaha and HWS, Inc. are pass through entities . HWS, as a non-Federal entity that receives a subaward from the City of Omaha, is a subrecipients. Goodwill Industries, as a non-Federal entity that receives a subaward from HWS, is also a subrecipients.)		
1. Does the subaward include:		(a) Ensure that every subaward is clearly identified to the subrecipients as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:
<ul style="list-style-type: none"> Federal Award Identification 		(a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes: Award; (ix) Federal award project description , as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA); (x) Name of Federal awarding agency , pass-through entity, and contact information for awarding official, (xi) CFDA Number and Name ; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement; (xii) Identification of whether the award is R&D ; and (xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).
<ul style="list-style-type: none"> Requirements imposed by pass-through 		(2) All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award.
<ul style="list-style-type: none"> Requirements imposes so the pass-through entity to meet its own responsibilities 		(3) Any additional requirements that the pass-through entity imposes on the subrecipient in order for the past-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports;
<ul style="list-style-type: none"> Federally recognized indirect cost rate 		(4) An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient(in compliance with this Part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (b) of this Part.
<ul style="list-style-type: none"> Access to records 		(5) A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this section, §200.300 Statutory and national policy requirements through §200.309 Period of performance, and Subpart F—Audit Requirements of this Part; and

• Terms and conditions of closeout		6) Appropriate terms and conditions concerning closeout of the subaward.
• Evaluate each subrecipients risk		See Risk Assessment Worksheet
2. Do local procurement procedures include consideration of conditions if appropriate?		<p>(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.207 Specific conditions.</p> <p>(§200.207 Specific conditions.</p> <p>(a) Based on the criteria set forth in §200.205 Federal awarding agency review of risk posed by applicants or when an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award, or failure to meet expected performance goals as described in §200.210 Information contained in a Federal award, or is not otherwise responsible, the Federal awarding agency or pass-through entity may impose additional specific award conditions as needed under the procedure specified in paragraph (b) of this section. These additional Federal award conditions may include items such as the following: (1) Requiring payments as reimbursements rather than advance payments; (2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance; (3) Requiring additional, more detailed financial reports; (4) Requiring additional project monitoring; (5) Requiring the non-Federal entity to obtain technical or management assistance; or (6) Establishing additional prior approvals. (b) The Federal awarding agency or pass-through entity must notify the applicant or non-Federal entity as to: (1) The nature of the additional requirements; (2) The reason why the additional requirements are being imposed; (3) The nature of the action needed to remove the additional requirement, if applicable; (4) The time allowed for completing the actions if applicable, and (5) The method for requesting reconsideration of the additional requirements imposed. (c) Any special conditions must be promptly removed once the conditions that prompted them have been corrected.</p>
3. Does the WDA require the non-Federal entity to submit certifications and representations required by Federal statutes, or regulations on an annual basis?		§200.208 Certifications and representations. Unless prohibited by Federal statutes or regulations, each Federal awarding agency or pass-through entity is authorized to require the non-Federal entity to submit certifications and representations required by Federal statutes, or regulations on an annual basis. Submission may be required more frequently if the non-Federal entity fails to meet a requirement of a Federal award.
4. Does the WDA allow pre-award costs?		§200.209 Pre-award costs. For requirements on costs incurred by the applicant prior to the start date of the period of performance of the Federal award, see §200.458 Pre-award costs.
§200.303 Internal controls. The non-Federal entity must:		
(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).		
1. Do sub awards require compliance with terms and conditions of federal awards?		(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.
2. Does the local area have a means for monitoring compliance with statute, regulation and terms and conditions of Federal awards?		(c) Evaluate and monitor the non-Federal entity's compliance with statute, regulations and the terms and conditions of Federal awards
3. Does the WDA take prompt action when instances of noncompliance are identified?		(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
4. Does the WDA take safeguards to protect personally identifiable information?		(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, state and local laws regarding privacy and obligations of confidentiality.
5. How are payments on sub awards made?		See below:
§200.305 Payment. (a) For states, payments are governed by Treasury-State CMIA agreements and default procedures codified at 31 CFR Part 205 “Rules and Procedures for Efficient Federal-State Funds Transfers” and TFM 4A–2000 Overall Disbursing Rules for All Federal Agencies. b) For non-Federal		

entities other than states, payments methods must minimize the time elapsing between the transfer of funds from the United States Treasury or the pass-through entity and the disbursement by the non-Federal entity whether the payment is made by electronic funds transfer, or issuance or redemption of checks, warrants, or payment by other means. See also §200.302 Financial management paragraph (f). Except as noted elsewhere in this Part, Federal agencies must require recipients to use only OMB approved standard governmentwide information collection requests to request payment.

(1) The non-Federal entity must be paid in advance, provided it maintains or demonstrates the willingness to maintain both written procedures that minimize the time elapsing between the transfer of funds and disbursement by the non-Federal entity, and financial management systems that meet the

standards for fund control and accountability as established in this Part. Advance payments to a non-Federal entity must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the non-Federal entity in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the non-Federal entity for direct program or project costs and the proportionate share of any allowable indirect costs. The non-Federal entity must make timely payment to contractors in accordance with the contract provisions.

(2) Whenever possible, advance payments must be consolidated to cover anticipated cash needs for all Federal awards made by the Federal awarding agency to the recipient.

(i) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer and should comply with applicable guidance in 31 CFR Part 208.

(ii) Non-Federal entities must be authorized to submit requests for advance payments and reimbursements at least monthly when electronic fund transfers are not used, and as often as they like when electronic transfers are used, in accordance with the provisions of the Electronic Fund Transfer Act (15U.S.C. 1601).

(3) Reimbursement is the preferred method when the requirements in paragraph (b) cannot be met, when the Federal awarding agency sets a specific

condition per §200.207 Specific conditions, or when the non-Federal entity requests payment by reimbursement. This method may be used on any Federal award for construction, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal award constitutes a minor portion of the project. When the reimbursement method is used, the Federal awarding agency or pass-through entity must make payment within 30 calendar days after receipt of the billing, unless the Federal awarding agency or pass-through entity reasonably believes the request to be improper.

(4) If the non-Federal entity cannot meet the criteria for advance payments and the Federal awarding agency or pass-through entity has determined that

reimbursement is not feasible because the non-Federal entity lacks sufficient 78626 Federal Register / Vol. 78, No. 248 / Thursday, December 26, 2013 / Rules and Regulations working capital, the Federal awarding agency or pass-through entity may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency or pass-through entity must advance cash payments to the non-Federal entity to cover its estimated disbursement needs for an initial period generally geared to the non-Federal entity's disbursing cycle. Thereafter, the Federal awarding agency or pass-through entity must reimburse the non-Federal entity for its actual cash disbursements. Use of the working capital advance method of payment requires that the pass-through entity provide timely advance payments to any subrecipients in order to meet the subrecipient's actual cash disbursements. The working capital advance method of payment must not be used by the pass-through entity if the reason for using this method is the unwillingness or inability of the pass-through entity to provide timely advance payments to the subrecipient to meet the subrecipient's actual cash disbursements.

(5) Use of resources before requesting cash advance payments. To the extent available, the non-Federal entity must disburse funds available from program income (including repayments to a revolving fund), rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments.

(6) Unless otherwise required by Federal statutes, payments for allowable costs by non-Federal entities must not be withheld at any time during the period of performance unless the conditions of §200.207 Specific conditions, Subpart D—Post Federal Award Requirements of this Part, §200.338 Remedies for Noncompliance, or the following apply:

(i) The non-Federal entity has failed to comply with the project objectives, Federal statutes, regulations, or the terms and conditions of the Federal award.

(ii) The non-Federal entity is delinquent in a debt to the United States as defined in OMB Guidance A-129, "Policies for Federal Credit Programs and Non-Tax Receivables." Under such conditions, the Federal awarding agency or pass-through entity may, upon reasonable notice, inform the non-

Federal entity that payments must not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the

Federal government is liquidated.

(iii) A payment withheld for failure to comply with Federal award conditions, but without suspension of the Federal award, must be released to the non-

Federal entity upon subsequent compliance. When a Federal award is suspended, payment adjustments will be made in accordance with §200.342 Effects of suspension and termination. (iv) A payment must not be made to a non-Federal entity for amounts that are withheld by the non-Federal entity

from payment to contractors to assure satisfactory completion of work. A payment must be made when the non-Federal entity actually disburses the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

(7) Standards governing the use of banks and other institutions as depositories of advance payments under Federal awards are as follows.

(i) The Federal awarding agency and pass-through entity must not require separate depository accounts for funds provided to a non-Federal entity or establish any eligibility requirements for depositories for funds provided to the non-Federal entity. However, the non-Federal entity must be able to account for the receipt, obligation and expenditure of funds.

(ii) Advance payments of Federal funds must be deposited and maintained in insured accounts whenever possible.

(8) The non-Federal entity must maintain advance payments of Federal awards in interest-bearing accounts, unless the following apply.

(i) The non-Federal entity receives less than \$120,000 in Federal awards per year.

(ii) The best reasonably available interest-bearing account would not be expected to earn interest in excess of \$500 per year on Federal cash balances.

(iii) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash

resources.

(iv) A foreign government or banking system prohibits or precludes interest bearing accounts.

(9) Interest earned on Federal advance payments deposited in interest-bearing accounts must be remitted annually to the Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$500 per year may be retained by the non-Federal entity for administrative expense

WIOA PROCUREMENT PROCEDURES QUESTIONNAIRE

Local Workforce Development Area (WDA):

Person Completing Questionnaire:

Date Completed:

1. Does the WDA have written procurement procedures?
2. Who is responsible for insuring that procedures are compliant with the Workforce Investment Act?
3. Describe how procedures address, (including parties primarily responsible for insuring system) for the following:
 - a) Administration: Party responsible for the administration of contracts & purchases
 - b) Affirmative action
 - c) Conflict of interest - written
 - d) Contract provisions
 - e) Confidentiality
 - f) Cost analysis
 - g) Debarred & suspended parties
 - i) Documentation of review and award
 - j) Economy and efficiencies
 - K) Methods of procurement
 - l) Protest procedures
 - m) Transactions between government units
4. Do you maintain a list of prequalified persons, firms, or products which are used in acquiring goods and services?
5. When was the one stop operator designated and certified?
6. What is term of designation/contract?
7. When was the current Youth Service Provider contract issued?
8. What is term of contract?
9. What contracts are currently in effect?
10. What letters of agreement are currently in place?
11. Is there any other type of procurement which has begun, completed or existed?
12. Were any activities taken to recruit and utilized small businesses, minority-owned firms and/or business enterprises?
13. What type of monitoring/oversight has been conducted?
14. What type of oversight is planned for future procurements?
15. Are there procurement activities underway?
16. How do you ensure that contractors are using SAVE?
17. Are steps taken to verify that awardee or respondent is not suspended or debarred using SAM.gov?

RISK ASSESSMENT WORKSHEET

Procurement Review WIOA

Applicant: _____ Solicitation: _____ Date: _____

New or Previous award/contractor:

RISK	LOW	MED	HIGH	JUSTIFICATION (if not low risk)	Specific Conditions (As Appropriate)
General Assessment					<i>High Risk awards trigger additional oversight.</i>
• Suspension/Debarment §200.205(d)				§200.205(d) SAM.gov checked	
• Financial Stability			200.207	Audit Reviewed	
• Follow Statute/Regs			200.207	Past oversight, knowledge of statutes and regulations	
• Management Systems				Reporting, Accuracy of systems used – NEworks if previously used	
• Written Procedures				Organizational Policies, Operation Procedures	
• Authorizations					
• Conflict of Interest					
History of Performance					
• Timeliness					
• Reporting					
• Terms & conditions					
• Prior approvals					
• Remedies likely					
• New Recipient				No prior performance data.	
Budget					
• Cost overruns				Budgets, financial reports	
• Unspent funds				Financial reports at period end	
• Unallowable Costs				Oversight, Audits	
• Unallocable Costs				Oversight, Audits	
• Improper payments				Oversight, Audits	
Agreements					
• Partners					
• Subrecipients					
• Contracts					
Audit					
• Findings					
• Corrective action plan					
• Corrective action taken					
Performance			200.207	History of Unsatisfactory performance, no prior performance	
• Outcome and results					
• Financial Data					

2CFR§200.205, 207, 331(c),

Written Procurement Procedures Checklist		
Local Workforce Development Area (WDA):		Date:
§200.318 General procurement standards. (a) The non-Federal entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.		
Y	N	
		(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
		(c) (1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest: governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
		2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.
		(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
		(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or interentity agreements where appropriate for procurement or use of common or shared goods and services.
		(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
		(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
		(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
		(j)(1) The non-Federal entity may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and material type contract means a contract whose cost to a non-Federal entity is the sum of: (i) The actual cost of materials; and (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. (2) Since this formula generates an open-ended contract price, a time-and materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
		(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.
§200.319 Competition. (a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to		
		(a)(1) Placing unreasonable requirements on firms in order for them to qualify to do business; (2) Requiring unnecessary experience and excessive bonding; (3) Noncompetitive pricing practices between firms or between affiliated companies; (4) Noncompetitive contracts to consultants that are on retainer contracts; (5) Organizational conflicts of interest; (6) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and (7) Any arbitrary action in the procurement process.
		b) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
		c) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations: (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or

		equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals
		(d) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
§200.320 Methods of procurement to be followed. The non-Federal entity must use one of the following methods of procurement.		
		(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
		b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
		(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply. (1) In order for sealed bidding to be feasible, the following conditions should be present: (i) A complete, adequate, and realistic specification or purchase description is available; (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. (2) If sealed bids are used, the following requirements apply: (i) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids; (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond; (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids; (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and (v) Any or all bids may be rejected if there is a sound documented reason.
		(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply: (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical; (2) Proposals must be solicited from an adequate number of qualified sources; (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients; (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
		f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply: (1) The item is available only from a single source; (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or (4) After solicitation of a number of sources, competition is determined inadequate
§200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.		
		(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible
		(b) Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.
§200.323 Contract cost and price.		
		(a) The non-Federal entity must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the Particular procurement situation, but as a starting point, the non-Federal entity must make independent estimates before receiving bids or proposals
		(b) The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
		(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under Subpart E—Cost Principles of this Part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles
		(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2. c. WIOA PROPERTY MANAGEMENT MONITOR PLAN

Workforce Innovation and Opportunity Act (WIOA) SEC. 184. Requires that each local workforce development area (WDA), including the chief elected official for the area, and provider receiving funds under this title shall comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

WIOA Sec. 194 (11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this title shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments. With limitations individual with an entitlement to a service under this title. Services, facilities, or equipment funded by WIOA Title I may be used, as appropriate, on a fee-for-service basis, by employers in a WDA in order to provide employment and training activities to incumbent workers.

2CFR§200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Scope	The Nebraska Department of Labor, Office General Counsel Program Specialist will conduct an annual desk review of WDA policies and practices of property management for compliance with Uniform Administrative Requirements of 2CFR §200, WIOA, regulations, and State Policies. Areas of examination will include inventory, property management procedures and related record keeping practices. Documents perused may include but are not necessarily limited to property management policy, inventory procedures, physical inventory, equipment purchased, and disposal process.		
Desk Review	An examination of materials submitted by the administrative entity and collected. Questions will be addressed to the administrator.		
Onsite Review	Onsite activities may include an interview with the administrative entity in place of a questionnaire and confirmation of tagging and physical location listed on the inventory. A sample pool may be selected for an examination of disposal records and purchase to inventory records.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Real Property	2CFR §200.85 & .311 20CFR§683.220, .235 WIOA Sec. 192, 194	Written property management procedures	Interview with administrative entity.
Equipment	2CFR §200.33 & 313 20CFR §683.220	Written property management procedures, inventory	Interview with administrative entity.
Inventory	2CFR §200.313(d) 20CFR §683.220	Written property management procedures, inventory	May spot check items from inventory to physical location.
Disposition	2CFR §200.313 (e) 20CFR §683.220 WIOA Sec. 192	Written property management procedures, inventory, list of disposition	Files. Interview with administrative entity
Supplies	2 CFR §200.314	Written property management procedures	Interview with administrative entity
Intangible Property	2 CFR§200.315	Written property management procedures (may be encountered during Procurement Review)	Interview with administrative entity

Materials:

- Property Management Policy
- Inventory Procedures
- Most recent physical inventory report
- List of items disposed of during review period
- List of equipment purchased during the review period
- Insurance for real property and equipment

Property Management

Local Workforce Development Area (WDA):

Date:

PROPERTY MANAGEMENT Comment
1. Fixed Assets ledger lists all assets acquired with WIOA funds and includes: <ul style="list-style-type: none">• Description• Serial identification number• Acquisition date• Invoice Unit• Cost and total cost• Location• Of Disposal• Condition• Document
2. Inventory agrees with Subrecipients application

PROPERTY MANAGEMENT WORKSHEET

Local Workforce Development Area (WDA):

Date:

State Policy: WIOA does not permit grant funds to be used for buying real property, including purchases by means of amortization		
<p>Have WIOA funds been used to acquire or make improvements to real property?</p> <p>Does the WDA own any real property purchased in total or in part by Federal funds?</p> <p>WIA/WIOA funds?</p>		<p>State Policy: WIOA does not permit grant funds to be used for buying real property, including purchases by means of amortization. This prohibition also included the acquisition of such property under capital leases. WIOA provides that a State shall not use funds awarded under this Act, title III of the Social Security Act, or the Wagner-Peyser Act to amortize the costs of real property that is purchased by any State on or after the date of enactment of the Revised Continuing Appropriations Resolution, 2007 (WIOA Section 192. 20CFR§683.230) WIOA Title I funds must not be spent on construction or purchase of facilities or buildings, or other capital expenditures for improvements to land or building except with prior approval from the Secretary of Labor(20 CFR §683.240(b))</p>
<p>Does the WDA maintain insurance coverage for real property and equipment?</p> <p>If yes, have program funds been used to make permanent improvements to real property?</p>		<p>§200.310 Insurance coverage. The non-Federal entity must, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by the non-Federal entity. Federally-owned property need not be insured unless required by the terms and conditions of the Federal award.</p>
§200.313 Equipment		
<p>Does the WDA have written property management procedures?</p>		<p>§200.313 Equipment(c) (2) During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate.</p>
<p>Do local procedures allow for user fees when appropriate?</p> <p>Was it reported as program income?</p>		
<p>Does the WDA keep a physical inventory?</p> <ul style="list-style-type: none"> • Description • Serial or other ID number • FAIN • Title holder • Acquisition date • Cost • % of Federal Participation • Location • Use and Condition • Final Disposal 		
<p>Does the property management system track property from acquisition to disposition?</p>		<p>(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements: (1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property. (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years. (5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.</p>
<p>Does the property management system require the use of identification tags?</p>		
<p>When was the inventory most recently reconciled?</p>		<p>§200.313(d) (2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.</p>
<p>Do WDA procedures provide safeguards to prevent loss, damage or theft and require investigation of same?</p>		<p>(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated</p>
<p>Do local procedures provide for maintenance of equipment?</p>		<p>(4) Adequate maintenance procedures must be developed to keep the property in good condition.</p>

Is the WDA authorized to sell property?		(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.
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3. One-Stop System Monitor Plan

WIOA recognizes the value of the one-stop delivery system placing a greater emphasis on achieving results for job seekers, workers and businesses. It reinforces the partnership and strategies necessary for American Job Centers to provide job seekers and workers with high-quality career services, education and training, and the supportive services they need to obtain good jobs and stay employed; and to help businesses find skilled workers and access other supports, including education and training for their current workforce. Partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs collaborate to create a seamless customer-focused one-stop delivery system that integrates service delivery across all programs and enhances access to the programs' services. The one-stop delivery system includes six core programs (Title I adult, dislocated worker, and youth programs; Title II adult education and literacy programs; Title III Wagner-Peyser program; and Title IV vocational rehabilitation program), as well as other required and optional partners identified in WIOA sec. 121.

Scope	<p>The Nebraska Department of Labor, Office of General Counsel Program Specialist will complete a review of the local one-stop system. The review examines creation and functions of a one-stop delivery system in comparison to the Workforce Innovation and Opportunity Act (WIOA), its implementing regulations, U.S. DOL guidance, State policy and issuances.</p> <p>Documents to be examined within the scope of this review may include but are not necessarily limited to local workforce development area (WDA) plan, Memorandums of Understanding, outreach materials, written policies and procedures, customer service surveys, performance information, service schedules, and partner contributions.</p>
Desk Review	A desk review will be conducted of preliminary information received from the local administrative entity.
Onsite Review	Onsite activities will include observation and interviews conducted at the certified physical one-stop, affiliate sites may visited at the discretion of the specialist. Site visits will examine activities, cooperation and practices with submitted materials and the U.S. DOL vision of the one-stop system published as TEGL 4-15. An exit interview will be held with the local administrative entity.
Area of Review	
WDB	<p>WIOA sec. 107(d), Sec. 108(b), sec. 188;20CFR §679.360(a), (h)-(l) & (p)-(q), .370, 380(a); State WIOA Policies and Issuances</p> <p>Local plan, written policies, WDB oversight, meeting minutes, standing committee rosters and descriptions, staff training related to provision of accommodations</p> <p>Interview with one-stop operator, observation onsite.</p>
One Stop Operator	<p>WIOA sec. 107(d)(10), (e); 20CFR §678.600-.635, §679.390(c), §680.160; State WIOA Policies and Issuances, Neb. Rev. Stat. § 4-108-114</p> <p>Local plan, written policies, meeting minutes, agreements.</p> <p>Interview with administrator and/or one-stop operator. Examine procurement records, observation. <i>May have been included in Procurement Review.</i></p>
Career Service Provider	<p>WIOA sec. 107 (g)(2); 20CFR§679.410(b); State WIOA Policies and Issuances</p> <p>Local plan, written policies, meeting minutes.</p> <p>Interview with administrator and/or one-stop operator. Examine procurement records, <i>May have been included in program delivery review.</i></p>
One Stop	<p>WIOA sec. 121(e); 20CFR§678.320, §680.100, §680.150, .430, .500(a), .530(d), .700, .900; §681.420(d)(1),.700, §683.295; State WIOA Policies and Issuances</p> <p>Local plan, agreements, written policies and procedures, cost sharing plans, outreach materials, schedules.</p> <p>Interview with administrator and/or one-stop operator. Observation.</p>
Partners	<p>WIOA sec. 121(b) & (c), §680.100, §678.400-.440, .715, .760; §680.100, .620; §681.700; State WIOA Policies and Issuances</p> <p>Methods of Understanding; expenditures for one stop (<i>May be included in Financial Management System review</i>), outreach materials, schedules, one-stop committees or advisory entities</p> <p>Interview with administrator and/or one-stop operator. Examine procurement records</p>

Materials:

- Local Area Plan
- WDB meeting minutes
- WDB oversight of one stop
- One-stop Certification
- MOUs
- Service schedules
- Written Policies/Procedures
- Outreach materials
- One-Stop Operator agreement

One-Stop System Worksheet

Local Workforce Development Area (WDA):

Date:

I. Vision

Characteristics of an American Job Center (AJC) (TEGL 4-15) FEDERAL VISION	
1. Is management a shared responsibility of States, local workforce development boards (WDBs), elected officials, core partners, other mandated partners, and one-stop center operators?	
Does the AJC:	
1. Reflect welcoming environment to all customers?	
2. Is staff sensitive to the unique needs of individuals with disabilities and are prepared to provide necessary accommodations?	
3. Develop, offer and deliver quality business services?	
a. Development and offering of service to specific businesses, staff able to identify industry skill needs, appropriate strategies for assisting employers and coordinating service across partner programs?	
b. Speak with one voice when communicating with employers?	
4. Offer access to job seeker and worker customers for education and training leading to industry-recognized credentials?	
5. Create opportunities by providing customers timely labor market, job-driven information and choice as possible related to education/training, career and service delivery options, while offering customers the opportunity to receive skill-development and job placement service?	
a. Does the AJC ensure opportunities are available to those with disabilities?	
6. Provide career services that motivate, support and employer customers?	
7. Assess individual's skill development and improving basic, occupational and employability skills?	
Service Design (TEGL 4-15) FEDERAL VISION	
1. Are frontline staff familiar with functions and basic eligibility of partner programs to make referrals?	
2. Design and implement practices that actively engage industry sectors and use economic and labor market information, sector strategies, career pathways, Registered Apprenticeships, and competency models to help drive skill-based initiatives.	
3. Balance traditional labor exchange services with strategic talent development within a regional economy. This includes use of market-driven principles and labor market information that help to define a regional economy, its demographics, its workforce and its assets and gaps in skills and resources.	
4. Balance traditional labor exchange services with strategic talent development?	
5. Does the AJC ensure physical and programmatic access to everyone including those with disabilities and language barriers?	
6. Has the WDB assessed programmatic and physical accessibility of AJC and WIOA programs?	
7. Are services delivered both virtually and center-based?	
AJC Integrated Management System TEGL 4-15) FEDERAL VISION	

1. Does the AJC operator facilitate an integrated, co-located partnership that seamlessly incorporates services of partners?	
2. Does the AJC organize and integrate services by function (rather than program) when program allows?	
a. Are one-stop center who perform similar tasks serving on relevant functional teams, e.g. Skills Development, Business Services)	
4. Does the AJC maintain integrated case managements systems through customer's interaction with integrated system and allow information collected from customers at intake to be captured once?	
a. Is it in accord with Personal Identifiable Information guidelines?	
5. Does the AJC reflect integrated systems of performance, communication and case management, and use technology to achieve integration and expanded service offerings?	
6. Are AJC staff trained to understand importance of data validation, collection processes, and the importance of accurate reporting?	
7. Are center staff routinely cross training: knowledge, skills and motivation to provide service to job seekers, including those with disabilities, and business in an integrated, regionally focused framework of service delivery?	
8. Does the AJC have highly trained career counselors, skilled in advising job seekers of their options, knowledgeable about local labor market dynamics, services available and skill in developing customer's skills for employment successes?	

II: Partners WIOA Sec. 121 (b)

1. Does each partner provide access through the one-stop system to programs/activities they carry out, (career services applicable to the program or activities available at the one stop in addition to any other locations?	
2. Does every partner use of portion of the funds available to maintain the one-stop? (See partner worksheet)	
3. Did every partner enter into a MOU? (See partner worksheet)	

III. One Stop Operator WIOA Sec. 121(d)

1. Has the WDB been named as the one-stop operator with the agreement of the local CEO and the Governor? (20CFR §679.410). If yes, the State must ensure certification in accord with §678.800; if not completed by NDOL Office of Employment & Training monitor must include in this review.	
2. Has the WDB in agreement with CEO designated and certified a one-stop operator?	
3. Was the certification awarded through a competitive process?	
4. Is the entity eligible to receive funds(may be entity or consortium of entities that includes 3 or more partners): An entity of demonstrated effectiveness, located in the WDA which may be: <ul style="list-style-type: none"> • Institution of higher education • State Employment Services on behalf of local office of the agency • Community-based organization, nonprofit organization or intermediary • Private for-profit entity • Government agency • Other interested origination or entity (local chamber or business organization, labor organization Elementary and secondary schools are not eligible except nontraditional public secondary schools and area career/technical education schools.	
5. Did the WDB require that one-stop operators disclose any potential conflicts of interest arising from relationships of the	

operators with training service providers or other service provider?	
6. Did the WDB take action to ensure that practices are not established that create disincentives for providing long-term services to individuals with barriers (participation time limits)?	
7. Did the WDB require that operators comply with Federal regulations, and procurement policies, relating to the calculation and use of profits?	
8. Is there an agreement clearly identifying roles and responsibilities?	
9. Does the agreement include Nebraska Lawful Presence in the U.S. statements? all contracts shall certify that the contractor has registered with and is using a federal immigration verification system as defined in Neb. Rev. Stat. § 4-114(1)(a) to determine the work eligibility status of all employees physically performing services within the State of Nebraska. Upon reasonable notice, the contractor shall provide documentation to the Department of Labor which proves that the contractor is or was at all times during the term of the agreement in compliance with this provision (if sole proprietorship must sign U.S. Citizenship Attestation Form, available at www.das.state.ne.us	

III. One Stop System WIOA Sec. 121 (e)

1. Are Career Services available at the AJC? (Who and How).	
2. Are training services available at the Is the AJC, is it a point of access for training services (Sec. 134(c)(3) & (3)(G))	
3. Does the one-stop disseminate information on training service providers? Does it include performance and cost information? (§679.380(a)). Was it observable in the one-stop?	
4. Does the one-stop dissemination of information on supportive services? Does it include performance and cost information? (20CFR §679.900) Was it observable in the one-stop?	
5. Does the one-stop disseminate information on the full array of applicable and appropriate services available through the WDBs or other eligible providers, or one-stop partners? Does it include performance and cost information? (20CFR§681.420) Was it observable in the one-stop?	
6. Does the AJC provide access to partner programs and activities?	
7. Are all Wagner-Peyser sites co-located in a center?	
8. Is there at least on physical center in the WDA?	
9. Are services also available through: <ul style="list-style-type: none"> • A network of affiliate sites • Network of eligible one-stop partners (See WIOA Sec. 121(e)(20(B)(i) & (ii) for requirements)	
10. Does the WDA have any specialized centers? (WIOA sec. 121 (e)(2)(C) for requirements)	
11. Are programs, services and activities accessible through electronic means in a manner that improves efficiency, coordination and quality in delivery of partner services?	
12. Does the one-stop system include the common one-stop identifier (American Job Center) in products, programs, activities, services, facilities and related property and materials?	
13. Does the one-stop take part in any income generating activities? (20 CFR §683.295, 2 CFR §200.323)	

One-Stop Interview

(Some areas are more appropriately answered by the One-Stop Operator, an interview with the operator is required)

Local Workforce Development Area (WDA):

One-Stop Operator Interviewed:

Local Workforce Development Board (WDB) Administrative Entity:

Date:

Local Workforce Development Board (WDB)

1. What strategies has the WDB developed for using technology to maximize the accessibility and effectiveness of the workforce development system for employers?
 - AJC partner case management and intake system connections
 - Access to services in remote areas
 - Strategies for meeting needs of individuals
 - Leveraging resources and capacity
2. Has the WDB conducted oversight of the American Job Center and one-stop system?
 - Assessed physical and programmatic accessibility of all one-stop centers
3. Has the WDB, with the agreement of the CEO:
 - Selected a one-stop operator
 - Designated and certified one-stop Operator
 - Selected a provider for Career Services
 - Certified the one-stop
4. Does the one stop operator provide career services, if no has the WDB identified eligible providers of career services?
 - If the WDB is delivering career services or certified as the one stop operator – was it with the agreement of the CEO and the Governor?
5. How does the WDB facilitate access to services provided through the one-stop delivery system, including remote areas, through the use of technology and other means?
6. Has the WDB entered into MOUs with all partners?
7. Does the WDB have a standing committee to provide information and assist with operational and other issues relating to the one-stop delivery system?
 - Membership
 - Examples of actions
8. Does the WDB have a standing committee to provide information and assist with operational and other issues relating to the provision of services to individuals with disabilities?
 - Programmatic access
 - Staff training on providing supports for accommodation
 - Membership
 - Examples of actions
9. Has the WDA established a one-stop delivery system?
 - provides career services
 - access to training services section 134(c)(3)
 - point of access to training services for participants section 134(c)(3)(G)
 - provides access to data, information, and analysis; job search, placement, recruitment, and other labor exchange services (Wagner Peyser)

PARTNERS

1. Are all required partners co-located at the AJC?

If no, how is access provided?

2. What other entities are co-located at the AJC?
3. Have MOUs been entered into with all partners including the use of funds to support the one-stop system?
4. How do partners take part in the operation of the one-stop?

One Stop Delivery System

1. Where is/are the physical center(s) in the workforce development area?
2. Are there affiliate sites?
3. Are there any Wagner-Peyser locations outside the center(s)?
4. How are programs, services and activities made accessible through electronic means?
 - Improves efficiency, coordination and quality
5. How is information disseminated through the one-stop:
 - Career Services
 - Training Services
 - Supportive Services
 - Youth Services
 - Eligible Training Providers
 - Eligible OJT Employers
 - Grievances and Complaint process

One Stop Partner Worksheet																			
WIOA Sec. 121 states that consistent with an approved State plan, the local board for a local area, with the agreement of the chief elected official for the local area, shall develop Methods of Understanding, designate or certify a one-stop operator and develop a one stop which includes required partners																			
Mandated (Sec. 121(b))		Met		MOU		MOU content: service, collocated, commitment										Support for funds planned	Onsite	Technological Access	Funds to support one-stop
PARTNER	Programs Authorized Under This Title:	Yes (1)	No (1)	Yes (1)	No (1)	Signed: CEO, WDB, Partner	Services to be Provided	Funding for Cost of Services	Infrastructure Cost	Means of funding support Reasonable and traceable	Method to ensure needs of workers and youth, individuals with disability	Referral Method	Duration	Review every 3 years	Describe	Yes (1)	No (1)	Yes (1)	No (1)
ENTITY																			
Official or his/her designee as grant recipient	ADULT																		
	DISLOCATED WORKER																		
	YOUTH																		
	JOB CORPS																		
	MSFW																		
	WAGNER PEYSER																		
	Adult Education & Literacy Activities (WIOA Title II)																		
	Title I of the Rehabilitation Act of 1973 (*Not sect 112 or part C of Title I)																		
	Senior Community Employment (Title V of the Older Americans Act)																		
	Americans Act of 1965																		
	under Title V of the Older Americans Act of 1965																		
	Vocational Postsecondary Ed (Carl D. Perkins Career and technical Education Act of 2006)																		
	Trade Act of 1974 Chapter 2 Title II																		
	Activities under chapter 41 of title 38 USC (local veterans employment representatives and disabled vet)																		
	E & T under Community Services Block Grant Act																		
	Employment and training activities carried out by the Department of Housing and Urban Development																		
	Unemployment Insurance (State Unemployment Compensation law)																		
	Programs under Sec. 212 of the Second Chance Act of 2007																		
	At discretion of Governor: Programs authorized under Part A of Title IV of the Social Security Act																		
Other programs with the approval of CEO and LWDB sec. 121 (b) (2) check State Plan and/or policy																			
	E & T SSA programs and: Ticket to Work and Self Sufficiency Program (sec. 1148 Social Security Act)																		
	E & T programs carried out by the Small Business Administration																		
	Programs under sec. 6(d)(4) of the Food and Nutrition Act of 2008																		
	Work Programs (sec. 6(o) of the Food and Nutrition Act of 2008)																		
	Programs carried out under section 112 of the Rehabilitation Act of 1973																		
	programs authorized under the National and Community Service Act of 1990																		
	other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector																		
Totals		0	0	0	0											0	0	0	0

4. a. 1. Adult and Dislocated Oversight Guide

WIOA authorizes funds to be expended in provision of services to Adults and Dislocated Workers meeting eligibility and receiving services within the program parameters. Eligible Adults and Dislocated Worker must be age 18 or older (20CFR §681.120), Dislocated Workers must meet one of five parts defined in WIOA Sec. 3 (15). To receive career services a Dislocated Worker must have been terminated or laid off, from employment; be eligible for or has exhausted entitlement to unemployment compensation or has been employed for a duration sufficient to demonstrate attachment to the workforce but is not eligible due to insufficient earnings or was employed by an employer not covered; and is unlikely to return to their previous occupation or industry; has been terminated or laid off, or has received a notice, whose employer has made a general announcement of facility closure within 180 days, was self-employed now unemployed as a result of general economic conditions in the community, is a displaced homemaker or the spouse of a member of the Armed Forces. To receive training services a participant must be determined by a one-stop operator or partner, after an interview, evaluation, or assessment, and career planning as unlikely or unable to obtain or retain employment, in need of training services, have skills and qualifications to participate successfully in training services, have selected a program of training directly linked to employment opportunities and are unable to obtain grant assistance from other sources or requires additional assistance. Some Career Services and all training services provided through the adult funding stream must be determined eligible in accordance with Federal, State and local priority systems.

Scope	<p>Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist will conduct a review of Adult and Dislocated Worker WIOA eligibility and activities comparing program administration, operations and delivery to the Act, its' implementing regulations, Federal and State guidance, State WIOA policies and the local workforce development area (WDA) area plan. Fields of review included: outreach, enrollment, assessment, determining and documenting eligibility and priority of service, activities, supportive services, management information system accuracy and record maintenance.</p> <p>A sample pool consisting of participant's files to be examined is randomly selected from NEworks printouts. The goal is for the sample pool to equal 10% percent of those reported by NEworks as enrolled and/or receiving service during the period of review. A sample pool of closures and exits may also be developed. For NEworks reports showing 25 or less, 100% will be included in the sample pool.</p> <p>This review will be conducted as hybrid review through virtual participant refile examination and onsite activities.</p>		
Desk Review	Participant records and submitted materials.		
Onsite Review	Interviews with local administration, service provider and staff, file discussion, program offerings, observation. Work-based training activities may include worksite visit.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Outreach	29CFR§38.3(d), .6(c), .9(b)(1), .29 (e), .38, .40; 20CFR §678.430(a) (2); §680.140(b)(5)	Local plan, outreach examples.	Interview with administrative entity and observation.
Assessments	20CFR§679.520(b)(6), §680.140 (b)(5), .210(a), .220(a); WIOA Sec. 134(b) (1)&(2); (c)(2)(A)(iii); (2)(B) , State policies	Local a plan, participant files.	Interview with administrative entity.
Enrolled	20 CFR§680.110, State policies.	NEworks reports, participant files, written policies, procedural manuals and local area plan, projections and goals.	Interview with administrative entity.
Eligibility: Determination and documentation to receive Career Services	TEGL 22-15 Source Documentation Attachment, U.S. DOL PIRL WIOA Sec. (3)(15), 20CFR §680.120-160; 20CFR§683.220-225; Neb. Rev. Stat. § 4-108-114	NEworks reports, participant files, written policies, procedural manuals and local a plan.	Discuss questions and findings from file review with administrative entity and service provide.
Priority and Special Populations (Adult only except Veteran's Preference)	20CFR §680.120, .210(d), .600-.660	NEworks reports, participant files, written policies, procedural manuals and local plan.	Observation and interview with administrative entity.
Employment Plan	WIOA. Sec. 3(8), 20CFR§680.170, .220(b)	Participant files, local plan, written policies and procedures.	Interview with administrative entity.
Personal Identification Information (Pii)	20CFR§683.220, 2CFR§200.79, .82 & .303	Participant files, local plan, written policies and procedures.	Interview with administrative entity and observation.
Training Services	WIOA Sec. 134(c)(3); 20CFR §680 .210, .350; .420, .600-610, .650-660; State policies	Participant files, means of recording Determination of Need for training services, WDA policies/procedures, and local plan.	Interview with administrative entity

Supportive Services (may also appear in Fiscal Systems expenditure review)	WIOA Section 102(b)(2)(B)(iii), sec. 3(59), sec. 134(a)(3)(A)(vii)(II); 20 CFR§680.230(a)(2), .330, .350, .410(b)(1)(iv), .900-970	Participant files, local plan, written policies and procedures.	Interview with administrative entity.
Individual Training Accounts	20 CFR§680.100(b)(2), 300-.350, .750	Local plan, written policies and procedures, participant files.	Interview with administrative entity.
Career Services	20CFR§680.100(b), .120-.160, .195; WIOA Sec. 134(c)(2)	NEworks, participant files, written procedures and/or policies, local plan.	Observation, interviews with administrative entity.
Eligible Training Providers	20CFR680.400-.530, State policy.	Local plan, participant files, WDB meeting minutes, NEworks.	Observation, interviews with administrative entity.
Exits/Closures	WIOA sec. 116(d), sec. 185; TEGL 06-14, 22-15; U.S. DOL PIRL, State policy	Participant records, NEworks reports, accuracy of recorded information.	Questions and issues will be addressed with administrative entity.
Follow Up Services	WIOA Sec. 134 (c) (2)(A)(xiii); 20CFR§678.430 (c), §680.150(c); State policy	NEworks, participant files, local plan, written policies and procedures.	Interviews with administrative entity.
Performance	WIOA Sec. 116, NDOL Negotiated Performance Levels with Local Areas	Performance reports issued by the State, WDA negotiated performance.	Interview with administrative entity.
Management Information System	WIOA Sec. 185, TEGL 22-15, State Policy	Participant Records, NEworks (compare for accuracy of recorded information).	
Record Maintenance	WIOA Sec. 185(a); 2CFR§200.333-.337, State policy	Written policies and procedures, accuracy of participant files, availability of records.	Interview with administrative entity

Material Request to accompany review notification:

- WDA Plan including program budgets and projections
- One-Stop Operator Operations Manual
- Assessments
- Individual Employment Plan (if not using NEworks form)
- Performance for review period
- Board process for consideration of Eligible Training Providers
- Board criteria by which the one-stop operator will apply priority and special populations
- Most recent quarterly performance report

Adult and Dislocated Worker Interview

Local Workforce Development Area (WDA):

Date:

Attended:

1. Has training been made available to administrative entity and service provider staff and management?
 - Internal training
 - WDA provided training
 - US DOL Webinars
 - Conferences
2. How does the local area determine use of nontraditional employment categorization (less than 25% of those employed are represented by a gender)
 - Is LMI and other information on nontraditional employment provided as a career service?
 - Other?
3. Are performance goals being met? If no, what steps has the WDB taken?
4. Are enrollment goals being met? If no why? What steps has the WDB taken?
5. Has the WDB identified any in-demand occupations for their WDA beyond the H3?
 - How is this information provided to applicants/participants?
6. Has the WDB developed procedures for determining and documenting eligibility?
7. What outreach has been conducted by the WDB or service provider?
 - Planned
 - Target Populations
 - Employers
8. What career services are being provided to Adult and Dislocated Worker participants? Describe what, how, where recorded:
 - Initial assessment (including supportive service needs)
 - Job search and placement assistance and career counseling including: provision of in-demand and nontraditional employment
9. Has the WDB named any occupations they determined to be in sectors of the economy that have a high potential for sustained demand or growth in the WDA? (may approve training services for these)
10. What is the process used by the WDB for initial approval of, follow up and possible termination of Eligible Training Providers?
11. Has the WDB developed written policies and procedures for Individual Training Accounts? Do they include:
 - Form
 - Information provided to participant
 - Limitations
12. What process is being used to record the determination of need in participant files for training activities?
13. How are case managers tracking success/status of participants in training activities?
14. How is coordination of resources being achieved?
 - Recorded
15. Has the WDB set any additional criteria, information or higher performance levels for the WDA?
16. Have any additional priorities been set by the WDB?
17. Has the Board approved any incumbent training? Is any under consideration? (Add questions from Work-Based Training questionnaire if yes.)
18. How are you tracking % of funds spent/obligated for transitional, incumbent training?
19. Has the Board developed a written supportive service policy?
20. How is accurate information about the availability of supportive services in your area, as well as referral to such resources, made available to Adults and Dislocated Workers?
21. How information is made available on the full array of applicable or appropriate services that are available through the WDB or other eligible providers or One-Stop partners, including those receiving funds under WIOA Title I, Subtitle B Workforce Investment Activities and Providers?
22. Referral to appropriate training and educational programs that have the capacity to serve the participant applicant either on a sequential or concurrent basis?
23. Has the WDB developed a Work-Based Training policies? *(If NEworks indicates significant or growing Work-based training in review period add Work-Based Training questions)*
 - OJT
 - Customized
 - Incumbent
 - What type of employer outreach has been conducted?

WIOA Adult Participant Record Worksheet

Not applicable to Customized Training Participants. WIOA Sec. 3(15), Sec. 134(c)(3)(D)(xi) Customized Training is designed to meet the specific requirements of an employer conducted with a commitment to employ, employer pays significant portion of training, as determined by board.

Participant:	LWDA: Application Date: Participation Date. (680.110)
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I. Eligibility for Career Services (§680.120) Must be 18 or over, eligible to work in US, U.S. Citizenship Self Attestation (NE Statute § 4-108-114) & registered with Selective Service.

DOB: Support:	<input type="checkbox"/> Selective Service Compliant <input type="checkbox"/> NA (WHY) Support: <input type="checkbox"/> Veteran or other eligible person:	<input type="checkbox"/> EOITL signed <input type="checkbox"/> Release of Information <input type="checkbox"/> FERPA	US Citizenship Self Attestation Form (NE Statute § 4-108-114) completed: <input type="checkbox"/> Citizen <input type="checkbox"/> Qualified alien (if yes, SAVE verification)required) Documentation Eligible to Work :
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II. Priority: Low Income, Public Assistance, Basic Skills Deficient, Veteran's Priority

LOW INCOME WIOA Sec. 3(36) <input type="checkbox"/> Public Assistance (TANF) <input type="checkbox"/> Other Public Assistance <input type="checkbox"/> Food Stamps (within 6 mos.) <input type="checkbox"/> Receiving or eligible for Free Lunch <input type="checkbox"/> Foster Child <input type="checkbox"/> Homeless <input type="checkbox"/> Family of one due to disability <input type="checkbox"/> Wages (for all family members in household) <input type="checkbox"/> Other Non-excluded income <input type="checkbox"/> Family Size SUPPORT:	<p>Priority: WIOA Sec. 134(c)(3)(D)) PRIORITY.—With respect to funds allocated to a WDA for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services. The appropriate local board and the Governor shall direct the one-stop operators in the WDA with regard to making determinations related to such priority). 20CFR§§680.600 Same.</p> <p>20CFR§680.650 Veterans receive priority of services veterans under WIOA sec. 3(63)(A) priority of service in all Department of Labor-funded training programs under 38 U.S.C. and described in 20 CFR 1010. A veteran must still meet each program's eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income in accordance with 38 U.S.C. 4213 and 20 CFR §683.230.</p> <p>WIOA Sec. 3 (36) Income past 6 mos. or member of family last 6 mo. raced SNAP, TANF, SSI, State/Local income-based public assistance, OR family total income does not exceed the poverty line or 70% of lower living; homeless (must meet Violence Against Women Act or McKinney-Vento Homeless Assistance specified definition, receives or is eligible Free or reduced lunch, IS foster child, family of one</p> <p>Family Income: §675.300 means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple.</p> <p>Family of one §680.640 Yes, even if the family of an individual with a disability does not meet the income eligibility criteria, the individual with a disability is to be considered a low-income individual if the individual's own income: (a) Meets the income criteria established in WIOA sec. 3(36)(A)(vi); or</p> <p>(b) Meets the income eligibility criteria for payments under any Federal, State or local public assistance program (see WIOA sec. 3(36)(A)(i)).</p> <p>Veterans' Income §680.650 For income- based eligibility amounts paid while on active duty or paid by DVA for rehabilitation, disability or related VA funded programs are not considered income.</p> <p>Basic Skills Deficient: WIOA Sec. 3 (5) BASIC SKILLS DEFICIENT.—The term "basic skills deficient" means, with respect to an individual— (A) who is a <u>youth</u>, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally-accepted standardized test; or (B) who is a youth or <u>adult</u>, that the individual 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.</p>
Basic Skills Deficient:	
Support:	
Veteran' Priority:	
WDB Priority:	

III. ASSESSMENT AND PLANNING (§680.140 & 180) WIOA. Sec 3(8); WIOA Sec. 134

1.Assessments WIOA Sec. 134 (c)(2)(A)(1)(xii)(I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include— (aa) diagnostic testing and use of other assessment tools; and (bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

2.Individual Employment Plan WIOA Sec. 134 (c)(2)(A)(1)(xii)(II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives; (§680.180) _____. **Contains:** Employment Goal(s) _____ Date Set _____; Achievement Objective(s) _____; Appropriate Service Concurs with Assess _____; IEP developed under another education or training program. Please specific program and date developed. ☐ Signed by worker _____ Participant _____

IV. TRAINING SERVICES

	Determination of Need for training services: One Stop Operator or Partner after interview, evaluation, or assessment and career planning determined unlikely, in need of raining and have skills. (§680.220(b) File must contain a determination of need for training services
	In-Demand: Training services provided shall be directly linked to an in-demand industry sector or occupation in the WDA or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a WDB may approve training services for occupations determined by the WDB to be in sectors of the economy that have a high potential for sustained demand or growth in the WDA (see local plan). WIOA sec.134(c)(3)(G)(iii).
	Adult ONLY §680.210 (d) If training services are provided through the adult funding stream, are determined eligible in accordance with the State and local priority system in effect for adults under WIOA sec. 134(c)(3)(E) and §680.600.

V. OST Only – Requires Additional Assistance/Coordination

20CFR§680.230(a)(2) Require assistance beyond that available under grant assistance from other sources to pay the costs of such training. Program operators and training providers must coordinate funds available to pay for training as described in paragraphs (b) and (c) of this section. In making the determination under this paragraph, one-stop operators should take into account the full cost of participating in training services, including the cost of support services and other appropriate costs. (b) One-stop operators must coordinate training funds available and make funding arrangements with one stop partners and other entities to apply the provisions of paragraph (a) of this section. One-stop operators must consider the availability of other sources of grants to pay for training costs such as Temporary Assistance for Needy Families (TANF), State-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other sources of training grants.

- ☐ Pell (income based DW may still qualify) can be used for tuition, supplies, living exp. etc.
- ☐ Native American Program – eligibility WIOA and Native Am.
- ☐ Migrant and Seasonal Farmworkers (Farmworkers& Dependents - Proteus Inc.)
- ☐ Job Corps – Youth provided at JC Centers only. Referrals no expenses.
- ☐ Vocational Rehabilitation Qualifying individuals w/disability
- ☐ Welfare to Work – extinct, Employment First, NDHHS, no post-secondary assistance.
- ☐ Senior Community Service Employment Activities – Unemployed 55+, 125% >NDHHS guidelines
- ☐ Unemployment Insurance – Trade Assistance Act requires certification of closures/mass layoffs
- ☐ Scholarships:

Documentation as required by State/Local policy: State WIOA Interim Pell Grant Policy To determine financial need for each participant, the WIOA service provider must ensure full documentation of such items as, including but not limited to, any Pell grants awarded or denied, other financial assistance received, and a list or budget of estimated monthly expenses, excluding any alcohol, cigarettes, entertainment, and other non-essential costs.

5.Documentation The workforce system must ensure adequate documentation is maintained for each participant, including but not limited to, the following: whether the individual received or did not receive a Pell Grant, a list of all funding sources considered and received to pay for training, a list or budget of the participant's estimated essential monthly living expenses used to determine financial need, excluding any costs associated with alcohol, cigarettes and entertainment

1) Pell Grant If yes, Pell recorded in MIS?

2)list of all funding sources considered and received to pay for Training

3)a list or budget of the participants estimated essential monthly living expenses used to determine financial need (excluding any costs associated with alcohol, cigarettes and entertainment)

Was an ITA issued (WIOA Sec. 134(c)(3)(G))?

Is activity supported by IEP?

PROVIDER	PROGRAM	ACTUAL START DATE	COMPLETED	Check if found
				1. Pell and other 2. Coordination of Resources Complete 3. ITA Issued 4. Authorization to ETP 5. Supported by Registration 6. H3 7. Budget.

VI. OTHER ACTIVITIES (WIOA Sec.(3)(39, Sec. 34(d)(2)(3) 134) (Attachment A)

ACTIVITY CODE	DESCRIPTION	DATE BEG N	END DATE	COMPLETION CODE	DOCUMENTED

VII. SUPPORTIVE SERVICES Limits set by WDAs – collect WDA policies during initial material requests/interviews. WIOA Sec. 134 (e)(2)(A)&(B) 20CFR§680.910 – participating in career or training WIOA services and unable to obtain through other means, necessary to enable individuals to participate in activities) Needs Related Payments requirements WIOA sec. 134(d)(3).

DATE	AMOUNT	ITEM	Reason Necessary – explored available elsewhere	DOCUMENTE D	ALLOWABLE

VII. EXIT (State Policy)

Exit Date (State Policy: Exit is the last date of service after an individual recd services through Adult, DW, Youth WIOA Title I, Adult Ed literacy WIOA Title II or Employment Services Title III and no future services other than self service
Closure: (when have finished receiving WIOA funded services and not scheduled for future services)

Last day received Service:

Exclusions: (TEGL 17-05) ☐ Institutionalized (24 hr/day to last at least 90days

☐ **Health/Medical** (participant receiving medical treatment that precludes entry into unsubsidized employment or continued participation – not temporary expected to last 90 days ☐ **Family Care** Providing care for a family member with a health/medical condition that precludes entry(see above)
☐ **Deceased** ☐ **Reserve Forces** Called to Active Duty)Nat'l Guard or military reserve unit called to active duty for at least 90 days. ☐ **Relocated** to a **Mandated** Program YOUTH ONLY
☐ **Invalid SSN**

Exclusion support:

2.Placed in Unsubsidized employment

Attained Degree or Certificate,

Documented

VIII. FOLLOW-UP Appropriate follow-up services must be made available to a participant placed in unsubsidized employment for a minimum of 12 months following the Participant's first date of employment.

1st Qtr. Date	Date of Completion of Follow Up Survey			
2nd Qtr. Date	Date of Completion of Follow Up Survey			
3rd Qtr. Date	Date of Completion of Follow Up Survey			
EXIT	1st Quarter FU Due	2nd Quarter FU Due	3rd Quarter FU Due	4th Quarter FU Due
Jan-March	July 31	October 31	January 31	April 30
April-June	October 31	January 31	April 30	July 31
July-September	January 31	April 30	July 31	October 31

Dislocated Worker CASE FILE REVIEW WORKSHEET

Not applicable to Customized Training Participants. WIOA Sec. 3(15), Sec. 134(c)(3)(D)(xi) Customized Training is designed to meet the specific requirements of an employer conducted with a commitment to employ, employer pays significant portion of training, as determined by board.

Participant:

LWDA:

Application:

Participation:

Not applicable to Customized Training Participants. WIOA Sec. 3(15), Sec. 134(c)(3)(D)(xi)

Customized Training is designed to meet the specific requirements of an employer conducted with a commitment to employ, employer pays significant portion of training, as determined by board.

I. DW Eligibility WIOA Sec. 3 (15) meets one of five parts, §680.120 must be 18 or over, NE Statute Citizenship Attestation and WIOA Sec. 189(h) registered with Selective Service, if required. **For Customized Training See #II.**

DOB	<input type="checkbox"/> Selective Service Compliant	<input type="checkbox"/> EOITL signed	US Citizenship Self Attestation Form (NE Statute § 4-108-114) completed:
	<input type="checkbox"/> NA (WHY)		
Support	Support:	<input type="checkbox"/> FERPA	<input type="checkbox"/> Citizen
	<input type="checkbox"/> Veteran or other eligible person		<input type="checkbox"/> Qualified alien (if yes, SAVE verification required)
			Documentation Eligible to Work :

QUALIFYING CATEGORIES FOR DISLOCATION: WIOA Sec. 3: (15) DISLOCATED WORKER.—The term “dislocated worker” means an individual who—

CHECK CATEGORY USED

Part I: 1. Has been terminated or **laid off**, or who has received a notice of termination or layoff, from employment; a. **is** eligible for or has exhausted entitlement to **unemployment compensation**; or b. has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center referred to in Section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; **and** 2. **is unlikely to return** to a previous industry or occupation (see “Unlikely to Return” subheading below);

Part II: 1. Has been terminated or laid off, or has received a notice of termination or layoff from employment as a result of any **permanent closure of, or any substantial layoff** at, a plant, facility, or enterprise; 2. is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or 3. for purposes of eligibility to receive services other than training services described in Section 134(c)(3), career services described in Section 134(c)(2)(A)(xii), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close

Part III: 1. Was **self-employed** (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of **general economic conditions** in the community in which the individual resides, or because of **natural disasters**;

Part IV: 1. Is a displaced homemaker; **Displaced Homemaker** – WIOA Section 3(16) defines “displaced homemaker” as an individual who has been **providing unpaid** services to family members in the home **and** who: ☐ Is **unemployed or underemployed** and is **experiencing difficulty** in obtaining or upgrading employment; **and either** Has been dependent on the income of another family member but is **no longer supported** by that income; **or** Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of A deployment; ☐ A call or order to active duty pursuant to a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code; ☐ A permanent change of station; or ☐ The service-connected death or disability of the member

Part V: 1. Is the **spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate** a permanent change in duty station of such member; or 2. Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

State WIOA Eligibility for Dislocated Worker Footnote 13: In making the determination if an applicant is unlikely to return to a previous industry or occupation, it is important to recognize that data may be collected looking at either the industry in which the individual previously worked, or the specific occupation. For example, if an individual previously worked as a welder, supporting documentation could be gathered looking at the occupation (welding) or the industry (manufacturing). Using data collected from either occupation or industry is sufficient, documentation of both is not required. All data collected should be reflective of the industry or occupation in the area the applicant resides or previously worked.

Actual Layoff Date:

Closure or Layoff:

Other Documentation:

II. Comprehensive Assessment and Development of and Individual Employment Plan (WIOA Sec. 134(c)(2)(A) Career services 3, 13 a & b)

1. Assessments used:

2. **Individual Employment Plan:** ☐ Employment Goal(s) _____ Date Set _____; Achievement Objective(s) _____; Appropriate Service Concurs with Assess. ☐ Yes ☐ No; ☐ IEP developed under another education or training program. Development Date: _____ Signed: _____

WIOA Sec. 134 (c)(2)(A)(xii) (I) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—(aa) diagnostic testing and use of other assessment tools; and (bb) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals; (II) development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and

appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services pursuant to paragraph (3)(F)(ii), and career pathways to attain career objectives;

III. Training Services One Stop Operator or Partner after interview, evaluation, or assessment and career planning, determined unlikely, in need of raining and have skills.(§680.220(b)) File must contain a determination of need for training services.

Determination of Need One Stop Operator or Partner after interview, evaluation, or assessment and career planning, determined unlikely, in need of raining and have skills.(§680.220(b)) File must contain a determination of need for training services.

In-Demand: Training services provided shall be directly linked to an in-demand industry sector or occupation in the WDA or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a WDB may approve training services for occupations determined by the WDB to be in sectors of the economy that have a high potential for sustained demand or growth in the WDA (see local plan). WIOA sec.134(c)(3)(G)(iii).

IV. Activities

(Occupational Skills Training Only – §680.210 (c) & .230(b))

- ☐ Pell (income based DW may still qualify) can be used for tuition, supplies, living exp. etc.
 - ☐ Native American Program – eligibility WIOA and Native Am.
 - ☐ Migrant and Seasonal Farmworkers (Farmworkers& Dependents - Proteus Inc.)
 - ☐ Job Corps – Youth provided at JC Centers only. Referrals no expenses.
 - ☐ Vocational Rehabilitation Qualifying individuals' w/disability: supported asst.
 - ☐ Welfare to Work – extinct, Employment First, NDHHS, no post-secondary assistance.
 - ☐ Senior Community Service Employment Activities – Unemployed 55+, 125% >NDHHS guidelines
 - ☐ Unemployment Insurance – Trade Assistance Act requires certification of closures/mass layoffs
- Scholarships:

Documentation as required by State/Local policy: State WIOA Interim Pell Grant Policy To determine financial need for each participant, the WIOA service provider must ensure full documentation of such items as, including but not limited to, any Pell grants awarded or denied, other financial assistance received, and a list or budget of estimated monthly expenses, excluding any alcohol, cigarettes, entertainment, and other non-essential costs. 5.Documentation : The workforce system must ensure adequate documentation is maintained for each participant, including but not limited to, the following: whether the individual received or did not receive a Pell Grant, a list of all funding sources considered and received to pay for training, a list or budget of the participant's estimated essential monthly living expenses used to determine financial need, excluding any costs associated with alcohol, cigarettes and entertainment

- 1)Pell Grant
- 2)list of all funding sources considered and received to pay for Training
- 3)a list or budget of the participants estimated essential monthly living expenses used to determine financial need (excluding any costs associated with alcohol, cigarettes and entertainment)

Was an ITA issued (WIOA Sec. 134(c)(3)(G))?

Is activity supported by IEP?

PROVIDE R	PROGRAM	Actual Start Date	Completed	Check if found
				1. Pell and other 2. Coordination of Resources Complete 3. ITA Issued 4. Authorization to ETP 5. Supported by Registration 6. H3 7. Budget.

OTHER AACTIVITIES: Career Services: WIOA Sec. 134(c)(2)(A) at a Career Services: Training Services; WIOA Sec. 134(c)(3)(D)

ACTIVI TY CODE	DESCRIPTOIN	DATES	END DATE	COMPLETION CODE	DOCUMENTED

VII. SUPPORTIVE SERVICES Limits set by WDAs – collect WDA policies during initial material requests/interviews. WIOA Sec. 134 (e)(2)(A)&(B) 20CFR§680.910 – participating in career or training WIOA services and unable to obtain through other means, necessary to enable individuals to participate in activities) Needs Related Payments requirements WIOA Sec. 134(d)(3)

DATE	AMOUNT	ITEM	Reason Necessary (explored available elsewhere also)	DOCUMENTED	ALLOWABLE

VII. EXIT (State Policy)

Exit Date (State Policy: Exit is the last date of service after an individual recd. services through Adult, DW, Youth WIOA Title I, Adult Ed literacy

Exclusions: (TEGL 17-05) ☐ **Institutionalized** (24 HR/day to last at least 90days ☐ **Health/Medical** (participant receiving medical treatment that precludes entry into unsubsidized employment or continued participation – not temporary expected to last 90 days ☐ **Family Care** Providing care for a family member with a health/medical

WIOA Title II or Employment Services Title III and no future services other than Closure: (when have finished receiving WIOA funded services and not scheduled for future services)		condition that precludes entry(see above) <input type="checkbox"/> Deceased <input type="checkbox"/> Reserve Forces Called to Active Duty)Nat'l Guard or military reserve unit called to active duty for at least 90 days. <input type="checkbox"/> Relocated to a Mandated Program YOUTH ONLY <input type="checkbox"/> Invalid SSN	
Last day received Service:		Exclusion support:	
2. Placed in unsubsidized employment (requires follow up service)		Attained Degree or Certificate	Documented
IX. FOLLOW-UP Survey. Appropriate follow-up services must be made available to a participant placed in unsubsidized employment for a minimum of 12 months following the Participant's first date of employment.			
1 st Qtr. Date	Date of Completion of Follow Up Survey		
2 nd Qtr. Date	Date of Completion of Follow Up Survey		
3 rd Qtr. Date	Date of Completion of Follow Up Survey		

METHODS FOR CALCULATING INCOME

When calculating income any one of the following methods are appropriate. The examples are illustrative only and eligibility staff should obtain as many multiple pay stubs as needed and available to accurately calculate family income.

1. STRAIGHT PAY OR SALARY METHOD

Under the Straight Pay Method, the participant supplies a sample of pay stubs covering the most recent six months of gross family income. Upon reviewing the pay stubs, the intake worker determines that the wages on the pay stubs are the same, with no variations.

The intake worker will calculate the income based upon the wages indicated on one of the pay stubs, since there are no variations in the gross income on any of the pay stubs. Based upon the length of the pay period represented by the pay stubs, (weekly, bi-weekly or monthly) the gross income is multiplied by the number of pay periods in a year. That is 52 x gross wages, 26 x gross wages, or 12 x gross wages, respectively. The result will be the annual income. Divide the annual income by 2 to determine the six-month income used to determine WIOA low-income eligibility.

Enter annual income into NEworks.

EXAMPLE:

Five (5) pay stubs are provided indicating gross wages of \$548.00 each. The pay stubs are sporadic and cover a period of (3) months. The pay frequency is bi-weekly (13 pay periods in 6 months). An intake worker would multiply the gross wages indicated on the pay stubs by the frequency occurrence.

Multiply: $13 \times \$548 = \$7,124$. This is the six-month income used to determine WIOA low-income eligibility.

Multiply: $2 \times \$7,124 = \$14,248$. This is the annualized income.

1. AVERAGE PAY METHOD

Under the Average Pay Method, a sample of six pay stubs are submitted which show variations in the gross earnings. The variations may result from overtime, lost time, or working for different employers.

In calculating the six-month income, the intake worker must determine the average gross earnings based upon the number of pay stubs provided. To determine the average gross earnings, the intake worker must total the gross earnings of all the pay stubs provided and divide the result by the number of pay stubs. The result will be the average gross earnings per pay period. After determining average gross earnings per pay period, the intake worker will then determine the pay frequency and multiply the gross average earnings by the number of pay periods in the six-months. Multiply six-month amount by two for annualized earnings.

EXAMPLE:

Participant provides intake worker with six (6) pay stubs with gross earnings of \$534, \$475, \$398, \$534, \$498.00, and \$534. The pay frequency is weekly. The intake worker should do the following:

Add: $\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2973.00$

Divide: $\$2973/6$ (6 is the number of pay stubs provided) = \$495.50 – This is the average gross earnings per weekly pay period

Multiply: $\$495.50 \times 26$ (there are 26 weekly pay days in a six-month period) = \$12,883. This is the six-month income amount used to determine WIOA low-income eligibility.

Multiply: $\$12,883 \times 2 = \$25,766$. This is the annualized income.

2. YEAR-TO-DATE METHOD

Under the Year-To-Date Method of calculating six-month gross income, the participant provides recent pay stubs with cumulative year-to-date gross earnings indicated on the pay stub. The cumulative year-to-date gross earnings indicate the gross earnings up to the date of the pay period ending date, on the pay stub. To compute the six-month income, the intake worker counts the number of pay periods that have occurred in the year-to-date period, and divides that number into the gross year-to-date earnings indicated on the pay stub to get the amount of each paycheck. The result of this computation (average gross income per pay period) is then multiplied by the number of pay periods in a six-month period to determine the six-month gross earnings. Multiply six-month gross earnings by two for annualized income.

EXAMPLE:

Participant provides the intake worker with a recent pay stub showing his year-to-date earnings were \$25,200 for the 14 pay-periods so far that year. The date of the pay stub provided was July 3 for the amount of \$1800. His gross earnings each pay period is the same. The pay frequency is bi-weekly, every other Friday. There are 13 pay periods for the six (6)-month period counting back from July 3. Calculation of the gross annualized income would be done as follows:

Multiply: \$1800 by 13 (No. of pay periods in 6 months) = \$23,400

\$23,400 is the 6-month income figure for this individual or family member.

Multiply: \$23,400 x 2 = \$46,800. This is the annualized income.

3. INTERMITTENT WORK METHOD

When an applicant has not had steady work with one or more employers, she/he should supply as many pay stubs as possible and complete an Applicant Statement explaining all missing pay stubs and non-work periods during the last six months. In such cases, the intake worker totals all wages for the six-month period.

If the applicant reports little or no includable income, she/he should indicate the resources relied upon for life support during the last six months, on an Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

PROJECTED VS. ACTUAL WORKSHEET									
LWDA									
Date									
					Actual	Projected		Actual	Projected
					Expenditure through	Budget	%	Cost Per Participate Estimate	Projected Cost Per Participant
Administrative Expenditures					\$0.00	\$0.00	#DIV/0!		
// to // - Report Type: Workforce Innovation and Opportunity Act (WIOA) Program - Customer Group: Adult - Region/LWIA Name:									
py__	Actual	Projected	% Achieved						
Total	0	0	#DIV/0!						
New Enroll	0	0	#DIV/0!						
Carry In	0	0	#DIV/0!						
					\$0.00	\$0.00	#DIV/0!	#DIV/0!	#DIV/0!
// to // - Report Type: Workforce Innovation and Opportunity Act (WIOA) Program - Customer Group: Youth - Region/LWIA Name:									
PY 15	Actual	Projected	% Achieved						
Total	0	0	#DIV/0!						
New Enroll	0	0	#DIV/0!						
Carry In	0	0	#DIV/0!		\$0.00	\$0.00	#DIV/0!	#DIV/0!	#DIV/0!
// to // - Report Type: Workforce Innovation and Opportunity Act (WIOA) Program - Customer Group: Dislocated Worker									
Total DW PY 15	Actual	Projected	% Achieved						
Total	0	0	#DIV/0!						
New Enroll	0	0	#DIV/0!						
Carry In	0	0	#DIV/0!		\$474,554.25	\$847,066.04	56.0%	#DIV/0!	\$1,875.00
SOURCES:									

**PROGRESS REPORT (§200.328)
PROGRAM REVIEWS**

DATE:

Local Workforce Development Area (WDA):

Contact Name:

Performance: Request/Receive from NEworks – Office of Employment and Training, MIS staff

Fiscal: Fiscal Report (GO/GL; printouts from NDOL Fiscal for GN) for same period

A comparison of actual accomplishments to the objectives of the WIOA for program year.

The reasons why established goals were not met, if appropriate.

Additional pertinent information included, when appropriate, analysis and explanation of cost overruns or high unit costs.

Problems, delays or adverse conditions which will materially impair the ability to meet the objectives of WIOA.

Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Goals	Target	Actual	Unit Costs	Problems/Resolutions
Enrollment Goals				
Expenditure Budget				
Performance Goals				
Other goals established in area plan				
Other State goals				

Draft 8/17/16

Acceptable Source Documentation for Adult, Dislocated Worker and Youth participants

Citizenship/Eligible to Work: <small>(Documents may also qualify for additional areas below)</small>		Citizenship Self Attestation <small>(NE Statute § 4-108-114)</small>	
One of Group A <input type="checkbox"/> U.S. Passport or U.S. Passport Card <input type="checkbox"/> Permanent Resident or Alien Registration Card (Form I-551) <input type="checkbox"/> Foreign Passport that contains temporary I-551 Stamp or printed notation on a machine-readable immigration Visa <input type="checkbox"/> Employment Authorization Document w/Photo (I-766) <input type="checkbox"/> Passport from Federated States of Micronesia, Republic of the Marshall Islands with Form I-94 or I-94A <small>(indicates Compact of Free Association with US)</small>	One from Group B with one from Group C: <input type="checkbox"/> Driver's License or ID issued by a State or outlying area <input type="checkbox"/> ID card issued by federal, state or local government agencies and entities <small>Both of the above must contain phone for information such as name, DOB, gender, height, eye color, address.</small> <input type="checkbox"/> School ID with photo <input type="checkbox"/> Voter's registration card <input type="checkbox"/> US Military card or draft record <input type="checkbox"/> US Coast Card Merchant Marine Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> Canadian Driver's License For persons under age 18 who are unable to present a document listed above: <input type="checkbox"/> School record or report Card <input type="checkbox"/> Clinic, doctor, or hospital record <input type="checkbox"/> Day-care or nursery school record	One from Group B with one from Group C: <input type="checkbox"/> Social Security Card unless card indicates not valid for employment, valid only with INS work authorization or valid for work only with DHS authorization. <input type="checkbox"/> Certification of Birth Abroad (Department of State Form FS-545) <input type="checkbox"/> Certification of Report of Birth (Dept. of State Form DS-1350) <input type="checkbox"/> Original or certified copy of Birth Certificate issued by state, county, municipal authority or territory of US bearing an official seal <input type="checkbox"/> Native American tribal document <input type="checkbox"/> U.S. Citizen ID card (Form I-179) <input type="checkbox"/> Dept. of Homeland Security employment authorization Document	US Citizenship Self Attestation Form <small>(NE Statute § 4-108-114) completed:</small> Citizen or Qualified alien <small>(if yes, SAVE verification required)</small> Attest Qualified Alien: <input type="checkbox"/> SAVE Verification
Date of Birth ALL WIOA Youth, Adult, DW and NEG participants :	Eligible Veteran Status: <small>(documentation of veteran status coded who was discharged under conditions other than dishonorable)</small>		
<input type="checkbox"/> License <input type="checkbox"/> Baptismal Certificate <input type="checkbox"/> Birth Certificate <input type="checkbox"/> DD-214 <input type="checkbox"/> Report of Transfer or Discharge paper (Military) <input type="checkbox"/> Federal, state or local Identification Card <input type="checkbox"/> Passport <input type="checkbox"/> Hospital Record of Birth <input type="checkbox"/> Public Assistance/Social Service Records <small>(must be current, issued by NDHHS)</small> <input type="checkbox"/> School Records or ID cards (with date of birth) <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Department of Vital Statistics <small>(A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence.)</small> <input type="checkbox"/> Tribal Records	<input type="checkbox"/> DD-214 <input type="checkbox"/> Cross match with Veterans Administration <hr/> TANF <small>(Temporary Assistance to Needy Families, also referred to in Nebraska as Aid to Dependent Children)</small> <input type="checkbox"/> Cross-match with TANF public assistance records <small>(A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence.)</small> <hr/> Homeless Individual and/ runaway youth:(must meet definition of WIOA) <input type="checkbox"/> Written statement from individual providing residence. <input type="checkbox"/> Written Statement from Shelter. <input type="checkbox"/> Written Statement from social service agency. <input type="checkbox"/> Self-Attestation <small>(with sufficient information to show meets WIOA definition)</small>		
OTHER PUBLIC ASSISTANCE: <small>Cash assistance or other support services from ONLY one of the following in six months prior to participation: General Assistance (GA), Refugee Assistance or, Food Stamps (SNAP). Does NOT include foster care.)</small>			
<input type="checkbox"/> Copy of authorization to receive cash public assistance, <input type="checkbox"/> Copy of public assistance check <input type="checkbox"/> Medical card showing cash grant status. <small>(Nebraska's Medicaid cards do not show cash grant)</small> <input type="checkbox"/> Public assistance records <small>(showing benefit received, name and date)</small> <input type="checkbox"/> Refugee assistance records <small>(showing benefit received, name and date)</small> <input type="checkbox"/> Crossmatch with public assistance database <small>(A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence.)</small>			
Complied with Selective Service: <small>Nonexempt Male Age 18 born in 1960 or later (as required by Military Selective)</small>	Exempt: <small>U.S. citizens one of the following categories: Men who are serving in the military on full-time active duty; attending the service academies: Disabled continually confined to a residence, hospital or institution; hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday. Non-U.S. citizens who falls within one of the following categories: came into this country for the first time after his 26th birthday, on a valid non-immigrant visa.</small>		
<input type="checkbox"/> Selective Service Acknowledgement Letter <input type="checkbox"/> Form DD-214 military "Report of Separation) <input type="checkbox"/> Screen printout of Selective Service Verification <small>(www.sss.gov) verification</small>	<input type="checkbox"/> U.S. Citizen Military ID <input type="checkbox"/> U.S. Citizen Military academy documentation <input type="checkbox"/> U.S. Citizen Disabled – documentation of age and confinement <input type="checkbox"/> U.S. Citizen Age - See Date of Birth for acceptable documentation <input type="checkbox"/> Non-U.S. citizens Passport - Date of entry stamp <input type="checkbox"/> Non-U.S. citizens I-94 with date of entry stamp on it		

<input type="checkbox"/> Selective Service Registration Card <input type="checkbox"/> Selective Service Verification Form (Form 3A) <input type="checkbox"/> Stamped Post Office Receipt of Registration	<input type="checkbox"/> Non-U.S. citizens Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age <input type="checkbox"/> Non-U.S. citizens Entered the U.S. illegally after his 26th birthday; he must provide proof he was not living in the U.S. from age 18 through 25 <input type="checkbox"/> Nunn-U.S. citizens Valid non-immigrant visa
Mandatory registrant who did not register: <small>documentation for persons eligible to register but who neglected to register and are now over 26 years old. May request Status Information Letter if he believes he was not required to register or did register but cannot provide any of documentation listed under Compliance with Selective Service. www.sss.gov/PDFs/infoform.pdf</small>	
<p>If the Status Information Letter indicates an individual was not required to register for the Selective Service, then he is eligible to enroll in services authorized or funded by Title I of WIOA. If the Status Information Letter indicates the individual was required to and did not register, he is presumed to be disqualified from participation in WIOA Title I-funded activities and services until it can be determined his failure to register was not knowing and willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.</p> <p>Determining 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 acknowledgment, the individual may only receive services if he can establish by a preponderance of documented evidence that the failure to register was not knowing and willful. The WDA is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.</p> <p>Written explanation and supporting documentation of his circumstances at the time of the required registration and failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:</p> <input type="checkbox"/> Service in Armed Forces – Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing <input type="checkbox"/> Third Party Affidavits – Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to WDAs in making determinations in cases regarding willful and knowing failure to register Other possible evidence: <input type="checkbox"/> Selective Service Waiver (Veterans waivers can be found at www.sss.gov/PDFs/infoform.pdf) <input type="checkbox"/> Medical records, institution records, department of corrections records indicating duration of stay <input type="checkbox"/> Homeless letter from shelter or statement by applicant that can be utilized to attest the applicants inability to register when he was eligible <input type="checkbox"/> Non-Citizen An alien registration card or other immigration document showing the date of entry into the US, and demonstrating that this date was beyond the date of his 26th birthday <input type="checkbox"/> As a last resort: Self-Attestation which includes sufficient information to address all points of consideration and reasons for not registering.	
Offender: <small>has been subject to any stage of the criminal justice process for committing a status offense or delinquent act, or (b) requires assistance in overcoming barriers to employment resulting from record of arrest or conviction for committing delinquent acts, such as crimes against or registration form, self-attestation persons, crimes against property, status offenses, or other crimes.</small>	Low Income <small>(sufficient information to show meets WIOA definition). Type of documentation must match income reported, i.e. bank statements support self-employed but do not show gross wages.</small>
<input type="checkbox"/> Documentation from juvenile or adult criminal justice system <input type="checkbox"/> Documented phone call with court or probation representatives <input type="checkbox"/> Self-Attestation <small>(with sufficient information to show meets WIOA definition)</small>	<input type="checkbox"/> Alimony Agreement <input type="checkbox"/> Award letter from Veteran's Administration <input type="checkbox"/> Bank Statements <small>(for wages must find support for gross)</small> <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Court award letter <input type="checkbox"/> Pension Statement <input type="checkbox"/> Employer statement/contact <input type="checkbox"/> Family or business financial records <input type="checkbox"/> Housing Authority verification <input type="checkbox"/> Pay stubs <input type="checkbox"/> Public Assistance records <input type="checkbox"/> Quarterly estimated tax for self-employed persons <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Unemployment Insurance documents <input type="checkbox"/> As a last resort only: Self-attestation for wages <small>(with sufficient work history and earnings information for all household members to show six month income)</small>
Family/Household: <small>To determine low income information must be collected on household members and income.</small>	
1. Household <input type="checkbox"/> Case notes showing specific information collected at eligibility determination <small>(must household membership and means of income)</small> <input type="checkbox"/> Assessments/Pre-applications with household membership <input type="checkbox"/> Work history <input type="checkbox"/> Public Assistance Records <input type="checkbox"/> Income supported by documentation in low income section. <input type="checkbox"/> Self-attestation <small>(with sufficient information to show meets family of one definition)</small> 2. Family of one <input type="checkbox"/> School Records <input type="checkbox"/> Medical Records <input type="checkbox"/> Vocational Rehabilitation participation <input type="checkbox"/> Case Notes with sufficient information to show circumstances and reasons for career planner's determination. <input type="checkbox"/> Self-attestation <small>(with sufficient information to show meets family of one definition)</small>	
Dislocated Worker Date of Actual Dislocation <small>(This date is the last day of employment at the dislocation job.)</small>	Dislocated Worker Part I Point 2: UI <small>(State WIOA Eligibility for Dislocated Worker Policy)</small>
<input type="checkbox"/> Lay Off Notice <input type="checkbox"/> Verification from employer. <small>(Must identify last day worked, participants name and separation condition.)</small> <input type="checkbox"/> Rapid Response List <input type="checkbox"/> Public Announcement with follow-up cross check with UI <input type="checkbox"/> Self -Attestation <small>(with sufficient information to show meets WIOA definition)</small>	<input type="checkbox"/> Cross Match with UI system <input type="checkbox"/> Copy of Notification from UI <input type="checkbox"/> UI documentation <input type="checkbox"/> Work history of sufficient time frame to demonstrate attachment to workforce ONLY when not eligible for UI due to insufficient earnings or non-covered employer1) 1) Employment Statement 2) Work History 3) Resume 4) Pay Stubs
Dislocated Worker Part I Point 3 - Unlikely to Return <small>(State WIOA Eligibility for Dislocated Worker Policy)</small>	

- ☐ **Declining Industry:** Labor Market Statistics
- ☐ Industry/Occupation for which **limited job orders in NEworks** at time of eligibility: Documented by assigned Career Planner
- ☐ Insufficient **education and/or lacks skills** to reenter former industry or occupation: Documented through in-take process or assessment, testing, or other suitable means
- ☐ **Lack of job offers:** Documented by case planner, employer rejection letters, and other documentation of unsuccessful efforts to obtain employment in prior industry or occupation.
- ☐ **Physical** or other limitations prevent return to previous occupation or industry: Documented by physician or other professional (e.g. psychiatrist, psychiatric social worker, and chiropractor). Self-attestation ONLY in circumstances where support documentation is not available.
- ☐ **Seasonal workers** due to recorded reasons (change in family situation, disability, natural disaster resulting in lost wages, loss of agricultural land, mechanization or significant variance to normal seasonal employment patterns).

Laid off on a temporary basis with return date and/or determined by UI to be attached to employer **do not meet the criteria of unlikely to return** to previous industry or occupation.

Part II 1. Has been terminated or laid off, or has received a notice of termination or layoff from employment as a result of any **permanent closure of, or any substantial layoff** at, a plant, facility, or enterprise;
2. Is employed at a facility at which the employer has **made a general announcement that such facility will close within 180 days**; or 3. for purposes of eligibility to receive services other than training services described in Section 134(c)(3), career services described in Section 134(c)(2)(A)(xii), or supportive services, is employed at a **facility at which the employer has made a general announcement that such facility will close**;

Multiple documents and/or information may be necessary to support substantial layoff and to tie Dislocated Worker to employer:

- ☐ WARN Notice
- ☐ Verification from employer. *(Must identify last day worked, participants name and separation condition.)*
- ☐ Rapid Response List
- ☐ News Article *(for closing only with documentation of employment)*
- ☐ Public Announcement with follow-up cross check with UI
- ☐ Statement from Union Representative
- ☐ Self -Attestation *(with sufficient information to show meets WIOA definition)*
- ☐ Case Notes *(in conjunction with other documentation and with sufficient information to show meets WIOA definition including source of information)*

WHEN obtained documentation is nonspecific to the applicant verification should be obtained tying applicant to employer.

Part III 1. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is **unemployed as a result of general economic conditions in the community in which the individual resides, or because of natural disasters**;

- ☐ Issuance of a Notice of Foreclosure or Intent to Foreclose
- ☐ Bankruptcy filing/order
- ☐ Business records showing no profit for past 12 months
- ☐ Debit to asset evaluation
- ☐ Letter from lending Institution denying credit to obtain operating capital necessary to continue operations
- ☐ Letter of Self-Declaration indicating one or more of following:
 - 1) inability to make further payments on loans secured by tangible assets.
 - 2) "Current Ratio"(Total current Assets to Total Current Liabilities) is at or below the lower quartile for the type (SIC) and size (current assets) as listed in the RMA Annual Statement Studies.
 - 3) A Natural Disaster *(Note conditions or disasters must have occurred and must have caused a sufficient impact on business operations to demonstrate "cause and effect" relative to the permanent dislocation and subsequent unemployment of the self-employed individual).*
- ☐ News article of disaster or economic conditions.
- ☐ Statement of local closing/economic conditions from:
 - 1) Employment Services
 - 2) Chamber
 - 3) Economic Development
 - 4) State Dislocated Worker Unit

Dislocated Worker Part IV Displaced Homemaker: *a person who has been providing unpaid services to family Members in the home and has been dependent on the income of another family member but is no longer supported by that income and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.*

- ☐ Public assistance records
- ☐ Court records
- ☐ Divorce papers
- ☐ Bank records
- ☐ Spouse's layoff notice
- ☐ Spouse's death record
- ☐ Self -attestation *(with sufficient information to show meets WIOA definition)*

Dislocated Worker Part VI. *Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or 2. Is the spouse of a member of the Armed Forces on active duty and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.*

- ☐ Military Dependent's ID card
- ☐ Military Orders
- ☐ Case Notes showing verification obtained by career planner with source identification
- ☐ ONLY AS A LAST RESORT: Self Attestation (with sufficient information to show meets WIOA definition)

Pregnant or Parenting Youth: *a person who is either under 22 years of age and who is pregnant, or an individual (male or female) who is providing custodial care for one or more dependents under age 18*

- ☐ Copy of child's birth certificate
- ☐ Copy of baptismal record
- ☐ Observation of pregnancy status,
- ☐ Doctor's note confirming pregnancy

Youth Who Needs Additional Assistance *(As defined in State Plan).*
Circumstances documented on:

- ☐ Individual service strategy
- ☐ Case Notes *(with sufficient information to show meets WIOA definition)*
- ☐ WIOA intake or registration form, *(with sufficient information to show meets State WIOA definition)*

<input type="checkbox"/> ONLY AS A LAST RESORT: Self-Attestation (with sufficient information to show meets under 22 & pregnant or custodial parent)		<input type="checkbox"/> State MIS (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Self-Attestation (with sufficient information to show meets State WIOA definition)	
Basic Literacy Skills Deficiency (as defined in State Policy)		Foster Care Youth (as defined in State Policy)	
<input type="checkbox"/> Copy of standardized assessment test <input type="checkbox"/> School records to include scores, test, date <input type="checkbox"/> Case notes (must contain same information verified from equal source)		<input type="checkbox"/> Written confirmation from social service agencies <input type="checkbox"/> Case notes (must contain same information verified from equal source)	
School Status at Participation: If school status does not change during participation this may fail status at exit. In-school and Out of School Must Meet Definitions of State Policy at <u>participation</u> .		Date of first Youth Service: date on which the individual begins receiving his/her first service funded by a program following a determination of eligibility to participate in the program (eligibility determination not required for Wagner Peyser).	
<input type="checkbox"/> Applicable records from education institution (GED, Certificate, Diploma, Attendance Record, Transcripts, Drop out letter, school documentation) <input type="checkbox"/> Self-attestation (with sufficient information to show meets State In or Out of School definition) <input type="checkbox"/> WIOA intake or registration form, (with sufficient information to show meets State WIOA definition) <input type="checkbox"/> State MIS (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable)		<input type="checkbox"/> State MIS Data Validation Only (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case Notes <input type="checkbox"/> Comprehensive Assessment <input type="checkbox"/> Individual Employment Plans	
Other Reasons for Exit (at time of exit or during 3-quarter measurement period following the quarter of exit). Documentation accepted must match exclusion.		Date Entered Training (the date on which the participant's first training service actually began)	
<input type="checkbox"/> Information from partner services MIS (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> WIOA status/exit form (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case notes (must contain same information verified from equal source) <input type="checkbox"/> Information from institution or facility		<input type="checkbox"/> Cross-match between dates of service and vendor training information. <input type="checkbox"/> Vendor training documentation. <input type="checkbox"/> State MIS – Data Validation only does not exist at activity creation. (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case Notes (with sufficient information to show identify school, program and start date. For Youth see enrollment during participation standards to be met at exit)	
Type of Training (OJT, Skill Upgrading, Entrepreneurial Training, ABE or ESL, Customized Training, Occupational Skills Training, Remedial Training, Prerequisite Training, Apprenticeship Training)		Most Recent Date Received Educational Achievement Services (Youth Only) most recent date on which the participant received an educational achievement service. Educational achievement services include, but are not limited to, tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies	
<input type="checkbox"/> Cross-match between dates of service documentation <input type="checkbox"/> State MIS – Data Validation only does not exist at activity creation. (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case Notes (with sufficient information to show type of training received)		<input type="checkbox"/> Activity sheets <input type="checkbox"/> Sign-in sheets <input type="checkbox"/> Attendance record <input type="checkbox"/> Vendor contract <input type="checkbox"/> State MIS (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case Notes (with sufficient information to show identify school, program and start date. For Youth see enrollment during participation standards to be met at exit) <input type="checkbox"/> WIOA status forms noting receipt of educational services and type of services received (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable)	
YOUTH: Should be collected as activities occur, must be present at exit. ➡			
Enrolled in Education (YOUTH Only) If the participant is enrolled in secondary school, post-secondary school, adult education programs, or any other organized program of study. States may use this coding value if the youth participant was either already enrolled in education at the time of participation in the program or became enrolled in education at any point while participating in the program.			
<input type="checkbox"/> Applicable records from education institution certifying enrollment <input type="checkbox"/> Case notes with verification from education institution or training provider that the individual is enrolled in education			
Same Documentation for:			
1. Most Recent Date Received Summer Employment Opportunities 2. Most Recent Date Received Leadership Development Opportunities received services that include, but are not limited to, opportunities that encourage responsibility, employability, and other positive social behaviors such as: (a) exposure to post-secondary educational opportunities; (b) community and service learning projects; (c) peer-centered activities, including peer mentoring and tutoring; (d) organizational and team work training, including team leadership training; (e) training in decision making, including determining priorities; and (f) citizenship training, including life skills training such as parenting, word behavior training, and budgeting of resources 3. Most Recent Date of Follow Up Services (requires contact with youth, completion of Follow Up Survey is not a follow up service on its own) most recent date on which the participant received follow-up services after exiting the program. Follow-up services for youth participants include: (a) regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise; (b) assistance in securing better paying jobs, career development and further education; (c) work-related peer support groups; (d) adult mentoring; and (e) tracking the progress of youth in employment after training. All youth participants must receive some form of follow-up services for a minimum duration of 12 months. Leadership development opportunities, adult mentoring, and supportive services that are provided to the youth participant as follow-up services should not be recorded here.			
<input type="checkbox"/> Activity sheets <input type="checkbox"/> Sign-in sheets			

- ☐ Attendance record
- ☐ Vendor contract,
- ☐ State MIS. (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable)
- ☐ Case notes
- ☐ WIOA status forms noting receipt of educational services and type of services received

Program Outcomes All 	Type of Recognized Credential: <small>Must Match Credential Recorded, the type of recognized diploma, degree, or certificate attained by the participant who received training services)</small>	School Status at Exit: <small>1=In-school, H.S. or less 2=In-school, Alternative School 3=In-school, Post-H.S. 4=Not attending school or H.S. Dropout 5=Not attending school; H.S. graduate</small>	Youth Placement First Quarter After Exit: <small>Match the code entered for the primary activity the participant entered in the third quarter following the exit quarter (youth may qualify for more than one activity). 1 = In post-secondary education 2 = In advanced training 3 = In military service 4 = In a qualified apprenticeship)</small>
	<input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Surveys <small>(Per T.O. @ USDOL REG 3 THIS IS NOT A FOLLOW UP SURVEY MUST BE A SURVEY CONDUCTED BY A SCHOOL SHOWING AWARD OF CREDENTIAL)</small> <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>	<input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Letter or documentation from school system <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>	<input type="checkbox"/> Cross-match with other agencies <input type="checkbox"/> Apprenticeship verification <input type="checkbox"/> Documentation of military service <input type="checkbox"/> Documentation of Advanced training <input type="checkbox"/> Documentation of post-secondary education <input type="checkbox"/> Transcripts <input type="checkbox"/> Registration forms <input type="checkbox"/> Community college info (from college) <input type="checkbox"/> Employer contacts <input type="checkbox"/> U.I. wage records <input type="checkbox"/> WRIS <small>(Data Validation only, not accessible to front line staff)</small> <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>

Youth Retention Third Quarter After Exit: <small>Match the code entered for the primary activity the participant entered in the third quarter following the exit quarter (youth may qualify for more than one activity). 1 = In post-secondary education 2 = In advanced training 3 = In military service 4 = In a qualified apprenticeship 0 = None of the above</small>	Attained Degree or Certificate:	Date Attained Degree or Certificate or Credential: <small>Must match date on previous documentation)</small>
<input type="checkbox"/> Cross-match with other agencies <input type="checkbox"/> Apprenticeship verification <input type="checkbox"/> Documentation of military service <input type="checkbox"/> Documentation of Advanced training <input type="checkbox"/> Documentation of post-secondary education <input type="checkbox"/> Transcripts <input type="checkbox"/> Registration forms <input type="checkbox"/> Community college info (from college) <input type="checkbox"/> Employer contacts <input type="checkbox"/> U.I. wage records <input type="checkbox"/> WRIS <small>(Data Validation only, not accessible to front line staff)</small> <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>	<input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Letter or other documentation from school system	<input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Letter or other documentation from school system

Type of Assessment Test, Score, Date, Educational Function Level		
Front line staff must keep a copy of the test scoring sheet that shows the date of the test, total score and grade levels in the case file. Case notes should also detail the participant's progress.		
DEFINITIONS	CHK SELF ASSESS AND CASE NOTES FOR MUST CONTAIN	
		<small>TEGL 22-15 Attachment A State WIOA Policies Monitoring Practices (for those not covered elsewhere I-9 Surrounding States Manuals</small>

[illegible][illegible][illegible]

Adult & DW: 20CFR §680.180 An internship or work experience is a planned structured learning experience that takes place in a workplace for a limited period of time. May be paid or unpaid, as appropriate and consistent with other laws, such as the fair Labor Standards Act. May be with private for profit, non-profit or public sector. Labor standards apply in any work experience setting where and employee/employer relationship exists per Fair Labor Standards Act. §680.180 Transitional Job: One that provides a time-limited work experience, that is wage-paid and subsidized, and is in public, private or non-profit for individuals with barriers to employment who are chronically unemployed or have inconsistent work history (determined by WDB). Up to 10% of A/DW funds. § 680.840 Funds may not be used to fill an opening due to strike or lock out in course of labor dispute.

Youth: 20CFR §681.460(a)(3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include Summer employment, pre-apprenticeship, internships and job-shadowing
 §681.590 Local program must expend not less than 20% on paid and unpaid work experiences. §681.600 WE are planned, structured learning experiences that take place in a workplace for a limited period of time... paid or unpaid... pre-for-profit, non-profit or public sector... Fair Labor Standards Act or applicable State law... may not be used directly or indirectly to aid in the filling of a job vacant due to strike, or is being looked out in the course of a labor dispute or other issue in labor dispute involving a work stoppage. WE for youth provide opportunities for career exploration and skill development. (b) include academic and occupational education components... §681.620 Summer WE

4. b. 1. WIOA Work-Based Training Oversight Guide

The Workforce Innovation and Opportunity Act (WIOA) is designed to increase participant access to training services. Training services, provided to equip individuals to enter the workforce and retain employment, include programs that combine workplace training with related instruction, which may include work-based training such as On-the-Job Training (OJT) contracts, customized training and incumbent worker training. Work-based training is employer-driven with the goal of unsubsidized employment after participation. Generally, work-based training involves a commitment by an employer or employers to employ successful participants fully after they have completed the program. Registered apprenticeship training is a type of work-based training that can be funded in the adult and dislocated worker programs; additionally pre-apprenticeships may be used to provide work experiences that can help participants obtain the skills needed to be placed into a registered apprenticeship. Each of these work-based models can be effectively used to meet a variety of job seeker and employer needs. This monitor plan addresses OJT, Customized and Incumbent training activities.

On-the-Job training (OJT) under the Workforce Innovation and Opportunity Act (WIOA) is provided under a contract with an employer in the public, private non-profit, or private sector. This training arrangement is an exception to the Individual Training Account (ITA) requirement specified in Section 134. 20 CFR §680.720(b) allows employers to be reimbursed up to 50% of the wage rate of an OJT participant for the extraordinary costs of providing the training and additional supervision related to the OJT. As described later in State policy, employers that meet the criteria listed in 20 CFR §680.730 may be reimbursed up to 75% of the wage rate for extraordinary costs of providing the training and additional supervision related to OJT.

Customized training is an activity designed to provide local workforce development areas (WDAs) areas with flexibility to ensure that training meets the unique needs of the job seekers and employers or groups of employers; that is conducted with a commitment by the employer to employ an individual upon successful completion of the training; and for which the employer pays for a significant cost of the training, as determined by the Local Workforce Development Board (WDB).

Incumbent Training Incumbent Training is designed to meet the special requirements of an employer (including a group of employers) to retain a skilled workforce or avert the need to lay off employees by assisting the workers in obtaining the skills necessary to retain employment. Conducted with a commitment by the employer to retain or avert the layoffs of the incumbent worker(s) trained. The WDA may reserve up to 20 percent of their combined total of adult and dislocated worker allocations for incumbent worker training.

Workbased training may be provided pursuant to a contract for services in lieu of an individual training account.

Scope:	<p>The Nebraska Department of Labor (NDOL, Office of General Counsel, Program Specialist will conduct a review of policies and procedures for on-the job training (OJT), customized training and incumbent training provided or planned for adults, dislocated workers and youth. Policies, plans and activities will be compared to the Act, its implementing regulations, Federal and State guidance and State WIOA policies. Fields of review include employer recruitment and orientation, eligibility, assessment, career planning, screening, contracting, reimbursement, record keeping and WDA oversight. Work-based training activities may be included in the Adult/Dislocated Worker Participation Review or conducted as a separate review when sufficient numbers present in NEworks reports for activities occurring in the period of review.</p> <p>Activities may be examined as they are encountered in participant records being examined for eligibility and/or a sample pool consisting of activities randomly selected from NEworks printouts. The goal is for the sample pool to equal 10% percent of those reported by NEworks during the period of review. Customized and Incumbent Training projects will be examined for those occurring or under consideration of the WDB during the period of review.</p> <p>Documents to be examined within the scope of this review may include but are not necessarily limited to local, goals and written procedures/policies; templates for contract and preaward; project records, employer selection/ evaluation materials, participant files including eligibility, assessments, career planning, determination of need, in-demand determinations, contract(s) or other agreement(s), training plan, preaward(s), reimbursement requests, oversight by case manager; and performance information collected by WDA.</p>		
Desk Review	<p>A desk review will be conducted of preliminary information received from the WDA. The Program Specialist will conduct a comparison of submitted written procedures with the act, federal regulation and State WIOA policies. NEworks reports of On-the-Job Training activities across Adult, Dislocated Worker and Youth programs will be extracted. The sample pool of participant files to be reviewed will be randomly selected from the NEworks reports, OJT activities will also be examined as encountered during program review. The total number should be equal to or greater than 10% of activities occurring during the review period as reported in NEworks, for reports of less than 25, 100% will be included in the pool.</p>		
Onsite Review	<p>Questionnaire or Entrance and Exit interview. Observation of active projects, employer interviews and records as time allows or at the discretion of the specialist based on review.</p>		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Eligibility for Training Services	WIOA sec. 3(5), (36) & (44), 134(c)(3)(E) & (G)(ii), sec. 194 (1) ; 20CFR § 680.210, §, NE Statute 4-108 - 114	Participant files, local plan, written policies and procedures, NEworks reports.	Interview with administrative entity.
OJT	WIOA sec. 3(44), sec. 108(b)(4)(B) , sec. 134(c)(3)(E), (G) & (H), sec. 181(a),(b) & (d)(2); 20CFR §680.830-840; §683.255-285, 730; NE Statute; Statute §48-1203, §4-108-114; State WIOA Policies; State WIOA Policies. YOUTH ONLY: 20CFR §681.600(b)(4)	Project and participant records, local plan, written policies, contracts, employer evaluation, follow up, employer records when amount to be paid by employer is not documented during local oversight activities, employer records when amount paid by employer is not documenting during evaluation or local oversight activities. NEworks reports	Interview with administrative entity and/or service provider. Interview with participant and/or employer when determined appropriate
Incumbent Worker	WIOA sec. 134 (c)(3)(D) & (d)(4), 20CFR §680.700-730, §680.780-700, .820-.840; §680.790; NE Statute; Statute §48-1203, §4-108-114; ,State WIOA Policies	Project and participant files, local plan, local policies, contracts, employer evaluation, follow up, employer records when amount to be paid by employer is	Interview with administrative entity and/or service provider. Interview with participant and/or employer when determined

		not documented during local oversight activities, employer records when amount paid by employer is not documenting during evaluation or local oversight activities. NEworks reports	appropriate. May include observation of active projects.
Customized Training	WIOA sec. 3(14), 20 CFR §680.760-780, .830-840; NE Statute; Statute §48-1203, §4-108-114; State WIOA Policies	Project and participant files, written policies, contracts, employer evaluation, follow up, employer records when amount to be paid by employer is not documented during local oversight activities.	Interview with administrative entity and/or service provider. Interview with participant and/or employer when determined appropriate. May include observation of active projects.
Employer Eligibility	20 CFR §680.700, .770, .810, State WIOA Policies	Project records. Employer records as necessary.	Interview with administrative entity and/or service provider. May include contact with employer.
Pre-award	WIOA sec. 194(4), 29CFR §38; 20CFR §683.260, State WIOA Policies.	Written policies, participant records, preaward documents, outside information(i.e. www.Sam.gov)	Interview with administrative entity and/or service provider.
Reimbursement	20 CFR § 680.720(b), § 680.730, § 680.760, § 680.800, § 680.830-840, Uniform Administrative Requirements, State WIOA Policies.	Participant files, reimbursement request, contracts/agreements, documentation of employer expenditures.	Interview with administrative entity and/or service provider. May include contact with employer.
Contract	WIOA sec. 108(b)(4)(B), sec. 134(c)(3)(f) & (G)(iii, sec. 181(a)(1), (b), (d)(1) & (2), sec. 188, sec. 194(4) & (6) , 41 U.S.C. § 8102, 40 U.S.C. § 3142, 2 CFR §200.310, .318-336, 439, Appendix II to 2 CFR Part 200 ; 2 CFR §2900.13; 20 CFR §680.700-720; §683.270; 37 CFR§401.2(a); Neb. Rev. Stat. §4-108, §4-114, § 48-1203; State WIOA Policy	Policies and procedures, local plan, contracts, Labor Market Information, determination of percentage, skills needed, time to complete training and wages.	Interview with administrative entity. Interview with participant and/or employer when determined appropriate.
Training Outline	20 CFR § 680.720, State WIOA Policy	Assessments, job descriptions, O'Net, training document.	Interview with administrative entity. Interview with participant and/or employer when determined appropriate.
Performance	WIOA Section 122(h)(2); 20 CFR § 680.530, State WIOA Policy.	Submitted Information, written policy, ETPL list or other means of dissemination.	Interview with administrative entity. Interview with participant and/or employer when determined appropriate
Oversight	20 CFR § 683.410; WIOA sec. 188; 29 CFR§38; State WIOA Policy	Participant files, project file, monitoring records to include evaluation of selection patterns.	Interview with administrative entity and provider staff as necessary.
ETPL	20 CFR § 680.530(d); State WIOA Policy	ETPL list	Interview with administrative entity and one-stop observation
Record Maintenance	WIOA Sec. 185(a); 2CFR§200.333; 20CFR §683.150; State WIOA	Written procedures/policies. Availability of records.	Interview with administrative entity

Materials:

- Local Area Plan
- Written Policy and Procedures
- Contract and Pre-award templates
- Examples of outreach materials and activities
- Performance collected on completed OJTs
- Reimbursement policy or procedures
- Employer Evaluation/Selection forms
- Agreements/Contracts
- Oversight Plan

OJT/Customized/Incumbent Training Questionnaire/Interview

Local Workforce Development Area (WDA):

Completed or attended:

Date:

1. Has the Workforce Development Board (WDB) set goals for Workbased Training: Customized, Incumbent and OJT?
 - Do you think they will be met?
 - Set aside funds for Customized/Incumbent Training?
2. Has the WDB established other appropriate purposes for OJT and customized training in addition to the introduction of new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy?
3. Has the WDB determined what constitutes a “significant cost of training” for payment by employer for customized training?
4. What industries and occupations have been targeted?
5. What outreach/recruitment efforts have been made by the WDB to reach employers?
 - By the one-stop operator?
 - By the service provider (s) and programs?
6. Has the WDB established clear and concise on-the-job training policies and procedures?
 - For Customized Training policies and procedures?
 - For Incumbent Worker Training policies and procedures?
7. Has the local workforce development board (WDB) established policies and definitions to determine which workers, or groups of workers, are eligible for incumbent worker services?
8. How do you collect performance information on completed OJTs?
 - Where is it published/disseminated?
9. Have you developed dedicated staff for employer services and work-based training?
10. What steps are taken to analyze success of an OJT activities – good or bad?
11. What steps are taken to prevent entering into contracts with employers who have exhibited a pattern of failing to provide OJT participants with long-term employment as a regular employee with wages, benefits and working conditions on the same extent as other employees working a similar length or doing the same type of employment?
12. Has the WDB approved any employers for Customized or Incumbent Training projects?
 - If no, are there projects pending or declined?
13. What records are kept on proposed and/or approved Customized and/or Incumbent Training projects?
14. How are training participants selected?
15. Are employers who are considered for training agreements without resulting in an agreement tracked?
16. Do procedures include oversight of the service provider by the administrative entity of the OJT activity (employer) by the service provider?
17. Does oversight include an examination of the pattern of selection to ensure compliance with WIOA Sec. 188 (Equal Opportunity/Nondiscrimination)?
 - Review of reimbursement request
 - Review of training/progress

Include list of documents to be presented at entrance interview.

OJT Activity Selection												
Local Aea:		Date										
Trainees								Employers who received OJT Contracts			Employers who expressed interest did not receive	
DATE COMPLETED:	LMI Census Data	Trainees (NEworks)	% of Trainees	Active Participants NEworks	% of Active Participants	Best %	Indication of Disparate Treatment	Multiple OJTs	Number	%		
Total Pop								Industry				
Male			0.0%									
Female			0.0%									
American Indian/ Alaskan Native			0.0%									
Asian			0.0%					Occupaton				
African American or Black			0.0%									
Hawaiian or Pacific Islander			0.0%									
I do not wish to answer			0.0%					Wages				
Hispanic / Latino			0.0%									
White			0.0%									
Individual w/Disabilities			0.0%									
Veterans			0.0%									
			0.0%									
Limited English*			0.0%									
Is a pattern of employers or participants evident?												
Revised 11/10/16												
Source and available information												
80% Calculation (a.k.a. 4/5ths rule or 80% rule) is the simplest and most common way of estimating adverse impact. Indication of Disparate impact does not necessarily mean				1) Calculate the selection rate for each protected group that makes up								
				2) Observe which group has the highest selection rate. "BEST"								
				3) Calculate the impact ration by dividing the selection rate for each group								
				#REF!								

WIOA OJT Activity Worksheet

Employer:

Participant:

Occupation:

Dates:

	Yes	No	Comment
Have trainees been determined eligible, assessed, IEP development and documented as determined in need of training?			
Do Adult trainees meet priority? (WIOA Sec. 134 (c) (3)(E) those who: <ul style="list-style-type: none"> • Recipient of public assistance • Other low-income individuals • Individuals who are basic skills deficient • Local/State Low Priority 			
Has the employer taken part in multiple OJT activities? If yes, was a pattern of failing to provide OJT training participants with long-term employment exhibited? (WIOA Section 194(4))			
Is the OJT (required for Adult/DW) directly linked to an in-demand industry sector or occupation in the WDA or planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate? The WDB may approve training services for occupations determined by the WDB. (State (WIOA sec. 134(c)(3)(G)(iii) & WIOA In-Demand Policy, local plan)			Is it documented as appearing on http://h3.ne.gov/H3/ or is it high demand named by WDB?
<p>Was a pre-award review conducted, (State WIOA OJT Policy, 20CFR§683.260):</p> <p>To verify that a business establishment which is new or expanding is not, in fact, relocating employment from another area, standardized pre-award review criteria developed by the State must be completed and documented jointly by the WDA and the business establishment as a prerequisite to WIOA Assistance: Written, Part of contract.</p> <p><i>(Service deliverers who initiate multiple or follow-on contracts with the same employer need not conduct a complete pre-award review of subsequent contracts if a review has been conducted within the past six months.)</i></p>			
Names under which the establishment does business, including predecessors and successors in interest; the name, title, and address of the company official certifying the information, and whether WIOA assistance is sought in connection with past or impending job losses at other facilities, including a review of whether WARN notices relating to the employer have been filed.			
Whether the employer is a new or established business. If the company has operated at the current location less than 120 days and the business relocated from another area in the U.S., verify that employees were not laid off at the previous location as a result of the relocation. [See Written Assurance #14 and WIOA Section 181(d) (2).			
The Employer Size, meaning number of employees currently employed at the local operation where the OJT placements will be made. When substantiating the employer count, the most current Labor Market Information (LMI) may be a source to consider. LMI may be obtained from NEworks. Local employer site information, including an employee size range for each local operation, is available in NEworks through data provided by Info group. Employer Size is determined by the number of employees at the time of the pre-award review. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations.			
If the applicant has worked for the employer at any time in the past, and if so, the dates and circumstances. Individuals shall not be considered eligible for services with the same employer in the same occupation.			
If the applicant is related to the employer, or an employee who works for the employer in an administrative or supervisory capacity. [See Written Assurance #4.]			
The employer's rate of employee turnover, and the turnover for this particular position. Contracting with employers who have high employee turnover rates should be avoided.			
If the employer has incurred any layoffs in the past 12 months. Check to be sure no Worker Adjustment and Retraining Notification Act (WARN) notices have been filed. [See Written Assurance #13.]			
If the position is full- or part-time, and if permanent, temporary, or seasonal. Contracts shall not be established for positions that do not or cannot have a trainer or supervisor present, or for temporary positions that are supplied to employers by temporary employment contractors.			
If the position is covered by a collective bargaining agreement, and if the training is consistent with such agreement. [See Written Assurance #15.]			
If there have been any OSHA, wage and hour, or child labor law violations in the past year. [See Written Assurance #5.]			
If there have been any substantiated Equal Opportunity complaints. [See Written Assurance #7.]			
If there are minimum qualifications for the position, and a written job description is available.			
If the pay and benefits are equivalent to similar positions in the local labor market and/or similar positions with the employer. [See Written Assurance #2.]			

If the employer provides worker's compensation or accident insurance. [See Written Assurance #5.]			
If the employer's accounting system (especially payroll), personnel system, grievance system, etc., is adequate to administer the contract agreement?			
If the employer is presently disbarred or suspended from receiving federal contracts. [See Written Assurance #8.]			Did the WDA verify?
Recontracting, if yes <ul style="list-style-type: none"> High success rate Exhibiting a pattern of providing OJT participants with continued 			
Reverse Referral? Were all of the conditions of this OJT policy must be met. A reverse referral occurs when an employer with a hiring need refers an individual to the Career Center for an eligibility determination, and then hires the individual under an OJT training contract.			
Has the administrative entity, service provider monitored the activity?(20CFR §683.150; State WIOA)			
Contract Worksheet			
<i>*Contract Portion also applicable to Customized and Incumbent Worker Training contracts</i>			
Does the OJT contract meet the requirements to be procured in accordance with all federal, state and local procurement policies and at a minimum contain the following information:	Yes	No	Comment
Occupation(s) For Which Training Is To Be Provided – Training will be provided only for those occupations for which there is a demand in the area served, or in another area to which the trainee is willing to relocate. (WIOA Section 134(c)(3)(G)(iii))			
Length Of Time The Training Will Be Provided – The length of OJT in Nebraska shall be based on the skill gap assessment, and is limited to a maximum of six months or 1040 hours of work, whichever comes first. Skill gap occurs where there is a gap between the skills of the individual and the skills needed for the targeted job. The skill gap is measured (and should be documented) by taking into consideration: <ul style="list-style-type: none"> the initial skills of the participant as determined by recognized skill assessment tools (not just educational attainment) Skill level needed to perform the job. There are several recognized skill assessment tools that are useful in determining the skills necessary for specific occupations and industries. Some of these include: <ul style="list-style-type: none"> Industries: Competency Model Clearinghouse www.CareerOneStop.org/CompetencyModel . Includes competency models for bioscience, construction, automation, and more Occupations: O*NET Online http://online.onetcenter.org . Occupational Competency Profiles contain: tasks, knowledge, skills, abilities, detailed work activities Certification Finder: www.careerinfonet.org/certifications_new/default.aspx . Includes certifications for hundreds of occupations. In most instances in Nebraska, the O*NET assessment shall be used, but the other tools listed above are acceptable. <p>The duration must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan(20CFR§680.700)(c)). Local policies for determining duration must be documented in the local policies or plans. (WIOA Section 108(b)(4)(B))</p>			
Wage Rate To Be Paid To The Trainee – Individuals participating in on-the-job training must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage (WIOA Section 181(a) (1))> Currently, the minimum wage is \$9.00 per hour in Nebraska until January 1, 2016 (Neb. Rev. Stat. § 48-1203).			
OJT payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participants while in the OJT (20 CFR §680.720). Typically, the reimbursement rate may be up to 50 percent of extraordinary costs (20 CFR §680.730). The Governor or WDB may increase the amount of the reimbursement from 50 percent up to 75 percent of the wage rate of a participant for a program if: <ol style="list-style-type: none"> The Governor approves the increase with respect to a program carried out with funds reserved by the state (see State OJT policy); or The WDB approves the increase with respect to a program carried out with funds allocated to a WDA (WIOA Section 134(c)(3)(H)(i)). 			
WDB must document the factors used when deciding to increase the wage reimbursement levels above 50 percent . WIOA Section 134(c)(3)(H)(ii); 20 CFR §680.730			

Training Outline Listing Work Skills To Be Learned In the Position – A comprehensive list of work skills the trainee will learn during the contract period is a required part of the contract. Efforts should be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment.			
Other Classroom Training – An outline of any other separate classroom training may be provided by the employer.			
Employer's Agreement To <i>Maintain And Make Available</i> Accurate And Complete Time And Attendance, Payroll And Other Records To Support Amounts Claimed By The Employer For Reimbursement Under The Contract – The employer must preserve all trainee payroll, fringe benefit, and personnel records (including time and attendance sheets normally kept by the employer for employees) for three years from the close of the applicable program year or longer if any litigation or audit has begun or any claim is instituted which involves these records. In that case, the employer shall retain the records beyond the three year period until the litigation, audit findings or claim has been resolved.			
OJT Contracts for Employed Workers – OJT contracts may be written for eligible employed workers when: a. The employee is not earning a self-sufficient wage as determined by local policy; b. The requirements of 20 CFR §680.700 are met; and c. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, workplace literacy, or other appropriate purposes identified by the WDB. 20 CFR §680.710			
Do the contract (s) include mandated written assurances? OJT contracts must include several standard assurances that are designed to acknowledge a contractor's responsibilities in accepting public funds for training. The assurances should address these issues:			
1. At the end of the training period, the employer intends to retain the trainee in the occupation and compensate the trainee for at least the hourly wage rate specified in the contract agreement. Retention will be subject to the employer's right to terminate the trainee for normal business or personnel reasons.			
2. Individuals in on-the-job training must be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work. (WIOA Sec. 181(b)(5))			
3. Funds provided to employers for OJT must not be used to directly or indirectly assist, promote or deter union organizing. (WIOA Section 181(b)(7))			
4. No individual in a decision making capacity including workforce development board members shall engage in any activity, including participation in the selection, award, or administration of a contract supported by WIOA funds if a conflict of interest would be involved. (20 CFR §679.430)			
5. The employer will provide worker's compensation coverage for the trainee and abide by health and safety standards established under State and Federal law. (WIOA Section 181(b)(4))			
6. The trainee will not conduct political or sectarian activities at work while under the provisions of the OJT contract. (WIOA Section 194(6))			
7. The employer will not discriminate against any trainee on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any Workforce Investment Act Title I-financially assisted program or activity. (WIOA Section 188(a)(1), State WIOA Policy)			
8. The employer certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract by any Federal department or agency.			
9. The employer certifies that it will provide a drug-free workplace as defined by the Drug-Free Workplace Act of 1988. 41 U.S.C. § 8102			
10. The employer is in compliance with all State and local laws regarding taxation and licensing.			
11. Trainees who are working as laborers/mechanics in any construction, alteration or repair (including painting and decorating) of public buildings or works must be compensated in compliance with the Davis-Bacon Act. 40 U.S.C. § 3142			
12. A trainee in an OJT program shall not displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation). WIOA Section 181(b)(1)			

4.2. WIOA Youth Oversight Guide

Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and providing resources to support in-school youth (ISY) and out-of-school youth (OSY), affirming a commitment to providing high-quality services for all youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in postsecondary education, or a Registered Apprenticeship. Youth-serving programs continue to promote evidence-based strategies to assist in achieving high-levels of performance, accountability, and quality in preparing young people for the workforce.

WIOA shifts the focus of resources to OSY providing support for the reconnection to education and jobs. A minimum of 75% of program funds allotted to the local workforce development area (WDA) must be spent on OSY. In addition, WIOA includes a major focus on providing youth with work experience opportunities by requiring that WDA spend a minimum of 20 percent of program funds on work experience activities which must include academic and occupational education. Although work experience has become the most important of the program elements, each WDA must deliver or provide access to 13 other activities: tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies; alternative secondary school services; occupational skill training; education offered with workforce preparation and training; leadership development opportunities, supportive services; adult mentoring; follow-up services; comprehensive guidance; financial literacy; entrepreneurial skills training; services that provide labor market and employment information about in-demand industry sectors or occupations available in the WDA, such as career awareness, career counseling, and career exploration services; and activities that help youth prepare for and transition to postsecondary education and training

Scope	<p>The NDOL, Office of General Counsel, Program Specialist will examine and evaluate the WDA's WIOA Youth program design and delivery including service provider selection, one-stop services, eligibility and activities comparing program administration, operations and delivery to the Act, it's implementing regulations, Federal and State guidance, State WIOA policies and the local plan. Fields of review may include: program design, outreach, enrollment, assessment, determining and documenting eligibility, activities, closures, local goals, percentages expended, management information system accuracy and record maintenance.</p> <p>A sample pool consisting of participant's files to be examined is randomly selected from NEworks printouts. The goal is for the sample pool to equal 10% percent of those reported by NEworks as enrolled and/or receiving service during the period of review. A sample pool of closures and exits may also be developed. For NEworks reports showing 25 or less, 100% will be included in the sample pool.</p> <p>Documents to be included in the review may include local plan, Youth Committee roster, minutes of last two Youth Committee meetings, bylaws of committee, written policies, budgets, fiscal reports, workforce WDB oversight, calendar of events, orientation for youth and worksites, work experience forms, payroll records, youth participant injury report(s) files, NEworks reports, agreements, waiver request(s) and referrals.</p>		
Desk Review	Participant records and submitted materials.		
Onsite Review	Interviews with local administration and service providers, file discussion, program offerings, observation. Onsite visits to a sampling of work experience activities, interviewing youth and supervisors.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
WDB	WIOA sec. 107(b)(4) & (d), WIOA sec. 129 (c)(3)(C) & (7) & (8); 20CFR §681.100 (standing committees), §681.420(c) & (g), §681.650, State WIOA Policy.	Local plan, written policies and procedures, agreements, bylaws and committee rosters, budgets and fiscal reports	Interview with administrative entity.
Outreach	WIOA sec. 129(c); 20CFR §38.13-17 (NPRM), State WIOA policies.	Local plan, examples submitted, website	Interview with administrators, service provider and one-stop operator, observation.
Assessments	WIOA sec. 129(c)(1)(A); 20CFR §681.290(c), .420 (a)(1); State WIOA Policy	Local plan, written policies/procedures, participant files.	Interview with administrators and service provider
Program Design & Activities	WIOA sec. 108, sec. 129(c); 20CFR §681.400, §681.420, .450-.640; State WIOA policies.	Local plan, written policies/procedures, participant files, handbooks and handouts, NEworks reports.	Onsite visits to sample of worksites – interviews with employers and youth.
Service Provider Selection	20CFR §681.400, 2CFR §200 & 2900; State WIOA policies.	Local plan, agreements, procurement records if competitively.	Interview with administrators.
Eligibility	WIOA sec. 3, sec. 129 (a), sec. 189(h); 20CFR §675.300, §683.200-310, Local plan/policies on Requires Additional Assistance; State WIOA policies.	Local plan, staff training, written policies and procedures, participant files, NEworks reports.	Interview with administrators. File review discussion with administrators and service provider representation.
Enrollment	20CFR §678.600(e)(2), §681.320; § 681.430-.450; U.S. DOL standardized	Local plan, written policies and procedures, participant files, NEworks reports.	Interview with administrators. File review discussion with

	record requirements PIRL; State WIOA policies.		administrators and service provider representation.
Individual Service Plan <i>(NEworks IEP)</i>	WIOA sec. 116(b)(2), sec. 129 (c)(A); 20CFR §681.420(a)(2) & (h); State WIOA policies.	Local plan, staff training, written policies and procedures, participant files.	Interview with administrators. File review discussion, as needed, with administrators and service provider representation.
Mandated Percentages			
75 % OSY	WIOA sec. 129(a)(4); 20CFR §681.410; State WIOA policies.	Budgets, fiscal reports, participant files.	Interview with administrators and fiscal officers.
50% OSY Waiver	WIOA sec. 129 (a)(4)(B); State WIOA policies.	Request to State, U.S. DOL Response	
20% Work Experience <i>(with academic and occupational education component)</i>	WIOA sec. 129(c)(2) & (4); 20CFR §681.590; State WIOA policies.	Budgets, fiscal reports, participant files, payroll.	Interview with administrators and fiscal officers.
Personal Identification Information	2CFR §200.79, .82, .303	Participant Records, Local plan, local written policies and procedures	Interview with administrative entity
Summer Employment	20CFR §681.610; State WIOA policy.	<i>Not mandated when offered see separate Summer Employment Component Review.</i>	
OJT	<i>See Work-Based Training review.</i>		
One-Stop Services to Youth	<i>See One stop Review</i>	<i>May be completed with one stop or youth review.</i>	
Oversight	20CFR §200.328, § 200.331; 20CFR § 679.370(i)(1); State WIOA policies.	Local plan, WDB oversight plan and reports	Interview with administrators.
Management Information System	WIOA State Policy on Electronic Files. WIOA Sec. 185	Participant Records NEworks	Interview with administrators.
Record Maintenance	WIOA Sec. 185(a); 2CFR §200.333-.337; WIOA Record Retention Policy, WIOA Career Planning Policy, Electronic Case File Policy	Written procedures/policies. Availability of records.	Interview with administrative entity

Materials:

- Orientation materials
- Worksite Orientation
- Written Policies and Procedures related to youth
- List of worksites program year
- Injury report(s) for youth participants
- Budget
- Program Goals
- Financial report
- WDA Plan
- Work Experience Templates (Agreement)
- Administrative Training/Conferences/Webinars
- Service Provider Training/Conferences/Webinars
- Handbooks
- Youth services schedule to include orientation, workshops and onsite training
- WDB oversight reports
- Waiver request(s)
- Worker's Compensation Policy covering work experience participants

WIOA Youth Program Interview

Local Workforce Development Area (WDA):

Present:

Date:

WDB

1. The WDB must provide opportunities for parents, participants and other members of the community with experience working with you to be involved in the design and implementation of youth programs, where are opportunities in your WDA?
 - a. For example:
 - Serving on youth standing committee
 - Serving on WDB
 - Serving as mentors, tutors
 - Providing input into the design and implementation of the 14 elements
2. The WDB must make opportunities available for successful participants to volunteer as mentors, tutors, or other activities, how is this occurring?
3. Does the WDB have a youth standing committee?
4. Describe the Youth Council/Standing Youth Committee's linkages with local educational agencies and other youth services local partners, including registered apprenticeship.
5. How successful has the Youth Council/Standing Youth Committee been in its role of coordinating youth services in the WDA? Please provide specific examples of this coordination role that you regard as successful.
6. Describe how the Youth Council/Standing Youth Committee: {WIOA §107(d)(3-11)}
 - Connects youth services across an array of local service providers;
 - Provides policy and oversight in the delivery of youth services;
 - Leverages resources;
 - Connects and interacts with the business community;
 - Connects and interacts with community partners; and,
 - Addresses gaps in services for youth
7. How does the Youth Council/Standing Youth Committee prevent "conflict of interest" when dealing with issues impacting provision of youth services within the WDA?
8. Has the WDB or Committee conducted oversight of the Youth program?

If no, is it scheduled?
9. Has the WDB or administrative entity set goals and evaluated the service provider's progress?

If not met, what action has been taken?

Has same been done for performance?
10. How does the WDB track and evaluate compliance with:
 - 75% OSY expenditures
 - 20% Work Experience expenditures
11. Has the WDB defined "requires additional assistance"?
12. Has the WDB written policies and/or an operations manual?
13. Does the WDB support training?
 - Administrative entity
 - Service provider
 - Board and Committee members

14. What process is used to select eligible youth service providers?

OUTREACH, ACCESS AND REFERRALS

1. Describe strategies for recruiting and retaining out-of-school youth.
2. Describe barriers to recruiting out-of-school youth. How do you address those barriers?

PROGRAM

1. Has the WDA been able to provide activities or access to all of the 14 elements?
 - What services are provided through partners?(Does the description in the plan match what is occurring)
2. What activities/elements are most commonly used?
3. Have internal workshops been developed to deliver any of the elements?
4. How does the WDA ensure that participants receive information on the full array or appropriate services available through the WDB or other eligible providers or one-stop partners?
5. Does the WDA have a process to ensure that eligibility is determined and documented accurately?
 - Who reviews/approves
6. How are youth assessed for: Education, work history, goals, vocational aptitude, career/vocational interests, family strengths, work readiness competencies, community services, medical, basic skills, supportive service needs, occupational skill levels?
7. How are Individual Service Strategies developed? Updated?
8. Has the WDA encountered difficulties in meeting the mandated percentages for 75% OSY and 20% Work Experience (summer employment, year round employment, pre-apprenticeship programs, internships and job shadowing, and on-the-job training opportunities) component academic and occupational education?

How are expenditures tracked?

9. Describe work experience element? (Limitations on time, wages, total)?
 - Staff
 - Outreach
 - Safety Training
 - Oversight
 - Follow up
 - Collection of performance information
10. Have any grievances discriminations or worksite accidents been reported?
11. Are OJT policies applied to Adult, Dislocated Worker and Youth?
12. Are ITA's used for youth?
13. How is personal identification information handled? (Must have internal control structure and written policies)?

Do internal controls also include reasonable assurance that the entity is:

 - Managing the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
 - Complying with Federal statutes, regulations, and the terms and conditions of the Federal awards;
 - Evaluating and monitoring the recipient's and subrecipients compliance with WIOA, regulations and the terms and conditions of Federal awards; and
 - Taking prompt action when instances of noncompliance are identified

14. Did the WDA update the Incentive policy limiting it to achievements connected to recognition of achievement of milestones in the program tied to work experience or training?

How are they documented?

(Allowable under 2CFR§200)

15. How long are records maintained?

16. Please summarize what type(s) of credentials older youth typically attain and who awards them

Program Income

1. Is program income generated as a result of WIOA Youth? If so, how is it used within the program?

Follow-Up

1. What procedures and/or methods does the WDA use to ensure that contact information for youth exiters is as up-to-date as possible? Has the WDA secured "alternative contact information?"
2. What follow up services are most often provided?

CUSTOMER SATISFACTION

2. How is the WDA collecting customer satisfaction information?

Youth Standing Committee (if WDB establishes a standing committee to provide information and assist with planning, operational, oversight and other issues related to the provision of services to youth 20CFR §681.100)

	YES	NO	COMMENT
A standing committee may: (20CFR §681.100)			
<ul style="list-style-type: none"> Recommend policy direction to the WDB for the design, development, and implementation of programs that benefit all youth; 			
<ul style="list-style-type: none"> Recommend the design of a comprehensive community workforce development system to ensure a full range of services and opportunities for all youth, including disconnected youth; 			
<ul style="list-style-type: none"> Recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth; 			
<ul style="list-style-type: none"> Recommend ways to coordinate youth services and recommend eligible youth service providers; 			
<ul style="list-style-type: none"> Provide on-going leadership and support for continuous quality improvement for local youth programs; 			
<ul style="list-style-type: none"> Assist with planning, operational, and other issues relating to the provision of services to youth; and 			
<ul style="list-style-type: none"> If so delegated by the WDB after consultation with the chief elected official (CEO), oversee eligible youth providers, as well as other youth program oversight responsibilities. 			
Are parents, participants and other members of the community with experience working with you on the Committee?			
Committee Members (20 CFR §681.110)			
NAME	Affiliation	Mandated	OTHER
		Chair must be WDB member.	
		CBOs with demonstrated record of success in service youth & other appropriate exp. not WDB members.	Recommended: Parents, participants, other members of community with experience working with youth 20CFR §681.650.
			May be: Agency representatives: secondary & postsecondary ed., training, health, disability, mental health, housing, public assistance and justice.
			Representatives of philanthropic or economic and community development organizations and employers.

WIOA YOUTH CASE FILE WORKSHEET

1. ELIGIBILITY 20CFR681

NAME: Equal Opportunity is the Law Participant Form signed: NE Citizenship Self Attestation form: SAVE verification required for declared immigrants. (NE Statute 4§-111) Selective Service:	Application Date: Participation: ROI: Parental Signature for Minor:	
OSY 20CFR§681.210	Information in NEworks supported or matched	Sufficiently Documented
Not attending any school		
Age at enrollment (16-24)		
One or more of:	20CFR§681.210(b)	
(1) A school dropout;		
(2) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.		
(3) A recipient of a secondary school diploma or its recognized equivalent who is:		
<ul style="list-style-type: none"> Low income (WIOA Sec. 3(36)) an individual who: 		
AND		
<ul style="list-style-type: none"> Basic Skills Deficient or 		
<ul style="list-style-type: none"> English language learner; 		
(4) An offender;		
(5) Homeless aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;		
(6) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;		
(7) Pregnant or parenting; (Preamble promises future technical assistance on parenting)		
(8) An individual with a disability;		
(9) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. 20 CFR §681.300 (see local plan for definition)		
ISY An in-school youth (ISY) is an individual who is:	29CFR§681.220	
(1) Attending school (as defined by State law), including secondary and post-secondary school;		
(2) Age at enrollment (not younger than 14, older than 21)		
(3) Low-income individual		
(4) AND one or more of the following:		
<ul style="list-style-type: none"> Basic skills deficient; 		
<ul style="list-style-type: none"> An English language learner; 		
<ul style="list-style-type: none"> An offender; 		
<ul style="list-style-type: none"> Homeless (See OSY #5) 		

• Pregnant or parenting;		
• An individual with a disability;		
• In foster care or who has aged out of the foster care (See OSY #6)		
• An individual with a disability; or		
• An individual who requires additional assistance to enter or complete an educational program or to secure employment as defined by the WDB, may not exceed 5% of newly enrolled ISY in any given program year. 20CFR§681.310		
2. ASSESSMENT AND SERVICE STRATEGY 20CFR§681.420(b)		
Assessments :		
Individual Service Strategy		
3. ACTIVITIES 20CFR§681.470-570		
Activity Description/Code (Does file support the activity description in CFR?)		
Start Date/Conclusion Date Date/Reason End		
Documentation		
Coordinated		
Supported by Individual Services Strategy/Employment Plan and Assessments		
4. SUPPORTIVE SERVICES 20CFR§681.570		
Date and Item		
Description		
Reason		
Documented		
Coordinated		
4. EXIT/CLOSURE TEGL 22-15		
Attachment A, PIRL		
Exit Date:		
Closure Date: (when have finished receiving WIOA funded services and not scheduled for future services)		
Matches Last Day Participant Received Services		
Excluded		
5. FOLLOW UP SERVICES 20CFR§681.580		Recorded
Supported		
1 st Quarter		
2 nd Quarter		
3 rd Quarter		
4 th Quarter		

METHODS FOR CALCULATING INCOME

When calculating income any one of the following methods are appropriate. The examples are illustrative only and eligibility staff should obtain as many multiple pay stubs as needed and available to accurately calculate family income.

2. STRAIGHT PAY OR SALARY METHOD

Under the Straight Pay Method, the participant supplies a sample of pay stubs covering the most recent six months of gross family income. Upon reviewing the pay stubs, the intake worker determines that the wages on the pay stubs are the same, with no variations.

The intake worker will calculate the income based upon the wages indicated on one of the pay stubs, since there are no variations in the gross income on any of the pay stubs. Based upon the length of the pay period represented by the pay stubs, (weekly, bi-weekly or monthly) the gross income is multiplied by the number of pay periods in a year. That is 52 x gross wages, 26 x gross wages, or 12 x gross wages, respectively. The result will be the annual income. Divide the annual income by 2 to determine the six-month income used to determine WIOA low-income eligibility.

Enter annual income into NEworks.

EXAMPLE:

Five (5) pay stubs are provided indicating gross wages of \$548.00 each. The pay stubs are sporadic and cover a period of (3) months. The pay frequency is bi-weekly (13 pay periods in 6 months). An intake worker would multiply the gross wages indicated on the pay stubs by the frequency occurrence.

Multiply: $13 \times \$548 = \$7,124$. This is the six-month income used to determine WIOA low-income eligibility.

Multiply: $2 \times \$7,124 = \$14,248$. This is the annualized income.

4. AVERAGE PAY METHOD

Under the Average Pay Method, a sample of six pay stubs are submitted which show variations in the gross earnings. The variations may result from overtime, lost time, or working for different employers.

In calculating the six-month income, the intake worker must determine the average gross earnings based upon the number of pay stubs provided. To determine the average gross earnings, the intake worker must total the gross earnings of all the pay stubs provided and divide the result by the number of pay stubs. The result will be the average gross earnings per pay period. After determining average gross earnings per pay period, the intake worker will then determine the pay frequency and multiply the gross average earnings by the number of pay periods in the six-months. Multiply six-month amount by two for annualized earnings.

EXAMPLE:

Participant provides intake worker with six (6) pay stubs with gross earnings of \$534, \$475, \$398, \$534, \$498.00, and \$534. The pay frequency is weekly. The intake worker should do the following:
Add: $\$534 + \$475 + \$398 + \$534 + \$498 + \$534 = \$2973.00$

Divide: $\$2973/6$ (6 is the number of pay stubs provided) = \$495.50 – This is the average gross earnings per weekly pay period

Multiply: $\$495.50 \times 26$ (there are 26 weekly pay days in a six-month period) = $\$12,883$. This is the six-month income amount used to determine WIOA low-income eligibility.

Multiply: $\$12,883 \times 2 = \$25,766$. This is the annualized income.

5. YEAR-TO-DATE METHOD

Under the Year-To-Date Method of calculating six-month gross income, the participant provides recent pay stubs with cumulative year-to-date gross earnings indicated on the pay stub. The cumulative year-to-date gross earnings indicate the gross earnings up to the date of the pay period ending date, on the pay stub. To compute the six-month income, the intake worker counts the number of pay periods that have occurred in the year-to-date period, and divides that number into the gross year-to-date earnings indicated on the pay stub to get the amount of each paycheck. The result of this computation (average gross income per pay period) is then multiplied by the number of pay periods in a six-month period to determine the six-month gross earnings. Multiply six-month gross earnings by two for annualized income.

EXAMPLE:

Participant provides the intake worker with a recent pay stub showing his year-to-date earnings were $\$25,200$ for the 14 pay-periods so far that year. The date of the pay stub provided was July 3 for the amount of $\$1800$. His gross earnings each pay period is the same. The pay frequency is bi-weekly, every other Friday. There are 13 pay periods for the six (6)-month period counting back from July 3. Calculation of the gross annualized income would be done as follows:

Multiply: $\$1800$ by 13 (No. of pay periods in 6 months) = $\$23,400$

$\$23,400$ is the 6-month income figure for this individual or family member.

Multiply: $\$23,400 \times 2 = \$46,800$. This is the annualized income.

6. INTERMITTENT WORK METHOD

When an applicant has not had steady work with one or more employers, she/he should supply as many pay stubs as possible and complete an Applicant Statement explaining all missing pay stubs and non-work periods during the last six months. In such cases, the intake worker totals all wages for the six-month period.

If the applicant reports little or no includable income, she/he should indicate the resources relied upon for life support during the last six months, on an Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

WIOA Acceptable Source Documentation for Youth participants

Citizenship/Eligible to Work: <small>(Documents may also qualify for additional areas below)</small>		Citizenship Self Attestation <small>(NE Statute § 4-108-114)</small>	
One of Group A <input type="checkbox"/> U.S. Passport or U.S. Passport Card <input type="checkbox"/> Permanent Resident or Alien Registration Card (Form I-551) <input type="checkbox"/> Foreign Passport that contains temporary I-551 Stamp or printed notation on a machine-readable immigration Visa <input type="checkbox"/> Employment Authorization Document w/Photo (I-766) <input type="checkbox"/> Passport from Federated States of Micronesia, Republic of the Marshall Islands with Form I-94 or I-94A <small>(indicates Compact of Free Association with US)</small>	One from Group B with one from Group C: <input type="checkbox"/> Driver's License or ID issued by a State or outlying area <input type="checkbox"/> ID card issued by federal, state or local government agencies and entities <small>Both of the above must contain phone for information such as name, DOB, gender, height, eye color, address.</small> <input type="checkbox"/> School ID with photo <input type="checkbox"/> Voter's registration card <input type="checkbox"/> US Military card or draft record <input type="checkbox"/> US Coast Card Merchant Marine Card <input type="checkbox"/> Native American Tribal Document <input type="checkbox"/> Canadian Driver's License For persons under age 18 who are unable to present a document listed above: <input type="checkbox"/> School record or report Card <input type="checkbox"/> Clinic, doctor, or hospital record <input type="checkbox"/> Day-care or nursery school record	One from Group B with one from Group C: <input type="checkbox"/> Social Security Card unless card indicates not valid for employment, valid only with INS work authorization or valid for work only with DHS authorization. <input type="checkbox"/> Certification of Birth Abroad (Department of State Form FS-545) <input type="checkbox"/> Certification of Report of Birth (Dept. of State Form DS-1350) <input type="checkbox"/> Original or certified copy of Birth Certificate issued by state, county, municipal authority or territory of US bearing an official seal <input type="checkbox"/> Native American tribal document <input type="checkbox"/> U.S. Citizen ID card (Form I-179) <input type="checkbox"/> Dept. of Homeland Security employment authorization Document	US Citizenship Self Attestation Form <small>(NE Statute § 4-108-114) completed:</small> <input type="checkbox"/> Citizen or Qualified alien <small>(if yes, SAVE verification required)</small> <input type="checkbox"/> Attest Qualified Alien, if marked: E-Verify (SAVE) verification required.
Date of Birth: <input type="checkbox"/> License <input type="checkbox"/> Baptismal Certificate <input type="checkbox"/> Birth Certificate <input type="checkbox"/> DD-214 <input type="checkbox"/> Report of Transfer or Discharge paper (Military) <input type="checkbox"/> Federal, state or local Identification Card <input type="checkbox"/> Passport <input type="checkbox"/> Hospital Record of Birth <input type="checkbox"/> Public Assistance/Social Service Records <small>(must be current, issued by NDHHS)</small> <input type="checkbox"/> School Records or ID cards <small>(with date of birth)</small> <input type="checkbox"/> Work permit <input type="checkbox"/> Cross match with Department of Vital Statistics <small>(A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence.)</small> <input type="checkbox"/> Tribal Records	Eligible Veteran Status: <small>(documentation of veteran status coded who was discharged under conditions other than dishonorable)</small> <input type="checkbox"/> DD-214 <input type="checkbox"/> Cross match with Veterans Administration <input type="checkbox"/> Letter from Veterans Administration <hr/> TANF <small>(Temporary Assistance to Needy Families, also referred to in Nebraska as Aid to Dependent Children)</small> <input type="checkbox"/> Cross-match with TANF public assistance records <small>(A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence.)</small> <hr/> Homeless Individual and/ runaway youth: <small>(must meet definition of WIOA)</small> <input type="checkbox"/> Written statement from individual providing residence. <input type="checkbox"/> Written Statement from Shelter. <input type="checkbox"/> Written Statement from social service agency. <input type="checkbox"/> Self-Attestation <small>(with sufficient information to show meets WIOA definition)</small>	OTHER PUBLIC ASSISTANCE: <small>Cash assistance or other support services from ONLY one of the following in six months prior to participation: General Assistance (GA), Refugee Assistance or, Food Stamps (SNAP). Does NOT include foster care.)</small> <input type="checkbox"/> Copy of authorization to receive cash public assistance, <input type="checkbox"/> Copy of public assistance check <input type="checkbox"/> Medical card showing cash grant status. <small>(Nebraska's Medicaid cards do not show cash grant)</small> <input type="checkbox"/> Public assistance records <small>(showing benefit received, name and date)</small> <input type="checkbox"/> Refugee assistance records <small>(showing benefit received, name and date)</small> <input type="checkbox"/> Crossmatch with public assistance database <small>(A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence.)</small>	
Complied with Selective Service: <small>Nonexempt Male Age 18 born in 1960 or later must present documentation showing compliance.</small> <input type="checkbox"/> Selective Service Acknowledgement Letter <input type="checkbox"/> Form DD-214 military "Report of Separation" <input type="checkbox"/> Screen printout from https://www.sss.gov/Home/Verification <input type="checkbox"/> Selective Service Registration Card	Exempt: U.S. citizens one of the following categories: Men who are serving in the military on full-time active duty; attending the service academies; disabled continually confined to a residence, hospital or institution; hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday. Non-U.S. citizens who falls within one of the following categories: came into this country for the first time after his 26th birthday, on a valid non-immigrant visa. <input type="checkbox"/> U.S. Citizen Military ID <input type="checkbox"/> U.S. Citizen Military academy documentation <input type="checkbox"/> U.S. Citizen Disabled – documentation of age and confinement <input type="checkbox"/> U.S. Citizen Age - See Date of Birth for acceptable documentation <input type="checkbox"/> Non-U.S. citizens Passport - Date of entry stamp <input type="checkbox"/> Non-U.S. citizens I-94 with date of entry stamp on it <input type="checkbox"/> Non-U.S. citizens Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual's age		

<input type="checkbox"/> Selective Service Verification Form <small>(Form 3A)</small> <input type="checkbox"/> Stamped Post Office Receipt of Registration	<input type="checkbox"/> Non-U.S. citizens Entered the U.S. illegally after his 26th birthday; he must provide proof he was not living in the U.S. from age 18 through 25 <input type="checkbox"/> Non-U.S. citizens Valid non-immigrant visa
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Mandatory registrant who did not register: documentation for persons eligible to register but who neglected to register and are now over 26 years old. May request Status Information Letter if he believes he was not required to register or did register but cannot provide any of documentation listed under Compliance with Selective Service. www.sss.gov/PDFs/infoform.pdf

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

Determining 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 acknowledgment, the individual may only receive services if he can establish by a preponderance of documented evidence that the failure to register was not knowing and willful. The WDA is responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Written explanation and supporting documentation of his circumstances at the time of the required registration and failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- ☐ Service in Armed Forces – Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing
- ☐ Third Party Affidavits – Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to WDAs in making determinations in cases regarding willful and knowing failure to register

Other possible evidence:

- ☐ Selective Service Waiver (Veterans waivers can be found at www.sss.gov/PDFs/infoform.pdf)
- ☐ Medical records, institution records, department of corrections records indicating duration of stay
- ☐ Homeless letter from shelter or statement by applicant that can be utilized to attest the applicants inability to register when he was eligible
- ☐ Non-Citizen An alien registration card or other immigration document showing the date of entry into the US, and demonstrating that this date was beyond the date of his 26th birthday

<p>Offender: <small>has been subject to any stage of the criminal justice process for committing a status offense or delinquent act, or (b) requires assistance in overcoming barriers to employment resulting from record of arrest or conviction for committing delinquent acts, such as crimes against or registration form, self-attestation persons, crimes against property, status offenses, or other crimes.</small></p> <ul style="list-style-type: none"> <input type="checkbox"/> Documentation from juvenile or adult criminal justice system <input type="checkbox"/> Documented phone call with court or probation representatives <input type="checkbox"/> Self-Attestation <small>(with sufficient information to show meets WIOA definition)</small> 	<p>Low Income <small>(sufficient information to show meets WIOA definition). Type of documentation must match income reported, i.e. bank statements support self-employed but do not show gross wages,</small></p> <ul style="list-style-type: none"> <input type="checkbox"/> Alimony Agreement <input type="checkbox"/> Award letter from Veteran's Administration <input type="checkbox"/> Bank Statements <small>(for wages must find support for gross)</small> <input type="checkbox"/> Compensation award letter <input type="checkbox"/> Court award letter <input type="checkbox"/> Pension Statement <input type="checkbox"/> Employer statement/contact <input type="checkbox"/> Family or business financial records <input type="checkbox"/> Housing Authority verification <input type="checkbox"/> Pay stubs <input type="checkbox"/> Public Assistance records <input type="checkbox"/> Quarterly estimated tax for self-employed persons <input type="checkbox"/> Social Security Benefits <input type="checkbox"/> Unemployment Insurance documents <input type="checkbox"/> As a last resort only: Self-attestation for wages <small>(with sufficient work history and earnings information for all household members to show six month income)</small> <input type="checkbox"/> Receives or is eligible for Free or Reduced Lunch (42U.S.C. 1134a (2) documented by school letter, school verification form or telephone verification
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Family/Household: To determine low income information must be collected on household members and income.

1. Household

- ☐ Birth Certificates
- ☐ Decree of Court
- ☐ Divorce Decree
- ☐ Landlord Statement
- ☐ Lease
- ☐ Marriage Certificate
- ☐ Case notes showing specific information collected at eligibility determination (must household membership and means of income)
- ☐ Assessments/Pre-applications with household membership
- ☐ Work history for household members
- ☐ Public Assistance Records
- ☐ Income supported by documentation in low income section.
- ☐ Self-attestation (with sufficient information to show meets family of one definition)

2. Family of one

- ☐ School Records
- ☐ Medical Records
- ☐ Vocational Rehabilitation participation
- ☐ Case Notes (with sufficient information to show circumstances and reasons for career planner's determination.)
- ☐ Self-attestation (with sufficient information to show meets family of one definition)

<p>Pregnant or Parenting Youth: a person who is either under 22 years of age and who is pregnant, or an individual (male or female) <u>who is providing custodial care</u> for one or more dependents under age 18</p>	<p>Youth Who Needs Additional Assistance is defined at local level, requires local policy for designation and eligibility documentation). Data Validation includes:</p>
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<input type="checkbox"/> Copy of child's birth certificate <input type="checkbox"/> Copy of baptismal record <input type="checkbox"/> Observation of pregnancy status, <input type="checkbox"/> Doctor's note confirming pregnancy <input type="checkbox"/> ONLY AS A LAST RESORT: Self-Attestation (with sufficient information to show meets under 22 & pregnant or custodial parent)		<input type="checkbox"/> Individual service strategy <input type="checkbox"/> Case Notes (with sufficient information to show meets WIOA definition) <input type="checkbox"/> WIOA intake or registration form, (with sufficient information to show meets State WIOA definition) <input type="checkbox"/> State MIS (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Self-Attestation (with sufficient information to show meets State WIOA definition)	
Basic Literacy Skills Deficiency (as defined in State Policy)		English Language Learner	
<input type="checkbox"/> Copy of Standardized Assessment Test <input type="checkbox"/> School records to include scores, test, date <input type="checkbox"/> Case notes (must contain same information verified from equal source)		<input type="checkbox"/> Self-Attestation	
Foster Care Youth (as defined in State Policy)		Employment Status at Participation: (a) did any work at all as a paid employee, (b) did any work at all in his or her own business, profession, or farm, (c) worked as an unpaid worker in an enterprise operated by a member of the family, or (d) is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.	
<input type="checkbox"/> Written confirmation from social service agencies of payment made on behalf of child <input type="checkbox"/> Case notes (must contain same information verified from equal source)		<input type="checkbox"/> Pay stub <input type="checkbox"/> Case notes showing information collected from participant.	
School Status at Participation: See State Policy for definition of in/out of school	Youth Living In A High Poverty Area of At Least 25%	Date of first Youth Service: date on which the individual begins receiving his/her first service funded by a program following a determination of eligibility to participate in the program (eligibility determination not required for Wagner Peyser).	Date of Exit: date on which the last service funded by the program or a partner program is received by the participant. Once a participant has not received any services funded by the program or a partner program for 90 consecutive calendar days and has no gap in service and is not scheduled for future services, the date of exit is applied retroactively to the last day on which the individual received a service funded by the program or a partner program. Does not include case management.
<input type="checkbox"/> Applicable records from education institution (GED, Certificate, Diploma, Attendance Record, Transcripts, Drop out letter, school documentation) <input type="checkbox"/> Self-attestation (with sufficient information to show meets State In or Out of School definition)	<input type="checkbox"/> Census for tract for address http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml Printout, verified with State Policy Attachment	<input type="checkbox"/> State MIS Data Validation Only (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case Notes <input type="checkbox"/> Comprehensive Assessment <input type="checkbox"/> Individual Employment Plans	<input type="checkbox"/> WIOA Exit/Status Form (must not conflict with higher form of documentation, must reflect last day service to participant was supplied). <input type="checkbox"/> Case Notes (with sufficient information to show meets State In or Out of School definition) <input type="checkbox"/> State MIS (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) Record and documentation must match date recorded in NWorks.
In-School Youth At Time of Participation (See State Policy for definition) See also School Status at Participation.		Out of School Status At time of Participation (See State Policy for definition.)	
<input type="checkbox"/> Applicable records from secondary education institution (GED, Certificate, Diploma, Attendance Record, Transcripts, Drop out letter, school documentation) <input type="checkbox"/> Applicable records from post-secondary educational institution (Class Registration, Certificate, Diploma, Attendance Record, Transcripts, Drop out letter, school documentation) <input type="checkbox"/> Self-attestation (with sufficient information to show meets State In School definition of State Policy)		<input type="checkbox"/> Applicable records from education institution (GED, Certificate, Diploma, Attendance Record, Transcripts, Drop out letter, school documentation) <input type="checkbox"/> Applicable records from post-secondary educational institution (GED, Certificate, Diploma, Attendance Record, Transcripts, Drop out letter, school documentation) <input type="checkbox"/> Self-attestation (with sufficient information to show meets State out of School definition of State Policy definition.)	
Youth Categories:			
Drop Out		<input type="checkbox"/> School Attendance Records <input type="checkbox"/> School Drop Out Letter <input type="checkbox"/> Telephone Verification from School <input type="checkbox"/> Self-Attestation * only if all other sources were not able to be obtained.	
Age 16-18 and has not attended school for at least the most recent completed School Year Calendar Quarter		<input type="checkbox"/> School Attendance Records <input type="checkbox"/> Telephone Verification from School <input type="checkbox"/> Self-Attestation * only if all other sources were not able to be obtained.	
Has High School Diploma or GED		<input type="checkbox"/> Copy of Diploma or GED <input type="checkbox"/> School Records showing award of Diploma or attainment of GED	
Other Reasons for Exit (at time of exit or during 3-quarter measurement period following the quarter of exit). Documentation accepted must match exclusion.	Date Entered Training (the date on which the participant's first training service actually began)	Date Completed, or Withdrew from Training (the date when the participant completed training or withdrew permanently from training. If multiple training services were received, record the most recent date on which the individual completed training.)	
<input type="checkbox"/> Information from partner services MIS (specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable) <input type="checkbox"/> Case notes (must contain same information verified from equal source)	<input type="checkbox"/> Cross-match between dates of service and vendor training information. <input type="checkbox"/> Vendor training documentation. <input type="checkbox"/> State MIS – Data Validation only does not exist at activity creation. (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable)	<input type="checkbox"/> Cross-match between dates of service and vendor training information. <input type="checkbox"/> Vendor training documentation. <input type="checkbox"/> State MIS – Data Validation only does not exist at activity creation. (Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable)	

<input type="checkbox"/> Information from institution or facility		<input type="checkbox"/> Case Notes <small>(with sufficient information to show identify school, program and start date. For Youth see enrollment during participation standards to be met at exit)</small>	
Type of Training <small>(OJT, Skill Upgrading, Entrepreneurial Training, ABE or ESL, Customized Training, Occupational Skills Training, Remedial Training, Prerequisite Training, Apprenticeship Training)</small>		YOUTH: Should be collected as activities occur, must be present at exit. ⇒	
<input type="checkbox"/> Cross-match between dates of service documentation <input type="checkbox"/> Contracts <input type="checkbox"/> Case Notes <small>(with sufficient information to show type of training received)</small>		Enrolled in Education (YOUTH Only) <small>if the participant is enrolled in secondary school, post-secondary school, adult education programs, or any other organized program of study. States may use this coding value if the youth participant was either already enrolled in education at the time of participation in the program or became enrolled in education at any point while participating in the program.</small> <input type="checkbox"/> Applicable records from education institution certifying enrollment <input type="checkbox"/> Case notes with verification from education institution or training provider that the individual is enrolled in education	
		Most Recent Date Received Educational Achievement Services (Youth Only) <small>most recent date on which the participant received an educational achievement service. Educational achievement services include, but are not limited to, tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies</small> <input type="checkbox"/> Activity sheets <input type="checkbox"/> Sign-in sheets <input type="checkbox"/> Attendance record <input type="checkbox"/> Vendor contract <input type="checkbox"/> Case Notes <small>(with sufficient information to show identify school, program and start date. For Youth see enrollment during participation standards to be met at exit)</small>	
Same Documentation for: 1. Most Recent Date Received Summer Employment Opportunities 2. Most Recent Date Received Leadership Development Opportunities <small>received services that include, but are not limited to, opportunities that encourage responsibility, employability, and other positive social behaviors such as: (a) exposure to post-secondary educational opportunities; (b) community and service learning projects; (c) peer-centered activities, including peer mentoring and tutoring; (d) organizational and team work training, including team leadership training; (e) training in decision making, including determining priorities; and (f) citizenship training, including life skills training such as parenting, word behavior training, and budgeting of resources</small>			
3. Most Recent Date of Follow Up Services (requires contact with youth, completion of Follow Up Survey is not a follow up service on its own) <small>most recent date on which the participant received follow-up services after exiting the program. Follow-up services for youth participants include: (a) regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise; (b) assistance in securing better paying jobs, career development and further education; (c) work-related peer support groups; (d) adult mentoring; and (e) tracking the progress of youth in employment after training. All youth participants must receive some form of follow-up services for a minimum duration of 12 months.</small>			
Leadership development opportunities, adult mentoring, and supportive services that are provided to the youth participant as follow-up services should not be recorded here. <input type="checkbox"/> Activity sheets <input type="checkbox"/> Sign-in sheets <input type="checkbox"/> Attendance record <input type="checkbox"/> Vendor contract, <input type="checkbox"/> State MIS <small>(Specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable)</small> <input type="checkbox"/> Case notes <input type="checkbox"/> WIOA status forms noting receipt of educational services and type of services received			
Program Outcome All WIOA ⇒	Type of Recognized Credential: <small>Must Match Credential Recorded, the type of recognized diploma, degree, or certificate attained by the participant who received training services</small> <input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Surveys <small>(Per T.Q. @ USDOL REG 3 THIS IS NOT A FOLLOW UP SURVEY MUST BE A SURVEY CONDUCTED BY A SCHOOL SHOWING AWARD OF CREDENTIAL)</small> <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>	School Status at Exit: <small>1=In-school, H.S. or less 2=In-school, Alternative School 3=In-school, Post-H.S. 4=Not attending school or H.S. Dropout 5=Not attending school; H.S. graduate</small> <input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Letter or documentation from school system <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>	Youth Placement First Quarter After Exit: <small>Match the code entered for the primary activity the participant entered in the third quarter following the exit quarter (youth may qualify for more than one activity). 1=In post-secondary education 2=In advanced training 3=In military service 4=In a qualified apprenticeship)</small> <input type="checkbox"/> Cross-match with other agencies <input type="checkbox"/> Apprenticeship verification <input type="checkbox"/> Documentation of military service <input type="checkbox"/> Documentation of Advanced training <input type="checkbox"/> Documentation of post-secondary education <input type="checkbox"/> Transcripts <input type="checkbox"/> Registration forms <input type="checkbox"/> Community college info (from college) <input type="checkbox"/> Employer contacts <input type="checkbox"/> U.I. wage records <input type="checkbox"/> WRIS <small>(Data Validation only, not accessible to front line staff)</small> <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>
Youth Retention Third Quarter After Exit: <small>Match the code entered for the primary activity the participant entered in the third quarter following the exit quarter (youth may qualify for more than one activity). 1=In post-secondary education 2=In advanced training 3=In military service 4=In a qualified apprenticeship 0=None of the above</small> <input type="checkbox"/> Cross-match with other agencies <input type="checkbox"/> Apprenticeship verification <input type="checkbox"/> Documentation of military service <input type="checkbox"/> Documentation of Advanced training <input type="checkbox"/> Documentation of post-secondary education <input type="checkbox"/> Transcripts <input type="checkbox"/> Registration forms <input type="checkbox"/> Community college info (from college) <input type="checkbox"/> Employer contacts <input type="checkbox"/> U.I. wage records <input type="checkbox"/> WRIS <small>(Data Validation only, not accessible to front line staff)</small> <input type="checkbox"/> Case Notes <small>(must contain same information verified from equal source)</small>		Attained Degree or Certificate: <input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Letter or other documentation from school system	
Date Attained Degree or Certificate or Credential: <small>Must match date on previous documentation</small> <input type="checkbox"/> Transcripts <input type="checkbox"/> Certificates <input type="checkbox"/> Diploma <input type="checkbox"/> Letter or other documentation from school system			
Type of Assessment Test, Score, Date, Educational Function Level Front line staff must keep a copy of the test scoring sheet that shows the date of the test, total score and grade levels in the case file. Case notes should also detail the participant's progress.			

DEFINITIONS

1. **Cross-Match:** A cross-match requires validators to find detailed supporting evidence for the data element in a database. An indicator or presence of an SSN in a non-WIOA database is not sufficient evidence. For example, Temporary Assistance to Needy Families (TANF) participation can be determined by a cross-match with the state's public assistance database. It is not sufficient to find that the sampled SSN is present in the public assistance database; validators must also find supporting information such as dates of participation and services rendered.

2. **State MIS:** Unless otherwise noted, state MIS refers to specific, detailed information that is stored in the state's information system that supports an element. An indicator, such as a checkmark on a computer screen, is not acceptable source documentation in and of itself. For example, state MIS is an acceptable source of documentation for date of first training service. To be an acceptable source to validate date of first training service, in addition to the date of first training, the state MIS should have information about the type of training and the organization that provided the training. Locating this detailed information represents a deeper level of inquiry than the appearance of a date in the state MIS and makes it unnecessary for such states to validate this data element in local offices.

3. **Self-Attestation:** Self-attestation (also referred to as a participant statement) occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the state management information system, with an online signature.

4. **Case Notes:** Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.

For most data elements, the validation instructions provide multiple forms of acceptable source documentation. Ideally, all source documentation should tell the same story regarding the participant, services rendered, and outcomes. However, **if the state collects multiple sources for the same data element and the sources conflict, the most reliable source should be used to determine** if the element passes or fails. For example, for School Status at Participation (DRVS Field# 30), copies of records from an educational institution are a more reliable source than participant self-attestation.

TEGL 22-15 Attachment A
State WIOA Policies
Monitoring Practices (for those not covered elsewhere)
I-9
Surrounding States Manuals

WORK EXPERIENCE ACTIVITY WORKSHEET

Local Workforce Development Area (WDA):

Date:

LOCAL ADMINISTRATION	
Pass/Fail/Comments	
Did the WDA encounter any problems with assuring maintenance of effort and obtaining concurrence from organized labor for worksites covered by collective bargaining agreements {WIOA §181(b)(7)}?	
Describe the efforts made to develop private sector internships/entry level employment experience worksites under WIOA. {WIOA §129(c) (2)(D)}.	
What criteria did the WDA use in selecting worksites {WIOA §181(b)}?	
Describe orientation and training provided to worksite supervisors, including youth safety training. Does the WDA document that all worksite supervisors and alternate supervisors received training prior to the assignment of participants to the worksite?	
Have any grievances or discrimination complaints been filed?	
Does local oversight and/or local policy monitor:	
Adherence to Child Labor Laws {WIOA §181(b)(4)}	
Adequate worksite supervision and supervisor's knowledge of worksite agreements {WIOA §181(b)(4)}	
Timely payment to participants and proper amount {WIOA §181(a)(1)(A)}? (See Payroll worksheet)	
Are participants aware of how to file a complaint/grievance {WIOA §181(c)(1)}?	
Evaluate the performance of the workplace	
WORKSITE	
Did the Supervisor or Instructor and/or alternate attend an orientation session?	
How often does WIOA staff contact and visit worksites?	
Are working conditions evaluated for safety and appropriateness for youth program?	
Is progress measured and documented?	
Is there sufficient real work available?	
WORKSITE AGREEMENT:	
WIOA Program	
Worksite name/address, worksite supervisor name, Job title, job description, knowledge and competencies to be attained, timeframe, hours and wage and signatures of worksite, participant and program staff	
Participant Job Duties	
Safe working conditions {WIOA §181(b)(4)}?	
Read and comply with Federal Child Labor Laws (for Youth ages 14-17)	
Sufficient and meaningful work {WIOA §181(b)(4)}?	
Time and Attendance records?	
Payment only for time worked?	
Prohibition of political activities?	
Prohibition of sectarian activities?	
Comply with Equal Opportunity provisions of WIOA sec. 188 & 29 CFR §38	
Comply with the regulations that apply for any currently employed worker or position. WIOA activities will not: <ul style="list-style-type: none"> result in the displacement, including partial displacement, such as a reduction in hours of non-overtime work, wages or employment benefits; impair existing contracts for services or collective bargaining agreements; result in the employment or assignment of a participant or the filling of a position when any other person is on layoff from the same or a substantially equivalent job within the same organization unit or when an employer has terminated any regular employee or otherwise reduced its workforce with the effect of filling the vacancy so created by hiring a participant whose wages are subsidized under this program 	

<ul style="list-style-type: none"> infringe in any way upon promotional opportunities of any currently employed individual; and result in the filling of any established unfilled position vacancy by a participant assigned to a work-related 	
Maintain and submit timesheets, as scheduled, which accurately record the time and date worked by the participant. Record any absence and the reason. Review the evaluation with the participant prior to submitting the timesheet.	
Permit program staff to visit onsite.	
PARTICIPANT RECORD	
Activity is supported by Individual Service Strategy/Individual Employment Plan	
Academic or Occupational education component (Youth)	
Contact with trainee	
Orientation to work experience	
Employment Forms (I-9, W-4, etc.)	

Work Experience Worksheet									
---------------------------	--	--	--	--	--	--	--	--	--

Date:

[illegible]

Compared to payroll printout source: _____										Revised 11/14/16
--	--	--	--	--	--	--	--	--	--	------------------

Adult & DW: 20CFR §680.180 An internship or work experience is a planned structured learning experience that takes place in a workplace for a limited period of time. May be paid or unpaid, as appropriate and consistent with other laws, such as the Fair Labor Standards Act. May be with private for profit, non-profit or public sector. Labor standards apply in any work experience setting where and employee/employer relationship exists per Fair Labor Standards Act. §680.180 Transitional Job: One that provides a time-limited work experience, that is wage-paid and subsidized, and is in public, private or non-profit for individuals with barriers to employment who are chronically unemployed or have inconsistent work history (determined by WDB). Up to 10% of A/DW funds. § 680.840 Funds may not be used to fill an opening due to strike or lock out in course of labor dispute.

Youth: 20CFR §681.460(a)(3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include Summer employment, pre-apprenticeship, internships and job-shadowing. §681.590 Local program must expend not less than 20% on paid and unpaid work experiences. §681.600 WE are planned, structured learning experiences that take place in a workplace for a limited period of time...paid or unpaid...priv-for-profit, non-profit or public sector...Fair Labor Standards Act or applicable State law...may not be used directly or indirectly to aid in the filling of a job vacant due to strike, or is biewing locked out in the course of a labor dispute or other issue in labor dispute involving a work stoppage. WE for youth provide opportunities for career exploration and skill development. (b) include a academic and occupational education components...§681.620 Summer WE

**PROGRESS REPORT (§200.328)
PROGRAM REVIEWS**

DATE:

Local Workforce Development Area (WDA):

Contact Name:

Performance:

Request/Receive from NEworks – Office of Employment and Training, MIS staff

Fiscal:

Fiscal Report (GO/GL; printouts from NDOL Fiscal for GN) for same period

A comparison of actual accomplishments to the objectives of the WIOA for program year.

The reasons why established goals were not met, if appropriate.

Additional pertinent information included, when appropriate, analysis and explanation of cost overruns or high unit costs.

Problems, delays or adverse conditions which will materially impair the ability to meet the objectives of WIOA.

Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

Goals	Target	Actual	Unit Costs	Problems/Resolutions
Enrollment Goals				
Expenditure Budget				
Performance Goals				
Other goals established in WDA plan				
Other State goals				

Date

Page 163 of 207

4. b. 2. Summer Employment Opportunities Activity Oversight Guide

WIOA 20 CFR §681.610 does not require local workforce development boards (WDBs) to offer summer youth employment opportunities as summer employment is not its own program element but one option of a paid and unpaid work experiences that has academic and occupational education as a component of the work experience. WIOA set workplace training as priority by requiring that at 20 percent of youth program funds be used for work experience opportunities.

Scope	<p>The NDOL, Office of General Counsel, Program Specialist will conduct a review the local workforce development area's (WDA) Summer Employment Opportunities element. Monitoring activities included examination and evaluation of participating youth eligibility, service strategy and activity, coordination with other youth organizations, service provider selection, design and implementation of element in comparison with Workforce Development Board plan, the Act, Federal Regulations, U.S. DOL Guidance, State policies and plan. Review of Summer Employment Opportunities program may be conducted as a standalone review or as part of the WIOA Youth Program Review</p> <p>A random sample will be extracted from NEworks of summer employment opportunities provided during the review period, the goal of the sample is 10% of total activities in the program year, 100% may be examined for small projects. A sample pool will be extracted from the requested WDA listing of worksites used during the review period, selected to represent a variety of the types of sites and positions available to youth. The sample size will be determined by the specialist based on the size of the program, time available and previous work experience monitoring results.</p> <p>Documents examined within the course of this review may include but are not necessarily limited local plan, service provider and worksite agreements, timesheets, payroll, employment forms, written policies and procedures, participant files, outreach and orientation materials.</p> <p>Review activities will include virtual, desk and onsite monitoring. Interviews will be conducted with local administrators, service providers, specialized staff, partners, worksite supervisors and participants.</p>
Outreach	<p>WIOA sec. 129(c), 20CFR §38.4, .6(d)(3)(i), .9(b)(1), .30(e). 40, Appendix to §38.9, State WIOA policies</p> <p>Local plan, examples submitted, website</p> <p>Interview with administrators, service provider and one-stop operator, observation.</p>
Design	<p>WIOA Sec. 129(c)(2) (C)(i), 20CFR §681.420(a)(1)(2) & (b), §681.460 (a)(3)(i), .610, .640 ;State WIOA Youth Program Design Policy</p> <p>WDB plan and budgets, calendar of events, recruitment, work experience forms and processes. Program Questionnaire when used.</p> <p>Interview with administrators and/or service provider staff delivering the component.</p>
Service Provider Selection	<p>20CFR §681.120(d), §681.400, §681.620</p> <p>Local plan, agreement(s)</p> <p>Interview with administrators and service provider.</p>
Eligibility	<p>WIOA sec. 3(18), sec. 129(a), sec. 189(h); 20CFR §675.300, §681.200-310, TEGL 08-15, Neb. Revised Stat. §§4-108 to 111</p> <p>Participant files, NEworks Reports.</p> <p>Interview with administrator and service provider.</p>
Academic Component	<p>WIOA Sec. 129(c)(2) (C), 20CFR §681.630; .460(a)(3)</p> <p>Participant files, local plan, attendance reports, workshop descriptions.</p> <p>Observation of activities underway at time of onsite visit.</p>
Work Experience	<p>20CFR§681.420, .460(a)(3), 590, 600(c)(1); Neb. Rev. Stat. §§48-301 to 48-313, Neb. Rev. Stat. §§48-301 to 48-313, §4-108-114</p> <p>NEworks reports, files, local plan and procedures to include worksite agreements, payroll, I-9, W-4, entity employment forms, timesheets, oversight. Questionnaire when used.</p> <p>Interviews with supervisors and youth during onsite worksite visits. Interviews with administrators and/or service provider oversight, contact, selection of worksites.</p>
Coordination	<p>TEGL 20-13</p> <p>Local plan.</p> <p>Interview with administrators.</p>
NEworks	<p>WIOA Section 185(a)(3) State WIOA Policy on Electronic Case Files,</p> <p>Participant files.</p> <p>Interview with administrators.</p>

Materials:

- h Materials
- Worksite orientation
- Written policies and procedures
- List of worksites used
- Injury report(s) for youth participants
- Program Goals
- Work Experience templates (agreement, timesheets)
- Youth Service schedules
- Workers Compensation Report

Summer Employment Opportunities Interview

Date:

Local Workforce Development Area WDA):

Attended:

1. Who has been selected as the service provider for Summer Employment??
2. How were youth chosen to participant in Summer Employment?
 - From participants
 - Recruitment of new participants
3. Is the activity part of the planned service (ISS/IEP)?
4. How were worksites recruited?
5. Did worksites receive an orientation?
 - Purpose of element
 - Program requirements
 - Contact Information
 - Child labor laws
6. Were worksite agreements signed? (Present in OnBase?)
7. Where I-9 and W-4 completed? (OnBase?)
8. Describe academic and occupational components?
 - One activity or all?
 - Facilitator
 - Content
 - Success
9. Were funds set aside by the WDB?
10. How are hours worked submitted?
11. How are paychecks or ACH given to youth?
12. Have any complaints been received?
 - From youth
 - From parent
 - From employer

How were they addressed?

13. Have any injuries been reported?
14. What Workers Compensation policy covers participants?

Materials to be requested:

- Sign in/attendance rosters for workshops
- Workers Compensation Policy
- Most recent payroll printout for participants only

Summer Youth Worksite Interview

LWDA:

Date:

Site:	
Supervisor:	
Youth:	
YOUTH	SUPERVISOR
How was your worksite selected?	Did you receive an orientation from WIOA staff? <ul style="list-style-type: none"> Purpose of program Timesheets contact
What is your job?	What do you expect them to learn from this experience? (World of work, time. . .)
How much are you being paid?	What does the youth do?
Have you been paid yet? Do you know when? How?	Have there been any issues?
Have there been any issues?	Do you know who to contact if you have problems?
Do you know who to contact if you have problems?	Has the worker made an onsite visit?
What have you liked best so far?	

5. a. Equal Opportunity/Nondiscrimination Oversight Guide

Workforce Innovation and Opportunity Act (WIOA) Section 188 of Workforce Innovation and Opportunity Act (WIOA) prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA. 29 CFR§38.54 requires that the Governor establish and implement a Nondiscrimination plan for State Programs as defined in §38.4(kkk), NDOL contains both WIOA and Unemployment insurance requiring a combined nondiscrimination plan in the form of a Methods of Administration The plan will be designed to give a reasonable guarantee that all Workforce Development Areas (WDA) comply and are complying with the nondiscrimination and equal opportunity provisions for WIOA and 29 CFR 38.54. U. S.DOL's Equal Treatment rule, published on April 4, 2016, and effective May 4, 2016, amended DOL's existing rule at 29 CFR Part 2 Subpart D by prohibiting all recipients of DOL funding from discriminating on the basis of religion. TEGL 37-14 provided guidance for workforce programs updating nondiscrimination requirements identifying discrimination based on gender identity, gender expression and sex stereotyping as forms of sexual discrimination. .

Equal Opportunity/Nondiscrimination oversight is a responsibility of the Equal Opportunity Officer (EOO) or their designee (§38.31(b)). WIOA standalone reviews will not be necessary if NDOL's EOO conducts an agency review.

Scope	<p>The Nebraska Department of Labor (NDOL), Office of General Counsel Program Specialist conducts a review of local workforce development area's (WDA) implementation of Equal Opportunity/Nondiscrimination procedures, processes and oversight of WIOA programs. Recipients of federal financial assistance are required to ensure adherence to these laws, acts and regulations in the provision of services to program participants: Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), 29 CFR Part §38, Section 504 of the Rehabilitation Act of 1973 and NDOL Methods of Administration. These regulations incorporate the statutory mandates articulated in Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments Act of 1972, as amended; Title VII of the Civil Rights Act of 1964, as amended; and the Americans with Disabilities Act of 1990. Additional areas are part of other annual reviews such as procurement, program, board and financial systems.</p> <p>In the absence of an agency wide review a WIOA review may be conducted as a standalone review or with portions addressed during other areas of review; program, procurement review and board reviews. Activities will include an assessment of compliance with the Governor's Nondiscrimination Plan, upon completion.</p> <p>Documentation and information perused included may include but are not necessarily limited to: applicant records, participant records, workforce development board's (WDB) oversight and one-stop accessibility assessment, discrimination log, policies, local plans, training and hiring activities, NEworks reports. May be collected from the administrative entity, local Equal Opportunity Officer (EOO). A walkthrough was done at the comprehensive one stop considering mandatory posted notices, access and services.</p> <p>A sample of NEworks reports for those who applied but did not receive services will be examined, NEworks reports on training services for consideration by gender and demographic of applicants in comparison to participants to identify the possibility of disparate impact occurring.</p>		
Desk Review	A desk review will be conducted of preliminary information received from the WDA. NEworks reports and self-assessment. The reviewer may analyze the statistical and written program reports received, as well as the monitoring instrument responses if applicable. This may help to identify potential items to be addressed during the onsite review.		
Onsite Review	The focus of the onsite review is to determine compliance with equal opportunity and nondiscrimination requirements and to review significant differences or disparities identified during the desk review. The onsite review will include interviews, checklists and observations. Areas from this review may be completed during program and/or one stop reviews. Interviews will be conducted with the Equal Opportunity Officer.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Prohibited Discrimination	WIOA sec. 188(a); 29CFR §38.5-12; 20CFR §683.285 (a), Executive Order 13559, TEGL 37-14, NDOL MOA, State policies	Publications, written policies, notifications. Information may be collected during WDB, program and/or one-stop. Management Information Systems special reports.	Observation during annual reviews. Interviews with administrative entity, service provider(s), contractors and EOO.
Accessibility	WIOA Sec.3 (25), sec. 107(d), sec. 108 (6), (9)& (14), 121(g), sec. 188; 29 CFR §32.26 -.28; 29 CFR §38.13-17, 29CFR §679 .300(a)(3), .370(h) & (p), .380(a)(5) & (b)(2)(I), .560(b)(2)(i) & (iii); §680.400(b), .500(c); NDOL MOA, State policies	Local plan, participant files, written policies and procedures. WDB Review: meeting minutes, assessment tool, and evaluation report. Program and One Stop Review: Policies, procedures, operations manual, one stop certification. NEworks reports as they reflect inclusion of all groups.	Comparison of basic results to site visited. Observation of one stop and program delivery. Interview with EOO, administrative and service provider: outreach to specifically targeted populations and community service groups. Consultation about ways to improve.

Reasonable Accommodations	29CFR §38.4(q) (p)(iii), (ww), (yy), (zz) & (rrr), .8(d), .9(b); 20CFR§683.285 (a)(3); NDOL MOA, State policies	Local plan, written policies and procedures, participant files, accommodation request file, testing materials, administrative hiring records, complaints log.	Interview with EOO, Human Resources and/or administrative, entity, related files.
Assurances	29CFR38.25-26; 29CFR §2, 20 CFR §683.285; NDOL MOA, State policies	Procurement Review: Examination of written agreements/contracts from the review period up to 100% sampling, local plan, RFP offerings during the review period.	None
Equal Opportunity Officer	29CFR§38.28-33; 29CFR §683.285; NDOL MOA, State policies	Designation. Local plan, Job Descriptions, monitoring/oversight activities, training, EO policies and WDB minutes.	Interview with EOO and Administrative Entity.
Recipient's obligations relating to the Equal Opportunity Officer	29CFR§38.29; 20CFR §683.285; NDOL MOA, State policies	Participant file reviews which may be limited to the sampling of program review. Internal and external communications about recipient's nondiscrimination and equal opportunities program. Job descriptions, organizational charts, reported training. Complaint procedure and complaint logs.	Interviews with EOO, Human Relations and/or Administrative Entity or service provider.
Notice and Communication	29CFR §38.34-40); 20CFR §683.285; NDOL MOA, State policies	Program review participant files will include an examination of EOITL statements provided to applicants/participants. WDB plan, policies, unions with professional agreements with recipient, subrecipients, the public. Employee orientation materials, job openings records. Program Orientation: Does the discussion include the right to file a complaint? In formats understandable by everyone.	Posted notices, interview with Equal Opportunity Officer. Examination of new hire activities, if any during the period of review, records. Availability of means of communication with those with impaired vision or hearing. Observation of orientation.
Notice must a recipient include in publications, broadcasts, and other communications	29CFR§38.38; 20CFR §683.285, NDOL MOA, State policies	Outreach publications/broadcasts, public notices, brochures and other materials.	Examination of materials available in the resource room.
Responsibilities to provide services and information in languages other than English	29CFR§38.9, .34(a)(6) & (b), .36(c), .72(b)(1)(iv)Appendix to §38.9, 20CFR §683.285; NDOL MOA, State policies	Examples of bilingual materials and forms, local plan, reported Notifications, website, Limited English Proficient service plan and NEworks special reports.	Observation of notifications and materials available in the one stop. Interview with Equal Opportunity Office, One Stop Operator, Service Provider and Administrative Entity.
Recipient's responsibilities to collect and maintain data and other information	29CFR §38.41-45, 41CFR 60.3, 29CFR §683.285; NDOL MOA, State policies	Applicant and Participant electronic files, accuracy of information entered. Sampling of employment records. Complaint logs.	Requested new hire records. Supporting documents for complaint logs. Interview with EOO
Monitoring System	20CFR §679.130(f)(1), 360(a) & .370(i), .410 (a)(5) & (b)(2)(v), §683.285.(a)(2); 29CFR §38.31, .42(b)(2); NDOL MOA, State policies	Workforce Development Board Review: oversight plan and reports, EOO oversight plan and reports, job description of EOO, standing committee minutes.	Interview with EOO and administrative entity.
Complaint Processing Procedures	29 CFR§38.74- 85 ;20 CFR§683.285(2) NDOL MOA, State policies;	Written complaint procedures, complaint files.	Interview with EOO, administrative entity and one-stop operator
Maintenance of Records	29CFR§38.41-45;20 CFR § 683.150(g)(5), 220; 2CFR§200.333-.337; NDOL MOA, State policies	Availability and content of records requested. Records are considered in all reviews.	Interview with EOO, administrative entity and service provider.

Materials:

- WDA Plan/Modifications (if not posted)
- Equal Opportunity Officer Information
- EO Officer Job Description
- Organizational Chart
- Equal Opportunity/Nondiscrimination Policy
- Accommodations Policy/Procedures (employees, public, participants)
- Confidentiality Policy
- Complaint Procedures
- Discrimination Complaint Logs
- Staffing Data (positions, demographics, numbers)
- New Hires and/or Recruitments for Review Period
- Reviews by EOO or WDB
- Board evaluation of access

- Training – administrator, service provider staff and management
- Training – Equal Opportunity Officer
- Examples of bilingual materials
- Brochures, pamphlets, flyers
- Public Notices
- Executive Cooperative agreements which define how all local service providers will carry out requirements of integration of and access to the entire set of services available in the local one-stop system

Equal Opportunity/Nondiscrimination Interview/Questionnaire

Local Workforce Development Area (WDA):

Date:

- Equal Opportunity Officer: _____
- Administrative Entity: _____

Prior onsite interview collect local strategic plan for WDBs expectations, materials submitted for desk review should be reviewed prior to arrival. Notations from these sources should be added prior to the interview.

Program Recruitment

1. Describe your recruitment (marketing and outreach) process (e.g., school visits, media ads, etc.).
2. Who is responsible for recruitment, by name and job title?
3. How is the eligible population determined (for the program(s) listed above)?
4. What media are used to recruit applicants? What specific resources are used to recruit racial/ethnic minority applicants, female applicants, veterans and applicants with disabilities, the limited English proficient (LEP)?
5. When does a “customer” officially become an “applicant”?
6. How often is orientation offered to potential applicants? What is the “typical” number who attend?
7. Who is responsible for conducting the orientation (by name and title)?
8. What is the format of the orientation? [Lecture only? Video? Question and answer? (etc.)]
9. How is it determined whether a customer will need an accommodation (because of a disability) in order to attend orientation or to apply for services?
10. What attendance records are kept for each orientation session?
11. Are there follow-up contacts with individuals who attend orientation but do not complete an application?

Program Assessment

1. Describe the assessment process.
2. Are there locally developed forms (that is, forms developed within the region) that are used in the process? (Describe)
3. Who evaluates the information provided on the application for services?
4. Are all applicants tested? If not, who or what determines which applicants are tested?

5. How are the tests scored? Is there a cut-off score to indicate "failed" or "passed"?
6. What tests, by name, are administered, and have they been validated?
7. Who administers the tests, and where?
8. Who scores the tests, and interprets the results?
9. How is consistency of interpretation determined?
10. Do test scores determine eligibility and placement in all programs or just in certain programs?(Name, if appropriate)
11. Are service providers, other than assessment staff involved in assessment, selection, and placement of individuals into programs? (If so, describe)
12. What happens to someone who is not accepted into a particular program of his or her choosing?
13. Are individuals who do not qualify for federal assisted programs informed of possible alternatives? (If so, describe)
14. Are individuals who are not selected for federal assisted programs tracked? If so, is any data retained on those individuals, and where is the information kept?
15. What accommodations are available for the applicant with disabilities or impairments during application and assessment, and are readers available to visually impaired persons who do not use Braille?
16. *Discuss the percentage of women and racial/ethnic minority applicants and participants who go into nontraditional jobs. How are applicants informed of opportunities in nontraditional jobs?
17. Has the WDA or service provider been monitored by any other Federal agency conducting a civil rights compliance review or complaint investigation, and found the organization to be in noncompliance? (§38.38)
18. Has the administrative entity or its service provider been subject to any administrative enforcement actions or lawsuits filed against it alleging discrimination on the ground 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? If yes was the State and U.S. DOL Civil Rights Center Director notified?

Other:

1. Are there any administrative actions or lawsuits pending at this time?
2. Are there any NEOC complaints pending?

Narrative Worksheet:

Local Workforce Development Area (WDA):

Date:

1. Designated EOO:

- ☐ Name
- ☐ Title/position
- ☐ Address
- ☐ Phone (Voice and TDD) Email
- ☐ Posted
- ☐ On internal/external communications regarding EO Policy None encountered

2. To whom does the EO Officer report?

3. Describe staffing support for the EO Officer, if any.

4. How is EO Officer's identify made known to participants and service providers?

5. On what internal and external communications concerning the recipient's nondiscrimination and equal opportunity programs does the EO Officer's identity and contact information appear?

6. Does the EO Officer:

Yes No

- | | | |
|-----|-----|--|
| ___ | ___ | Process complaints? |
| ___ | ___ | Review participant reports for equity of service? |
| ___ | ___ | Conduct on-site visits to service providers and contractors or review monitoring reports to ensure that the recipient and its contractors are not violating their nondiscrimination obligations? |
| ___ | ___ | Provide EO training to staff and contractors? |
| ___ | ___ | Review written policies to make sure they are nondiscriminatory? |
| ___ | ___ | Develop and publish discrimination complaint procedures? |

7. What equal opportunity training has been provided (specifics)

- Staff
- Service Provider and Contractors (program delivery and one stop operator)
- Equal Opportunity Officer
- Workforce Development Board

8. How does the WDA ensure that continuing notice of EO and nondiscrimination are provided to:

- Applicants, registrants, participants
- Employees and applicants for employment

- Members of the public
- Other recipients of funds
- Members of the public with disabilities, including impaired vision and hearing
- Unions or professional organizations that hold collective bargaining or professional agreements with organization.

9. Does the EO is the Law notice contain specific wording?

10. When was last monitor visit related to EO conducted? Who conducted it?

11. Has the WDA named an accommodation coordinator? If no, who receives requests from:

- Applicants
- Employees
- Participants

12. Has the area developed and made available a process for requesting accommodations?

13. Are “tagines” included in public announcements and broadcasts?

If a phone number is available is TTY/TTD or Nebraska Relay included?

14. What efforts are made to ensure that communications with individuals with disabilities are equally as effective as communication with other non-disabled individuals? (Beneficiaries, applicants, eligible applicants/enrollees, participants, applicants for employment, employee and members of the public)?

- Alternative forms is EOITL provided to individuals with visual impairment
- Auxiliary aids for hearing impaired
- Auxiliary aids for visually impaired
- Readily available assistive technology in one stop resource room
- Readily available information in alternative format in the one stop resource room
- Notification of availability of aids

15. Are EOO Nondiscrimination and auxiliary services available upon request statements included in: (If phone number TTY or equally effective telecommunications system number)

- ☐ Participant Handbooks
- ☐ Manuals
- ☐ Employee Orientation
- ☐ Participant Orientation
- ☐ Recruitment Materials
- ☐ Advertisement (Outreach brochures advertise is not allowed)
- ☐ Required Public Notifications

16. When did the WDB conduct a programmatic and architectural assessment evaluation of the one stop?

- Oversight Plan

- Report Issued
- Recommendations and/or Findings
- Corrective Action Requirements

17. If structural changes are needed, does the recipient have a transition plan on file? If so, please provide a copy. If not, please explain when they are anticipated to be completed.

18. Are there handicap accessible areas as required:

- ☐ Parking
- ☐ Entrance/Exit
- ☐ Water Fountains
- ☐ Restrooms
- ☐ Reception/Office Areas

19. Do policies address employment

20. Does the administrative entity/EOO/Board conduct statistical/quantifiable analysis on the populations being served?

21. Does the WDA provide service/information in languages other than English, when a need is determined by size of population affected by program?

- ☐ Spanish
- ☐ Vietnamese
- ☐ Russian
- ☐ _____
- ☐ _____
- ☐ _____

22. Is there a Limited English Service Plan? If no, how is need determined?

23. Does the WDA have discrimination complaint policies and procedures?

- What procedures are used by the service provider?
- How do customers/employees receive a copy of the compliant policy and procedures and/or discrimination complaint form?

24. Is a discrimination log for formal discrimination complaints include:

- Name
- Basis of Complaint
- Brief description of complaint
- Date filed
- Disposition

25. What complaints have been recorded?

- Was each complaint filed within 180 days?
- Was the complainant provided a written notification of receipt of the complaint?
- Was the complainant provided a written statement of each of the issues raised in the complaint and whether the organization accepted or rejected each issue?
- Was the complainant notified that they have the right to representation in the complaint process?
- Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint?
- Was the complainant provided a written Notice of Final Action within 90 days of the date complaint was filed?
- Did the Notice of Final Action contain your decision on each issue and an explanation of the reason underlying the decision?
- Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint?
- Has the State EO Officer been advised of the complaint?

26. How is the identity of the complainant or any individual kept who furnishes information relating to, or assisting in, an investigation confidential to the extent possible, consistent with a fair determination of the issues?

27. How are discrimination compliant records maintained?

For how long?

28. What is the recipient's policy (attach) for handling discrimination complaints from contractors regarding participants?

Summary – Optional

1. Does the WDA ensure that there are no discriminatory actions, based on prohibited grounds?

___ Yes ___ No Do printouts/records show service is provided to all?

Consider Demographic/Disparate Impact Worksheets

___ Yes ___ No Deny an individual any aid, benefits, services, or training that is different, or is provided in a different manner, from that provided to others under a WIOA Title I funded program or activity?

___ Yes ___ No Subject an individual to segregation or separate treatment in any matter related to his or her receipt of any aid, benefits, services, or training under WIOA Title I funded program or activity.

___ Yes ___ No Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, benefits, services, or training under a WIOA Title I funded program or activity.

___ Yes ___ No Treat an individual differently from others in determining whether he or

she satisfies any admission, enrollment, eligibility, membership or other requirements or condition for any aid, benefits, service or training provided.

____Yes ____No

Deny or limit an individual with respect to any opportunity to participate in a WIOA Title I funded program or activity, or afford him or her an opportunity to do so that is different from the opportunity afforded others under a WIOA Title I No individual funded program or activity.

____Yes ____No

Deny an individual the opportunity to participate as a member of a planning or advisory body that is an integral part of WIOA Title I funded programs and activities.

____Yes ____No

Otherwise limit on a prohibited ground an individual in enjoyment of any right, privilege, advantage or opportunity enjoyed by others receiving service?

ADA Checklist Assessment

To be completed as part of an American Job Center onsite review, may also be used as an onsite or self-attestation of affiliate sites. Similar assessments completed by other sources may be accepted for review and as accessibility assessment when similar in nature and certified by a professional with expertise.

This checklist details some of the requirements found in the ADA Standards for Accessible Design, part of the DOJ Title III Regulations, is not all inclusive and should not be used as a basis for remodeling or building of facilities, it will help you identify accessibility problems in your existing facilities. The checklist is based on information accessed at <https://www.ADA.gov/ta-pubs-pg2.htm>, assistance is also available at 1-800-9494ADA. Information and Technical Assistance (DOJ Civil Rights Division). A check for changes to ADA guidance and regulation should be made prior to using this assessment.

Four areas are addressed:

- Accessible approach and Entrance
- Access to goods and services
- Access to restrooms
- Any other means necessary

(You may also use the checklist provided by ADA, USDOJ, CRD.)

1. Accessible Approach/Entrance People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.	Yes	No	Comment
Routes			
• Is there a route of travel that does not require the use of a stairs?			
• Is the route of travel stable, firm and slip resistant?			
• Is the route at least 36 inches wide?			
• Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane? <i>(In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.)</i>			
• Do curbs on the route have curb cuts at drives, parking and drop-offs?			
Ramps			
• Are the slopes of ramps no greater than 1:12? <i>(Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.)</i>			
• Do all ramps longer than 6 feet have railings on both sides?			
• Are railings sturdy, and between 34 and 38 inches high?			
• Is the width between railings or curbs at least 36 inches?			
• Are ramps non-slip?			
• Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?			
• Does the ramp rise no more than 30 inches between landings?			
Parking and Drop Off			
• Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot Access aisle)?			
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <i>Total spaces</i> 1 to 25 26 to 50 51 to 75 76 to 100 </div> <div style="width: 45%;"> <i>Accessible</i> 1 space 2 spaces 3 spaces 4 spaces </div> </div>			

<ul style="list-style-type: none"> Are 8-foot-wide spaces, with minimum 8-foot- wide access aisles, and 98 inches of vertical clearance, available for lift-equipped vans? <i>One of every 8 accessible spaces must be van-accessible (with a minimum of one van-accessible space in all cases).</i> 			
<ul style="list-style-type: none"> Are the access aisles part of the accessible route to the accessible entrance? 			
<ul style="list-style-type: none"> Are the accessible spaces closest to the accessible entrance? 			
<ul style="list-style-type: none"> Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces? 			
<ul style="list-style-type: none"> Is there an enforcement procedure to ensure that accessible parking is used only by those who need it? 			
Entrance			
<ul style="list-style-type: none"> If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance? <i>Do not use a service entrance as the accessible entrance unless there is no other option.</i> 			
<ul style="list-style-type: none"> Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance? 			
<ul style="list-style-type: none"> Can the alternate accessible entrance be used independently? 			
<ul style="list-style-type: none"> Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)? 			
<ul style="list-style-type: none"> Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle? <i>A person using a wheelchair or crutches needs this space to get close enough to open the door.</i> 			
<ul style="list-style-type: none"> Is the threshold edge 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high? 			
<ul style="list-style-type: none"> If provided, are carpeting or mats a maximum of 1/2-inch high? 			
<ul style="list-style-type: none"> Are edges securely installed to minimize tripping hazards? 			
<ul style="list-style-type: none"> Is the door handle no higher than 48 inches and operable with a closed fist? <i>The "closed fist" test for handles and height controls: Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands.</i> 			
<ul style="list-style-type: none"> Can doors be opened without too much force (exterior doors reserved; maximum is 5 lbf for interior doors)? <i>You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.</i> 			
<ul style="list-style-type: none"> If the door has a closer, does it take at least 3 seconds to close? 			
2. Access to Goods and Services <i>Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance.</i>			
Horizontal Circulation			
<ul style="list-style-type: none"> Does the accessible entrance provide direct access to the main floor, lobby, or elevator 			
<ul style="list-style-type: none"> Are all public spaces on an accessible route of travel? 			
<ul style="list-style-type: none"> Is the accessible route to all public spaces at least 36 inches wide? 			
<ul style="list-style-type: none"> Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction? 			
Doors			
<ul style="list-style-type: none"> Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction? 			
<ul style="list-style-type: none"> On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door? 			

	<ul style="list-style-type: none"> Can doors be opened without too much force (5 lbf maximum for interior doors)? 			
	<ul style="list-style-type: none"> Are door handles 48 inches high or less and operable with a closed fist? 			
	<ul style="list-style-type: none"> Are all threshold edges 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high? 			
	Rooms and Spaces			
	<ul style="list-style-type: none"> Are all aisles and pathways to materials and services at least 36 inches wide? 			
	<ul style="list-style-type: none"> Is there a 5-foot circle or T-shaped space for turning a wheelchair completely? 			
	<ul style="list-style-type: none"> Is carpeting low-pile, tightly woven, and securely attached along edges? 			
	<ul style="list-style-type: none"> In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)? 			
both	Emergency Egress If emergency systems are provided, do they have flashing lights and audible signals?			
	Signage for Goods and Services <i>Different requirements apply to different types of signs.</i>			
	<ul style="list-style-type: none"> If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage? 			
	<ul style="list-style-type: none"> Signs mounted with centerline 60 inches from floor. 			
	<ul style="list-style-type: none"> Mounted on wall adjacent to latch side of door, or as close as possible. 			
	<ul style="list-style-type: none"> Raised characters, sized between 5/8 and 2" high, with high contrast (for room numbers, restrooms, exits). 			
	<ul style="list-style-type: none"> Brailled text of the same information. 			
	<ul style="list-style-type: none"> If pictogram is used, it must be accompanied by raised characters and braille. 			
	Directional and Informational Signage The following questions apply to directional and informational signs that fall under access to goods and services (2.)			
	<ul style="list-style-type: none"> If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish? 			
	<ul style="list-style-type: none"> Do directional and informational signs comply with legibility requirements? (Building directories or temporary signs need not comply.) 			
	Controls			
	<ul style="list-style-type: none"> Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height? <i>Reach ranges: The maximum height for a side reach is 54 inches; for a forward reach, 48 inches. The minimum reachable height is 15 inches for a front approach and 9 inches for a side approach.</i> 			
	<ul style="list-style-type: none"> Are they operable with a closed fist? 			
	Seats and Tables			
	<ul style="list-style-type: none"> Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide? 			
	<ul style="list-style-type: none"> Are the spaces for wheelchair seating distributed throughout? 			
	<ul style="list-style-type: none"> Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep? 			
	<ul style="list-style-type: none"> At each type of cashier counter, is there a portion of the main counter that is no more than 36 inches high? 			

<ul style="list-style-type: none"> Is there a portion of food-ordering counters that is no more than 36 inches high, or is there space at the side for passing items to customers who have difficulty reaching over a high counter? 			
Vertical Circulation			
<ul style="list-style-type: none"> Are there ramps, lifts, or elevators to all public levels? 			
<ul style="list-style-type: none"> On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route? 			
Stairs			
<ul style="list-style-type: none"> The following questions apply to stairs connecting levels not serviced by an elevator, ramp, or lift. 			
<ul style="list-style-type: none"> The following questions apply to stairs connecting levels not serviced by an elevator, ramp, or lift. 			
<ul style="list-style-type: none"> Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs? 			
Elevators			
<ul style="list-style-type: none"> Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)? 			
<ul style="list-style-type: none"> Are the call buttons in the hallway no higher than 42 inches? 			
<ul style="list-style-type: none"> Do the controls inside the cab have raised and braille lettering 			
<ul style="list-style-type: none"> Is there a sign on both door jambs at every floor identifying the floor in raised and braille letters? 			
<ul style="list-style-type: none"> If an emergency intercom is provided, is it usable without voice communication? 			
<ul style="list-style-type: none"> Is the emergency intercom identified by braille and raised letters? 			
Lifts			
<ul style="list-style-type: none"> Can the lift be used without assistance? If not, is a call button provided? 			
<ul style="list-style-type: none"> Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift? 			
<ul style="list-style-type: none"> Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)? 			
3. Usability of Restrooms <i>When rest rooms are open to the public, they should be accessible to people with disabilities.</i>			
Getting to the Restrooms			
<ul style="list-style-type: none"> If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible? 			
<ul style="list-style-type: none"> Are there signs at inaccessible rest rooms that give directions to accessible ones 			
Doorways and Passages			
<ul style="list-style-type: none"> Is there tactile signage identifying rest rooms on doorways and passages? <i>Mount signs on the wall, on the latch side of the door, complying with the requirements for permanent signage. Avoid using ambiguous symbols in place of text to identify rest rooms.</i> 			
<ul style="list-style-type: none"> Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and braille included below them? 			
<ul style="list-style-type: none"> Is the doorway at least 32 inches clear? 			
<ul style="list-style-type: none"> Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less? 			
<ul style="list-style-type: none"> Can doors be opened easily (5 lbf maximum force)? 			
<ul style="list-style-type: none"> Does the entry configuration provide adequate maneuvering space for a person using a wheelchair? <i>A person in a wheelchair needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear</i> 			

space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.			
<ul style="list-style-type: none"> Is there a 36-inch-wide path to all fixtures? 			
Stalls			
<ul style="list-style-type: none"> Is the stall door operable with a closed fist, inside and out? 			
<ul style="list-style-type: none"> Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)? 			
<ul style="list-style-type: none"> In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet? 			
<ul style="list-style-type: none"> Is the toilet seat 17 to 19 inches high? 			
Lavatories			
<ul style="list-style-type: none"> A maximum of 19 inches of the required depth may be under the lavatory. 			
<ul style="list-style-type: none"> Is the lavatory rim no higher than 34 inches 			
<ul style="list-style-type: none"> Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)? 			
<ul style="list-style-type: none"> Can the faucet be operated with one closed fist? 			
<ul style="list-style-type: none"> Are soap and other dispensers and hand dryers within reach ranges (no higher than 48 inches) and usable with one closed fist 			
<ul style="list-style-type: none"> Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower? 			
4. Additional Access <i>Note that this priority is for items not required for basic access in the first three priorities.</i>			
Drinking Fountains			
<ul style="list-style-type: none"> Is there at least one fountain with clear floor space of at least 30 by 48 inches in front? 			
<ul style="list-style-type: none"> Is there one fountain with its spout no higher than 36 inches from the ground, and another with a standard height spout (or a single "hi-lo" fountain)? 			
<ul style="list-style-type: none"> Are controls mounted on the front or on the side near the front edge, and operable with one closed fist? 			
<ul style="list-style-type: none"> Is each water fountain cane-detectable (located within 27 inches of the floor or protruding into the circulation space less than 4 inches from the wall)? 			
Telephones			
<ul style="list-style-type: none"> If pay or public use phones are provided, is there clear floor space of at least 30 by 48 inches in front of at least one? 			
<ul style="list-style-type: none"> Is the highest operable part of the phone no higher than 48 inches (up to 54 inches if a side approach is possible)? 			
<ul style="list-style-type: none"> Does the phone protrude no more than 4 inches into the circulation space? 			
<ul style="list-style-type: none"> Does the phone have push-button controls? 			
<ul style="list-style-type: none"> Is the phone hearing-aid compatible? 			
<ul style="list-style-type: none"> Is the phone adapted with volume control? 			
<ul style="list-style-type: none"> Is the phone with volume control identified with appropriate signage? 			
<ul style="list-style-type: none"> If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)? 			
<ul style="list-style-type: none"> If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)? 			
<ul style="list-style-type: none"> If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)? 			

Applied Not Enrolled Worksheet

LWDA:

Date:

Username	Last name	First name	AppID	App Date		Participatio n Date	Case Manager	Current Status	Reason was not enrolled	Ethnicity Spanish	African American/Black	American Indian/ Alaskan Native	Hawaiian or other Pacific Islander	White	Asian	Do not wish to answer	Female	Older Worker	Veteran	Legal Alien
Comments/Notes:																				

Elements of a Recipient's Discriminatory Complaint Processing Procedures

Local Workforce Development Area (WDA):

Date:

29 CFR §38.73 Responsibility for developing and publishing complaint processing procedures for service providers. The Governor or the LWIOA grant recipient, as provided in the State's Nondiscrimination Plan, must develop and publish, on behalf of its service providers, the complaint processing procedures required in §38.73. The service providers must then follow those procedures.

Required elements of a recipient's complaint processing procedures (§38.72).	Check if present	Comments
(a) The procedures that a recipient adopts and publishes for processing complaints permitted under this part and WIOA Section 188 must state that the recipient will issue a written Notice of Final action on complaints within 90 days of the date on which the complaint is filed.		
(b) At a minimum, the procedures must include the following elements: (1) Initial, written notice to the complainant that contains: (i) Acknowledgement of receipt of the complaint (ii) Notice of the right to be represented in the complaint process (iii) Notice of rights contained in the Equal Opportunity Is the Law statement (§38.35) (iv) Notice of right to request/receive, at no cost, auxiliary aids and services, language assistance and the notice translated into non-English languages as required §38.4(h), §38.4(i) and §38.34 and §38.36		
(2) Written state of the issues provided to the complainant, that includes: (i) A list of issues raised in complaint (ii) A statement for each issue of whether the recipient will accept for investigation or reject the issue, and reason for reject (§38.74 No jurisdiction: must notify within 5 business days of making determination. Notice of Lack of Jurisdiction must include: reason for determination and notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice)		
(3) A period of fact-finding or investigation of circumstances underlying the complaint		
(4) A period during which the recipient attempts to resolve complaint. Methods available must include alternative dispute resolution (§38.72(c) (c) The procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient's ADR procedures must provide that: (1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued. (2) The choice whether to use ADR or the customary process rests with the3) A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply: (i) The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and (ii) The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures. (4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in §38.69 through .71.)		
(5) Written Notice of Final Action within 90 days of the date on which the complaint was filed containing: (i) For each issue raised in the complaint, a statement of either: (A) decision on the issue and an explanation of the reasons underlying the decision, or (B) A description of the way the parties resolved the issue; and (ii) Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if the complainant is dissatisfied with the recipient's final action on the complaint. decision and reasons for each issue		
§38.75 If the recipient issues its Notice of Final Action before the 90-day period ends, but the complainant is dissatisfied with the recipient's decision on the complaint, the complainant or the complainant's representative may file a complaint with the Director (U.S. CRC) within 30 days after the date on which the complainant receives the Notice.		
§38.76 If a recipient fails to issue a Notice of Final Action within 90 days after the complaint was filed the complainant or the complainant's representative may file a complaint with the Director within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the Director within 120 days of the date on which the complaint was filed with the recipient.		

AREA				LESS THAN 2% OF APPLICANT POOL - EXCLUDE	% OF APPLICANTS ENROLLED IN PROGRAM	BEST PARCIPATION RATE	Participatoin Rate less than 80% of Best Rate Does Not
Date:	80% Rule Calculation	ALL APPLICANTS	% OF APPLICANT Pool				%
GENDER							
	MALE	0					
	FEMALE	0					
AGE							
	Older Worker 55+	0					
	All Other	0					
RACE							
	American Indian/Alaska Native	0					
	Asian	0					
	Black/African American	0					
	Native Hawaiian/Pacific Islander	0					
	White	0					
	I do not wish to answer	0					
ETHNICITY							
	Hispanic/Latino	0					
Limited English							
	Limited English	0					
Source and available information							
80% Calculation (a.k.a. 4/5ths rule or 80% rule) is the simplest and most common way of estimating adverse impact. Indication of Disparate impact does not necessarily mean discrimination, should be examined by EEO and/or Program		Step 1 Calculate the selection rate for each protected group.					
		2) Observe which					
		3) Multiply valued in Step 2 by .80%.					
		4) any group with a					

DEMOGRAPHICS							
LWDA:							
DATE:							
DATE COMPLETED:	% CENSUS	Applied Did not Enroll	% of Total Non Participant s	PY14 Participants	% of Total Participant s	Total Applied	% Enrolled
Male	0.0%	0	0.0%	0		0	#DIV/0!
Female	0.0%	0	0.0%	0		0	#DIV/0!
American Indian/ Alaskan Native	0.0%	0	0.0%	0		0	#DIV/0!
Asian	0.0%	0	0.0%	0		0	#DIV/0!
African American or Black	0.0%	0	0.0%	0		0	#DIV/0!
Hawaiian or Pacific Islander	0.0%	0	0.0%	0		0	#DIV/0!
NEworks- do not wish to answer	0.0%	0	0.0%	0		0	#DIV/0!
White	0.0%	0	0.0%	0		0	#DIV/0!
Hispanic / Latino	0.0%	0	0.0%	0		0	#DIV/0!
55 and Older							
Individual w/Disabilities	0.0%	0	0.0%	0		0	#DIV/0!
Census Some Other Race	0.0%		0.0%	0			
Census 2 or more races	0.0%			0			
Limited English*	0.00%	0	0.0%	0		0	#DIV/0!
Source:							

DISPARATE IMPACT WORKSHEET PERSONNEL

AREA				LESS THAN			
Date:		ALL	% OF	2% OF	% OF APPLICANTS	BEST	Rate less than 80%
80% Rule Calculation		APPLICANTS	APPLICANT	APPLICANT	ENROLLED IN	RATE	of Best Rate Does
			POOL	POOL -	PROGRAM Hired		Not Meet 4/5 Test
GENDER							
	MALE	0					
	FEMALE	0					
AGE		0					
	Older Worker 55+	0					
	All Other	0					
RACE		0					
	American Indian/Alaska Native	0					
	Asian	0					
	Black/African American	0					
	Native Hawaiian/Pacific Islander	0					
	White	0					
	I do not wish to answer	0					
		0					
ETHNICITY	Hispanic/Latino	0					
Individual w/Disability	Yes	0					
LANGUAGE	LEP	0					
Source and available information							

80% Calculation (a.k.a. 4/5ths rule or 80% rule) is the simplest and most common way of estimating adverse impact. Indication of Disparate impact does not necessarily mean discrimination, should be examined by EEO and/or Program

- Step 1** Calculate the selection rate for each protected group that makes up more than **2%** of the applicant pool. The selection rate is equal to the number of applicants within that group.
- 2) Observe which group has the highest selection rate. "BEST"
- 3) Multiply valued in Step 2 by .80%.
- 4) any group with a passing rate lower than the value in Step 3 falls below the 4/5 rule.

TRAINING GENDER COMPARISON					
LOCAL AREA:					
Date					
	300 OST	430OST	428 OJT	301 OJT	TOTAL TRAINING
FEMALE	0	0	0	0	0
MALE	0	0	0	0	0
TOTAL	0	0	0	0	0
FEMALE %					#DIV/0!
Male %					#DIV/0!
80% OF Best	Note if disparity is not indicated Further action if yes.				

EQUAL OPPORTUNITY AND NONDISCRIMINATION MONITORING									
<p>OPTIONAL (IN MOST CASES NOTIFICATIONS, ACCURACY OF DEMOGRAPHIC INFORMATION ETC WILL BE EXAMINED IN PARTICIPANT RECORD REVIEWS OF PROGRAM DELIVERY)</p>									
PARTICIPANT FILES REVIEW									
Date of Review									
LWDA:									
#	NAME	ID	PROGRAM	GENDER	RACE/ ETHNICITY	LEP	DISABILITY	MEDICAL CONDITION INFORMATION	INAPPROPRIATE COMMENTS
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									
21									
22									
23									
24									
25									

KEY: ID _____, Disability: Is the participant registered as a person with a disability on the registration sheet? Medical Condition Information: Is there any medical condition information in the file that could be construed as revealing a disability or relating to a disability? This includes information in case notes. Inappropriate Comments: Subjective or Inappropriate Comments. Notice: Is a signed copy of Equal

Notice and Communication one-stop observation:

LWDA:

Date:

Required Poster	Language(s)	Number	Location(s)
Equal Opportunity is the Law			
Handicap Accessible Notice			
Notification and Communication			
Discriminator Complaint Policy <i>(if not posted how is it made available to all customers of the one-stop)</i>			
Accommodation availability			
LEP Policy or other notification of assistance			

WIOA EO Monitor Worksheet for Review of Accommodations

Local Workforce Development Area (WDA):

Date:

Program - WIOA	Comments/Response/Document
Accommodation Requested by: (i.e. Applicant, Employee, Participant)	
Reason for Need	
Considerations <ul style="list-style-type: none"> • Affected Population • Cost • Effect on Program • Other 	
Allowed/Provided <ul style="list-style-type: none"> • Describe • Recorded 	
Rejected: <ul style="list-style-type: none"> • Reason • Justification • Alternatives Offered 	
Alternative Accommodation Provided <ul style="list-style-type: none"> • Describe Most integrated program participation	
Adopted as office accommodation for targeted group	

Equal Opportunity/Nondiscrimination Assurances Checklist

May be completed during the Procurement Review

LWDA:

Date:

Agreement:		
Assurance Included	As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:	Comment:
	Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;	
	Access to Records - The Grantee assures it will give the Department of Labor or its representatives the access to, and the right to, examine all documents related to the grant agreement	
	Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;	
	Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;	
	The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and	
	Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.	
	The grant applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I—financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.	
<p>The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.</p>		

ADA Checklist Assessment

To be completed as part of an American Job Center onsite review, may also be used as an onsite or self-attestation of affiliate sites. Similar assessments completed by other sources may be accepted for review and as accessibility assessment when similar in nature and certified by a professional with expertise.

This checklist details some of the requirements found in the ADA Standards for Accessible Design, part of the DOJ Title III Regulations, is not all inclusive and should not be used as a basis for remodeling or building of facilities, it will help you identify accessibility problems in your existing facilities. The checklist is based on information accessed at <https://www.ADA.gov/ta-pubs-pg2.htm>, assistance is also available at 1-800-9494ADA. Information and Technical Assistance (DOJ Civil Rights Division). A check for changes to ADA guidance and regulation should be made prior to using this assessment.

Four areas are addressed:

- Accessible approach and Entrance
- Access to goods and services
- Access to restrooms
- Any other means necessary

(You may also use the checklist provided by ADA, USDOJ, CRD.)

1. Accessible Approach/Entrance People with disabilities should be able to arrive on the site, approach the building, and enter as freely as everyone else. At least one route of travel should be safe and accessible for everyone, including people with disabilities.	Yes	No	Comment
Routes			
• Is there a route of travel that does not require the use of a stairs?			
• Is the route of travel stable, firm and slip resistant?			
• Is the route at least 36 inches wide?			
• Can all objects protruding into the circulation paths be detected by a person with a visual disability using a cane? <i>(In order to be detected using a cane, an object must be within 27 inches of the ground. Objects hanging or mounted overhead must be higher than 80 inches to provide clear head room. It is not necessary to remove objects that protrude less than 4 inches from the wall.)</i>			
• Do curbs on the route have curb cuts at drives, parking and drop-offs?			
Ramps			
• Are the slopes of ramps no greater than 1:12? <i>(Slope is given as a ratio of the height to the length. 1:12 means for every 12 inches along the base of the ramp, the height increases one inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.)</i>			
• Do all ramps longer than 6 feet have railings on both sides?			
• Are railings sturdy, and between 34 and 38 inches high?			
• Is the width between railings or curbs at least 36 inches?			
• Are ramps non-slip?			
• Is there a 5-foot-long level landing at every 30-foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks?			
• Does the ramp rise no more than 30 inches between landings?			
Parking and Drop Off			

<ul style="list-style-type: none"> Are an adequate number of accessible parking spaces available (8 feet wide for car plus 5-foot Access aisle)? <p><i>Total spaces Accessible</i> 1 to 25 1 space 26 to 50 2 spaces 51 to 75 3 spaces 76 to 100 4 spaces</p>			
<ul style="list-style-type: none"> Are 8-foot-wide spaces, with minimum 8-foot- wide access aisles, and 98 inches of vertical clearance, available for lift-equipped vans? <i>One of every 8 accessible spaces must be van-accessible (with a minimum of one van-accessible space in all cases).</i> 			
<ul style="list-style-type: none"> Are the access aisles part of the accessible route to the accessible entrance? 			
<ul style="list-style-type: none"> Are the accessible spaces closest to the accessible entrance? 			
<ul style="list-style-type: none"> Are accessible spaces marked with the International Symbol of Accessibility? Are there signs reading "Van Accessible" at van spaces? 			
<ul style="list-style-type: none"> Is there an enforcement procedure to ensure that accessible parking is used only by those who need it? 			
Entrance			
<ul style="list-style-type: none"> If there are stairs at the main entrance, is there also a ramp or lift, or is there an alternative accessible entrance? <i>Do not use a service entrance as the accessible entrance unless there is no other option.</i> 			
<ul style="list-style-type: none"> Do all inaccessible entrances have signs indicating the location of the nearest accessible entrance? 			
<ul style="list-style-type: none"> Can the alternate accessible entrance be used independently? 			
<ul style="list-style-type: none"> Does the entrance door have at least 32 inches clear opening (for a double door, at least one 32-inch leaf)? 			
<ul style="list-style-type: none"> Is there at least 18 inches of clear wall space on the pull side of the door, next to the handle? <i>A person using a wheelchair or crutches needs this space to get close enough to open the door.</i> 			
<ul style="list-style-type: none"> Is the threshold edge 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high? 			
<ul style="list-style-type: none"> If provided, are carpeting or mats a maximum of 1/2-inch high? 			
<ul style="list-style-type: none"> Are edges securely installed to minimize tripping hazards? 			
<ul style="list-style-type: none"> Is the door handle no higher than 48 inches and operable with a closed fist? <i>The "closed fist" test for handles and height controls: Try opening the door or operating the control using only one hand, held in a fist. If you can do it, so can a person who has limited use of his or her hands.</i> 			
<ul style="list-style-type: none"> Can doors be opened without too much force (exterior doors reserved; maximum is 5 lbf for interior doors)? <i>You can use an inexpensive force meter or a fish scale to measure the force required to open a door. Attach the hook end to the doorknob or handle. Pull on the ring end until the door opens, and read off the amount of force required. If you do not have a force meter or a fish scale, you will need to judge subjectively whether the door is easy enough to open.</i> 			

<ul style="list-style-type: none"> If the door has a closer, does it take at least 3 seconds to close? 			
2. Access to Goods and Services <i>Ideally, the layout of the building should allow people with disabilities to obtain materials or services without assistance.</i>			
Horizontal Circulation			
<ul style="list-style-type: none"> Does the accessible entrance provide direct access to the main floor, lobby, or elevator 			
<ul style="list-style-type: none"> Are all public spaces on an accessible route of travel? 			
<ul style="list-style-type: none"> Is the accessible route to all public spaces at least 36 inches wide? 			
<ul style="list-style-type: none"> Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction? 			
Doors			
<ul style="list-style-type: none"> Is there a 5-foot circle or a T-shaped space for a person using a wheelchair to reverse direction? 			
<ul style="list-style-type: none"> On the pull side of doors, next to the handle, is there at least 18 inches of clear wall space so that a person using a wheelchair or crutches can get near to open the door? 			
<ul style="list-style-type: none"> Can doors be opened without too much force (5 lbf maximum for interior doors)? 			
<ul style="list-style-type: none"> Are door handles 48 inches high or less and operable with a closed fist? 			
<ul style="list-style-type: none"> Are all threshold edges 1/4-inch high or less, or if beveled edge, no more than 3/4-inch high? 			
Rooms and Spaces			
<ul style="list-style-type: none"> Are all aisles and pathways to materials and services at least 36 inches wide? 			
<ul style="list-style-type: none"> Is there a 5-foot circle or T-shaped space for turning a wheelchair completely? 			
<ul style="list-style-type: none"> Is carpeting low-pile, tightly woven, and securely attached along edges? 			
<ul style="list-style-type: none"> In circulation paths through public areas, are all obstacles cane-detectable (located within 27 inches of the floor or higher than 80 inches, or protruding less than 4 inches from the wall)? 			
Emergency Egress If emergency systems are provided, do they have both flashing lights and audible Signals?			
Signage for Goods and Services <i>Different requirements apply to different types of signs.</i> If provided, do signs and room numbers designating permanent rooms and spaces where goods and services are provided comply with the appropriate requirements for such signage?			
<ul style="list-style-type: none"> Signs mounted with centerline 60 inches from floor 			
<ul style="list-style-type: none"> Mounted on wall adjacent to latch side of door, or as close as possible. 			
<ul style="list-style-type: none"> Raised characters, sized between 5/8 and 2" high, with high contrast (for room numbers, restrooms, exits). 			
<ul style="list-style-type: none"> Brailled text of the same information. 			

<ul style="list-style-type: none"> If pictogram is used, it must be accompanied by raised characters and braille. 			
Directional and Informational Signage The following questions apply to directional and informational signs that fall under access to goods and services (2.)			
<ul style="list-style-type: none"> If mounted above 80 inches, do they have letters at least 3 inches high, with high contrast, and non-glare finish? 			
<ul style="list-style-type: none"> Do directional and informational signs comply with legibility requirements? (Building directories or temporary signs need not comply.) 			
Controls			
<ul style="list-style-type: none"> Are all controls that are available for use by the public (including electrical, mechanical, cabinet, game, and self-service controls) located at an accessible height? <i>Reach ranges: The maximum height for a side reach is 54 inches; for a forward reach, 48 inches. The minimum reachable height is 15 inches for a front approach and 9 inches for a side approach.</i> 			
<ul style="list-style-type: none"> Are they operable with a closed fist? 			
Seats and Tables			
<ul style="list-style-type: none"> Are the aisles between fixed seating (other than assembly area seating) at least 36 inches wide? 			
<ul style="list-style-type: none"> Are the spaces for wheelchair seating distributed throughout? 			
<ul style="list-style-type: none"> Are knee spaces at accessible tables at least 27 inches high, 30 inches wide, and 19 inches deep? 			
<ul style="list-style-type: none"> At each type of cashier counter, is there a portion of the main counter that is no more than 36 inches high? 			
<ul style="list-style-type: none"> Is there a portion of food-ordering counters that is no more than 36 inches high, or is there space at the side for passing items to customers who have difficulty reaching over a high counter? 			
Vertical Circulation			
<ul style="list-style-type: none"> Are there ramps, lifts, or elevators to all public levels? 			
<ul style="list-style-type: none"> On each level, if there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route? 			
Stairs			
<ul style="list-style-type: none"> The following questions apply to stairs connecting levels not serviced by an elevator, ramp, or lift. 			
<ul style="list-style-type: none"> The following questions apply to stairs connecting levels not serviced by an elevator, ramp, or lift. 			
<ul style="list-style-type: none"> Do stairs have continuous rails on both sides, with extensions beyond the top and bottom stairs? 			
Elevators			
<ul style="list-style-type: none"> Are there both visible and verbal or audible door opening/closing and floor indicators (one tone = up, two tones = down)? 			
<ul style="list-style-type: none"> Are the call buttons in the hallway no higher than 42 inches? 			
<ul style="list-style-type: none"> Do the controls inside the cab have raised and braille lettering 			

<ul style="list-style-type: none"> Is there a sign on both door jambs at every floor identifying the floor in raised and braille letters? 			
<ul style="list-style-type: none"> If an emergency intercom is provided, is it usable without voice communication? 			
<ul style="list-style-type: none"> Is the emergency intercom identified by braille and raised letters? 			
Lifts			
<ul style="list-style-type: none"> Can the lift be used without assistance? If not, is a call button provided? 			
<ul style="list-style-type: none"> Is there at least 30 by 48 inches of clear space for a person in a wheelchair to approach to reach the controls and use the lift? 			
<ul style="list-style-type: none"> Are controls between 15 and 48 inches high (up to 54 inches if a side approach is possible)? 			
3. Usability of Restrooms <i>When rest rooms are open to the public, they should be accessible to people with disabilities.</i>			
Getting to the Restrooms			
<ul style="list-style-type: none"> If rest rooms are available to the public, is at least one rest room (either one for each sex, or unisex) fully accessible? 			
<ul style="list-style-type: none"> Are there signs at inaccessible rest rooms that give directions to accessible ones 			
Doorways and Passages			
<ul style="list-style-type: none"> Is there tactile signage identifying rest rooms on doorways and passages? <i>Mount signs on the wall, on the latch side of the door, complying with the requirements for permanent signage. Avoid using ambiguous symbols in place of text to identify rest rooms.</i> 			
<ul style="list-style-type: none"> Are pictograms or symbols used to identify rest rooms, and, if used, are raised characters and braille included below them? 			
<ul style="list-style-type: none"> Is the doorway at least 32 inches clear? 			
<ul style="list-style-type: none"> Are doors equipped with accessible handles (operable with a closed fist), 48 inches high or less? 			
<ul style="list-style-type: none"> Can doors be opened easily (5 lbf maximum force)? 			
<ul style="list-style-type: none"> Does the entry configuration provide adequate maneuvering space for a person using a wheelchair? <i>A person in a wheelchair needs 36 inches of clear width for forward movement, and a 5-foot diameter or T-shaped clear space to make turns. A minimum distance of 48 inches clear of the door swing is needed between the two doors of an entry vestibule.</i> 			
<ul style="list-style-type: none"> Is there a 36-inch-wide path to all fixtures? 			
Stalls			
<ul style="list-style-type: none"> Is the stall door operable with a closed fist, inside and out? 			
<ul style="list-style-type: none"> Is there a wheelchair-accessible stall that has an area of at least 5 feet by 5 feet, clear of the door swing, OR is there a stall that is less accessible but that provides greater access than a typical stall (either 36 by 69 inches or 48 by 69 inches)? 			
<ul style="list-style-type: none"> In the accessible stall, are there grab bars behind and on the side wall nearest to the toilet? 			
<ul style="list-style-type: none"> Is the toilet seat 17 to 19 inches high? 			
Lavatories			

<ul style="list-style-type: none"> • A maximum of 19 inches of the required depth may be under the lavatory. 			
<ul style="list-style-type: none"> • Is the lavatory rim no higher than 34 inches 			
<ul style="list-style-type: none"> • Is there at least 29 inches from the floor to the bottom of the lavatory apron (excluding pipes)? 			
<ul style="list-style-type: none"> • Can the faucet be operated with one closed fist? 			
<ul style="list-style-type: none"> • Are soap and other dispensers and hand dryers within reach ranges (no higher than 48 inches) and usable with one closed fist 			
<ul style="list-style-type: none"> • Is the mirror mounted with the bottom edge of the reflecting surface 40 inches high or lower? 			
4. Additional Access <i>Note that this priority is for items not required for basic access in the first three priorities.</i>			
Drinking Fountains			
<ul style="list-style-type: none"> • Is there at least one fountain with clear floor space of at least 30 by 48 inches in front? 			
<ul style="list-style-type: none"> • Is there one fountain with its spout no higher than 36 inches from the ground, and another with a standard height spout (or a single “hi-lo” fountain)? 			
<ul style="list-style-type: none"> • Are controls mounted on the front or on the side near the front edge, and operable with one closed fist? 			
<ul style="list-style-type: none"> • Is each water fountain cane-detectable (located within 27 inches of the floor or protruding into the circulation space less than 4 inches from the wall)? 			
Telephones			
<ul style="list-style-type: none"> • If pay or public use phones are provided, is there clear floor space of at least 30 by 48 inches in front of at least one? 			
<ul style="list-style-type: none"> • Is the highest operable part of the phone no higher than 48 inches (up to 54 inches if a side approach is possible)? 			
<ul style="list-style-type: none"> • Does the phone protrude no more than 4 inches into the circulation space? 			
<ul style="list-style-type: none"> • Does the phone have push-button controls? 			
<ul style="list-style-type: none"> • Is the phone hearing-aid compatible? 			
<ul style="list-style-type: none"> • Is the phone adapted with volume control? 			
<ul style="list-style-type: none"> • Is the phone with volume control identified with appropriate signage? 			
<ul style="list-style-type: none"> • If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)? 			
<ul style="list-style-type: none"> • If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)? 			
<ul style="list-style-type: none"> • If there are four or more public phones in the building, is one of the phones equipped with a text telephone (TT or TDD)? 			
11/2016 Based on DOJ checklist 2.1			

COMPLIANCE REVIEW SELF APPRAISAL FORM

LOCATION: _____ COMPLETED BY: _____ DATE: _____

Nebraska is required to review policies, practices and materials in light of Equal Opportunity/Nondiscrimination requirements of its federally funded program(s). Included in this self-assessment is a request is supporting documentation of policy changes and actions in program delivery and employee relations.

Please complete the self-assessment and provide requested information/documentation to me no later than _____. Submissions must be on a timely basis to meet the federal deadline. Feel free to contact me at (402) _____ (402) _____ or by email at if clarification is required.

***Some of the items appearing on the compliance self-appraisal may not relate directly to each specific program. Please feel free to indicate if it does not apply or unknown to your particular entity. Please note *designation in question boxes.

	QUESTIONS/REQUIREMENTS	YES	NO	CORRECTIVE ACTIONS (For any "No" Answer)
Equal Opportunity Officer				
1.	Has an Equal Opportunity Officer been named?			
2.	Who is the Equal Opportunity Officer: a.) Name b.) Title c.) Address d.) Phone/TDD Numbers e.) email address			
3.	How frontline staff is made aware of the name and function of the EO Designee?			
4.	Has the EO Designee received EO/AA training?			
5.	What type of training on Equal Opportunity/Non -discrimination and/or ADA been provided to staff? *Include copies of agendas or other information with completed assessment.			
6.	Is there a designated "EO Contact for your site?" a.) Name b.) Phone number			
7.	Do they provide Equal Opportunity Officer information for your program/site?			
8.	PROVIDE examples of materials indicating Equal Opportunity Officer information.			
9.	PROVIDE organizational chart showing EOO with returned assessment			
ELEMENT 2: Notice and Communication				
1.	Include example of participant/applicant "Equal Opportunity is the Law" form with provided to WIOA applicants.			
2.	Is the <i>Equal Opportunity is the Law</i> statement included in handbooks and manuals? PROVIDE examples.			

3.	How is the statement shared with persons with disabilities (hearing and visually impaired)? Please list methods available and/or methods which have been used in the past year.			
4.	Has a language needs assessment been completed in the last year?			
5.	PROVIDE copies of orientation materials for customers and employees.			
6.	Describe outreach to special populations conducted in the last year? <ul style="list-style-type: none"> • LEP • Persons with Disabilities 			
7.	Describe process for minor child or family member interpretation for customers in the center: <ul style="list-style-type: none"> • Is there clear notification that interpretation and translation services are available • Are they available in a timely manner • An accompanying adult is allowed to provide interpretation for a customer, who determines if it meets the criteria of the regulations and how do you retain a record of the LEP individual's decision to use their own interpreter. 			
8.	Are required taglines included in all materials used to provide information on programs: a. Recruitment b. Flyers c. Advertisement d. Broadcast e. Public Notices (i.e. board meetings) f. Telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient, as required by §38.15(b). PROVIDE examples.			
9.	Is your discriminatory complaint procedure information available at your site: a. Customers b. Staff PROVIDE description of availability.			
10.	PROVIDE copies of checklists used for customer records.			
Assurances 29CFR §38.25 (a) Grant applicant's obligation to provide a written assurance. (1) Each application for financial assistance, under Title I of WIOA, as defined in §38.4, must include the following assurance:				
1.	Do all documents for federally funded activities include the required assurances? PROVIDE examples with completed assessment.			
2.	Are assurances included in plans?			
3.	Is there policy clearly requiring inclusion of these assurances?			
4.	Who is responsible for reviewing assurances: a. Plans b. contracts c. Policies			
5.	Provide copies of policies or issuances related to this issue.			
6.	Provide checklist in use.			

Universal Access				
1.	What Limited English Populations (LEP) are included in your WDA? (List)			
2.	What information was used to assess LEP?			
3.	What information is available in alternative languages? PROVIDE examples.			
4.	What bilingual services are available?			
5.	How the public is made aware of available services? Provide examples of notification.			
6.	Describe procedures when an LEP person is encountered? How is this information shared with frontline staff?			
7.	Describe assistance provided LEP customers this program year; i.e. phone interpretation, staff interpretation, written materials, purchased interpreter services.			
8.	What community organizations does the Career Center work with? PROVIDE examples for last year. <ul style="list-style-type: none"> To serve Limited English Population To serve Persons with Disabilities 			
Compliance with Disability Requirements				
1.	Are aid, benefits, training, and services available to individuals with disability? List.			
2.	Is there representation of individuals with disabilities on boards and/or advisory groups? PROVIDE examples.			
3.	Are reasonable accommodations available to individuals with disabilities? a. PROVIDE copies of all request received since: b. PROVIDE policy (if written at your site)			
4.	What accommodations are available to all without request? Describe (at application, registration, and job search, self, career and training services).			
5.	How individuals with disabilities are made aware of assistive technology and other accommodations availability? PROVIDE examples.			
6.	What steps are taken to insure that communication with persons with disabilities is effective as communication with others?			
Architectural Accessibility <i>Please complete checklist of your location.</i>				
7.	Has the facility been designated as Handicap Accessible? If yes by who, most recent date.			
2.	Does the location have the required number of parking places designated for individuals with disabilities?			
3.	Is there clear access from the parking space(s) to the accessible entrance?			
4.	Is there an accessible restroom for beneficiaries and staff?			
5.	Is there at least one accessible telephone?			
6.	Are accessible entrances, restrooms, etc. designated with the international accessibility symbol?			
6.	Has local management established and maintained contact with local advocacy groups? (List)			

7.	Are there procedures for obtaining interpreters for individuals with hearing impairments used when necessary? (Describe) How many times were interpreters provided since ____? Other alternatives?			
10.	Is the office's TDD/TTY number clearly posted and publicized?			
11.	Does the organization prohibit pre-employment inquires and pre-selection inquiries regarding disabilities?			
Data and Information Collection and Maintenance				
1.	Are complaint logs maintained in the appropriate format? Submit electronically for: _____ To: _____ *Administrative Entities Only			
2.	Who is responsible notifying the Director of Civil Rights Center of administrative enforcement actions or lawsuits alleging discrimination? Have there been any: _____			
3.	Does the site contact have complaint forms?			
4.	Who is responsible for ensuring information collected and entered information into the NEworks? a. Policy/Procedures b. Title of position c. What/who is entered (i.e. at point customer receives other self service) d. Average timeframe.			
5.	Are files maintained in a confidential manner and location? a. Location b. Access c. Medical Information separate			
6.	Are files maintained for the required length of time?			
Monitoring				
1.	Has the EOO conducted monitoring of your programs and/or activities? If yes, provide documentation.			
2.	Has the WDB conducted any oversight of discrimination issues? Accessibility? If yes, provide documentation.			

POSTERS:	Location/ Language s	#	Reference
PROGRAM			
EQUAL OPPORTUNITY IS THE LAW <input type="checkbox"/> Resource Room <input type="checkbox"/> View of Reception <input type="checkbox"/> Staff Areas <input type="checkbox"/> Employee Areas			29 CFR §38.36 * Posted prominently * Reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages; * Internal memoranda and other written or electronic communications with staff * Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; * Alternative formats for visual impairments
Additional language WIOA Equal Opportunity is the Law Posters. <input type="checkbox"/> List Languages <input type="checkbox"/> Describe how community was accessed for language needs <input type="checkbox"/> List Community Organizations contacted for input			
HANDICAP ACCESSIBLE <i>(if building is not, location of accessible services must be prominently displayed)</i>			§38.15(c)(2) 2)(i) A recipient must provide signage at the public entrances to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The signage provided must meet the Standards for Accessible Design under the Americans with Disabilities Act. Alternative standards for the signage may be adopted when it is clearly evident that such alternative standards provide equivalent or greater access to the information. See 36 CFR part 1191, appendix B, section 103. (ii) The international symbol for accessibility must be used at each primary entrance of an accessible facility.
Describe how following policies (local entity policy) is made available to employees: <ul style="list-style-type: none"> ▪ Affirmative Action Policy ▪ Workplace Harassment Policy ▪ Drug Free Workplace Policy 			
EMPLOYER POSTERS			
State of NE NEOC Poster (S-1)			NEOC Poster The laws administered by the Nebraska Equal Opportunity Commission require that a notice must be posted visibly by businesses. http://www.neoc.ne.gov/Publications-Poster.htm
U.S. DOL Federal Minimum Wage (F-1)			
U.S. DOL Your Rights Under Family and Medical Leave Act of 1993 (F-3)			
NDOL/State Agency Locations Required			
NEOC Poster			The laws administered by the Nebraska Equal Opportunity Commission require that a notice must be posted visibly by businesses. The NEOC supplies posters, in English and Spanish, free of charge.
U.S. DOL Fair Labor Standards (FLSA) *Receiving Federal Funds			Every private, federal, state and local government employer employing any employee subject to the Fair Labor Standards Act, 29 USC 211, 29 CFR §516.4 posting of notices.
Nebraska Wage and Hour (S-2)			
Job Safety & Health (S-3)			
U.S. DOL Your Rights Under Family and Medical Leave Act of 1993 (F-3) *Receiving Federal Funds			Public agencies (including state, local, and federal employers), public and private elementary and secondary schools, as well as private sector employers who employ 50 or more employees in 20 or more work weeks and who are engaged in commerce or in any industry or activity affecting commerce, including joint employers and successors of covered employers.
NDOL Social Security Number for Applicant Services Notification			OET Issuance
NDOL available to employees (State How) <ul style="list-style-type: none"> ▪ Affirmative Action Policy ▪ Workplace Harassment Policy ▪ Drug Free Workplace Policy 			

EMPLOYEE SELECTION – Position; _____			
29CFR §38.17	<i>(b) Employee selection procedures. In implementing this section, a recipient must comply with the Uniform Guidelines on Employee Selection Procedures, 41 CFR part 60-3</i>		
Job Analysis			
Recruitment and Outreach			Affirmative Action Recruitment?
Development of Selection Procedures (application scoring tool)			How were they developed? Who? What are they based on?
Number Received			
Number interviewed			Do they represent those with highest Application Scores? If no why? Does there appear to be a disparate impact?
Veterans?			
Disparate?			
Self-Declared Individual w/Disability			
Interview Scoring Tool			
<i>Applicant receiving offer</i>			

See Excel worksheets for staff and participant demographics and disparate evaluation.

5. b. WIOA Grievance Oversight Guide

WIOA Sec. 181(c) requires that each State and local workforce development area (WDA) receiving WIOA shall establish and maintain a procedure for grievances or complaints alleging violations of the requirements of WIOA Title I from participants and other interested or affected parties. Such procedure shall include an opportunity for a hearing and be completed within 60 days after the filing of the grievance or complaint. This review examines the WDA's development and implementation of written grievance procedures, the means of distributing information and grievances filed.

Scope	The Nebraska Department of Labor (NDOL), Office of General Counsel, Program Specialist conducts the WDA process and procedures for handling complaints and grievances of a nondiscriminatory nature. Complaints of a discriminatory nature are examined through separate policy and review. All information and complaints involving criminal fraud, waste, abuse or other criminal activity are to be reported immediately to the U.S. Department of Labor, Office of the Investigations, Room S5514, 200 Constitution Avenue NW, Washington, DC 20210 or 1-(800)347-3756. Policies and procedures will be evaluated in comparison to the Act, its implementing regulations, Uniform Administrative requirements found in 2 CFR §200 and §2900 and State WIOA policies.		
Desk Review	A desk review will be conducted of preliminary information received from the local administrative entity. The specialist will conduct a comparison of submitted written procedures with the act, federal regulation and policies. Additional examination will be conducted on practices relevant to disbursement and retention of the process based on information obtained from the WDA and observations during other onsite monitoring activities.		
Onsite Review	Onsite activities when deemed necessary to examine records for grievances received, to discuss or resolve issues identified during the desk review. Availability of procedures may also occur during onsite One-Stop, procurement and program delivery reviews.		
AREA	REFERENCE	DESK REVIEW	ONSITE REVIEW
Procedures	WIOA Sec. 181(c), 20CFR §683.270 (d), .600	Examination of local written procedures.	Address any questions at administrative entity interview.
Publish	20CFR§683.600(b)	Examination of how the WDA makes procedures known, including to those with communication issues.	Procurement Review, One Stop Review, Program delivery reviews. Interview with administrative entity.
Records	20CFR§200.333	List of grievances during period of review. Examine records maintain considering adequate information to support appropriate processing of grievance, sufficient to be referenced in an appeal and maintained for appropriate amount of time.	May conduct onsite examination of grievance files at request of administrative entity or discretion of Program Specialist.
Reporting	20CFR§683.620	Knowledge of responsibility to report. Questions addressed to administrative entity.	May be included in entrance or exit interview.

Documents:

- Written grievance procedures.
- Method of dissemination of procedures.
- Records of complaints, grievances and resolution or advancement to State level

Local Workforce Development Area:		
Administrative Entity:		
Date:		

Questions	Yes	No
1. Has the local area established a procedure for grievances and complaints?		683.600(a) Each local area, State, outlying area, and direct recipient of funds under title I of WIOA, except for Job Corps, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints alleging violations of the requirements of title I of WIOA, according to the requirements of this section. The grievance procedure requirements applicable to Job Corps are set forth at 20 CFR 686.1050.
2. Are complaint procedures made available?		
3. Does the local area make a reasonable effort to assure information concerning the grievance and complaint system is understood by affected participants and other individuals include youth and those who are limited English speaking individuals as required by 29CFR38? (may have already been addressed in EO		
4. Does the local area have a means to require entities which receive awards to provide information? (May be covered in procurement review)		(b)(1)(b) Each local area, State, and direct recipient must: Provide information about the content of the grievance and complaint procedures required by this section to participants and other interested parties affected by the local Workforce Investment System, including one-stop partners and service providers; (2) 2) Require that every entity to which it awards title I funds provide the information referred to in paragraph
5. How are allegations of a criminal nature handled? Is administrative aware of requirement to report?		683.620(a) Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident
6. Does the local area procedures provide: (20CFR683.600(c)		
(1) A process for dealing with grievances and complaints from participants and other interested parties affected by the local Workforce Investment System, including one-stop partners and service providers;		
(2) An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;		
standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides;		
(4) An opportunity for a local level appeal to a State entity when:		
i. No decision is reached within 60 days; or		
ii. Either party is dissatisfied with the local hearing decision.		
7. Where are complaint files maintained? (Party responsible, physical location)		
8. Are records maintained for an appropriate length of time?		§200.333 Retention requirements for records.