

State Policy

Workforce Innovation and Opportunity Act (WIOA)

Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 th Street Lincoln, NE 68508 402.471.2022 ndol.wioa_policy@nebraska.gov	<table border="1"> <tr> <td data-bbox="812 373 1218 430"> </td> <td data-bbox="1221 373 1422 430"> Policy category Governance </td> </tr> <tr> <td data-bbox="812 434 1218 491"> </td> <td data-bbox="1221 434 1422 491"> Effective date January 27, 2017 </td> </tr> <tr> <td data-bbox="812 495 1218 548"> </td> <td data-bbox="1221 495 1422 548"> Supersedes not applicable </td> </tr> </table>		Policy category Governance		Effective date January 27, 2017		Supersedes not applicable
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Local Workforce Development Boards – High-performing Criteria

REFERENCE

Workforce Innovation and Opportunity Act of 2014 (WIOA) Section 106,108, and 116; 20 CFR § 679.560; TEGLs 13-16 and 10-16

BACKGROUND

WIOA requires that:

- the Nebraska Department of Labor (NDOL) establish a policy on high-performing local workforce development boards (local boards);¹ and
- each local board describes in its local plan the actions it will take toward becoming and remaining a high-performing local board.²

ACTION

Each local board must describe in its local plan the actions it will take toward becoming and remaining a high-performing local board based on the criteria and procedures established in this policy.³

This policy is final after a ten (10) day review period. Questions and comments must be submitted in writing to the WIOA policy mailbox at ndol.wioa_policy@nebraska.gov.

¹ WIOA Sec. 108(b)(18)

² 20 CFR § 679.560(b)(17)

³ For information on local plans, see NDOL’s current policy on regional and local plans.

POLICY

This policy establishes the criteria and procedures by which a local board may be determined to be a high-performing local board.

Refer to [APPENDIX I](#) for definitions of key terms used in this policy.

This policy is organized into two (2) sections and has one (1) appendix.

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Section I. Criteria

A local board must meet the following requirements, in addition to all requirements for local boards established under WIOA, to be considered a high-performing local board:

- meet the criteria detailed in Table 1 for two (2) consecutive program years; and
- follow the procedures described in [Section II](#) of this policy.

Table 1. Criteria for High-performing Local Boards

Category	Criteria
1. Compliance	<ul style="list-style-type: none">▪ Successfully negotiate MOUs and all annual funding agreements with all required one-stop partners operating in the local area, as evidenced:<ul style="list-style-type: none">○ in the local board's approved regional and local plan; and○ by the lack of a report indicating a failure to reach consensus on any MOU or annual funding agreement▪ Neither the local board nor the WIOA Title IB programs (Adult, Dislocated Worker, and Youth) receive no findings or formal determinations subsequent to any Federal and state monitoring events, as evidenced by outcome documentation provided by the monitoring agency▪ Sustain fiscal integrity▪ Have no recapture of WIOA Title IB (Adult, Dislocated Worker, and Youth) program funds for failure to obligate at least 80% of program funds by the end of the applicable program years
2. Program performance	Exceed 100% of negotiated levels of performance for the primary indicators of performance defined under WIOA, ⁴ as evidenced by performance reports submitted via U.S. Department of Labor Performance Accountability System ⁵
3. Sector partnerships	Develop, implement, and sustain at least one (1) sector initiative each program year for H3 industry sectors or occupations for the local area that results in the following, as evidenced by data provided by NDOL's Office of Labor Market Information: <ul style="list-style-type: none">▪ 10% (or greater) increased enrollment of workforce system participants in training for H3 occupations; and

⁴ WIOA Sec. 116(b)(2)(A)

⁵ See TEGL 10-16 for information on the USDOL Performance Accountability System

Category	Criteria
	<ul style="list-style-type: none"> ▪ 10% (or greater) increased placement of workforce system participants in employment in the H3 industry sectors or occupations
4. Registered Apprenticeships ⁶	Develop, implement, and sustain at least one (1) apprenticeship initiative involving H3 occupations in the local board's planning region that results in at least five (5) new Registered Apprenticeship programs in the planning region during each program year

A local board's status as a high-performing board is valid for one (1) program year following NDOL's determination.

NDOL reserves the right to revise the criteria provided in Table 1.

Section II. Procedures

(a) Initial determination as a high-performing board

Any local board seeking an initial determination as a high-performing board must take the following steps:

1. Submit documentation
 - a. Submit the information and materials described in items 2 through 5 below to:
 - i. Joan Modrell, Director, Office of Employment and Training, NDOL at joan.modrell@nebraska.gov; and
 - ii. the WIOA policy mailbox at ndol.wioa_policy@nebraska.gov.
2. Compliance documentation
 - a. Provide a link to the local board's current online, approved regional and local plan which includes MOUs and annual funding agreements among the local board, local Chief Elected Official, and each required one-stop partner operating in the local area;
 - i. Note: NDOL will confirm through its internal records that the local board has not submitted a report to NDOL indicating a failure to reach consensus on any MOU or annual funding agreement during the two (2) preceding program years
 - b. Submit outcome documentation from all monitoring events conducted by Federal or state agencies that demonstrates there have been no findings or formal determinations during the two (2) preceding program years; and

⁶ The term *Registered Apprenticeship* is defined in [APPENDIX I](#).

- c. Submit a letter signed by the chair of the local board that includes assurances that the local board:
 - i. has sustained fiscal integrity during the two (2) preceding program years; and
 - ii. has not been subject to a recapture of WIOA Title IB (Adult, Dislocated Worker, and Youth) program funds during the two (2) preceding program years for failure to obligate at least 80% of program funds by the end of the applicable program year
- 3. Performance documentation
 - a. Note: NDOL will confirm through the USDOL Performance Accountability System that the local area has exceeded negotiated levels of performance for the primary indicators of performance for the two (2) preceding program years
- 4. Sector partnerships documentation
 - a. Submit data provided by NDOL's Office of Labor Market Information that demonstrates the following:
 - i. 10% (or greater) increased enrollment of workforce system participants in training for H3 occupations; and
 - ii. 10% (or greater) increased placement of workforce system participants in employment in the H3 industry sectors or occupations
 - iii. Note: The local board may obtain the data by contacting Mary Findlay, Research Analyst II, Office of Labor Market Information, NDOL at mary.findlay@nebraska.gov.
- 5. Registered Apprenticeships documentation
 - a. Submit documentation that demonstrates development, implementation, and continuation of at least one (1) apprenticeship initiative for H3 industry sectors or occupations for the local area that results in at least five (5) new Registered Apprenticeship programs in the local area during each of the preceding two (2) program years

(b) Subsequent determinations as a high-performing board

Following an initial determination as a high-performing board, any local board seeking subsequent determination as a high-performing board must take the steps described above in [Section II\(a\)](#) on an annual basis following its initial determination as a high-performing board.

DISCLAIMER

This policy is based on NDOL's reading of the applicable statutes, regulations, rules, and guidance released by the U.S. Government and the State of Nebraska. This policy is subject to change as revised or additional statutes, regulations, rules, and guidance are issued.

APPENDIX I. Definitions

(a) apprenticeship initiative

The term *apprenticeship initiative* means an organized program of activities that result in the establishment of Registered Apprenticeship programs that result in improved employment opportunities for workers and job seekers through the development and implementation of an integrated, job-driven system that links diverse talent to Nebraska's businesses.

(b) H3

The term *H3* means high wage, high skill, and high demand.

- Occupations are high wage when at least half of their wage measures are at or above the regional average for all occupations.
- Occupations that require some college, no degree, or a higher level of educational attainment are high skill, as well as occupations that require a high school diploma or equivalent plus long-term on-the-job training, an apprenticeship, or internship/residency.
- The number of annual openings, net change in employment, and growth rate determine whether an occupation is high demand, which varies with economic and labor market conditions.

An occupation must be high wage *and* high skill *and* high demand to be an H3 occupation. An industry cluster must involve H3 occupations to be an H3 industry sector. For more information on H3, visit h3.ne.gov.

Example: The occupation of registered nurse is an H3 occupation in Nebraska and is part of the healthcare industry, which is an H3 industry cluster in Nebraska.

(c) Registered Apprenticeship

Registered Apprenticeship is:⁷

- a proven model of job preparation that combines paid on-the-job training (OJT) with related instruction to increase progressively workers' skill levels and wages;
- a business-driven model that provides an effective way for employers to recruit, train, and retain highly skilled workers; and
- allows employers to develop and apply industry standards to training programs, thereby increasing productivity and the quality of the workforce.

As an "earn and learn" strategy, Registered Apprenticeship offers workers and job seekers immediate employment opportunities that pay sustainable wages and offer advancement along a career path. Graduates of Registered Apprenticeship programs receive nationally recognized, portable credentials, and their training may be applied toward further postsecondary education.

⁷ TEGL 13-16

All Registered Apprenticeship programs consist of the following five (5) core components:

- direct business involvement;
- OJT;
- related instruction;
- rewards for skill gains; and
- a national occupational credential.

(d) *sector initiative*

The term *sector initiative* means a documented regional, employer-driven partnership of industry, education, training, and other stakeholders that focuses on the workforce needs of key industries in a regional labor market. Sector initiatives improve access to good jobs and/or increase job quality in ways that strengthen an industry's workforce.

(e) *sustained fiscal integrity*⁸

The term *sustained fiscal integrity*, when used in relation to a local area, means that the Secretary of USDOL has not made a formal determination that:

- during the two (2) preceding program years that neither the local area grant recipient or administrative entity misexpended funds provided under WIOA Title IB (Adult, Dislocated Worker, and Youth programs) due to:
 - willful disregard of the requirements of the WIOA provision involved;
 - gross negligence; or
 - failure to comply with accepted standards of administration.

⁸ WIOA Sec. 106(e)(2)