**Memorandums of Understanding and Funding of Local Workforce Delivery System Operations, Change 1**

# **REFERENCE**

Workforce Innovation and Opportunity Act of 2014 (WIOA) Secs. 3, 101, 107, 121, 123, 129, 134, 188, and 503; Carl D. Perkins Career and Technical Education Act of 2006 (Perkins Act); WIOA Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions, Final Rule, Part 678, Subparts B through E and G; 2 CFR Parts 200 and 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance); TEGLs 17-16 and 27-14; One-stop Comprehensive Financial Management Technical Assistance Guides, U.S. Department of Labor, Employment and Training Administration, July 2002 (Part I) and July 2011 (Part II); Neb. Rev. Stats. §§ 48-617 and 84-917; Combined State Plan for Nebraska’s Workforce System, July 1, 2016 – June 30, 2020 (Combined State Plan)[[1]](#footnote-1)

# **BACKGROUND**

Under WIOA, NDOL is required to issue guidance for use by each local workforce development board (local board) and local chief elected official (CEO)[[2]](#footnote-2) regarding memorandums of understanding (MOUs) and funding of local workforce delivery system[[3]](#footnote-3) operations, specifically:[[4]](#footnote-4)

* guidelines for determining one-stop partner contributions to local workforce delivery system operations, including determining funding for infrastructure and additional costs, based on the proportionate use of the system and the relative benefit received; and
* guidance to assist local boards, CEOs, and one-stop partners in local workforce development areas (local areas) in determining equitable and stable methods of funding the infrastructure and additional costs of a comprehensive American Job Center[[5]](#footnote-5) (AJC) based on proportionate use and relative benefit received.

The term *one-stop partner* refers to both required and optional one-stop partners throughout this policy, except when necessary to make a distinction between the two. Definitions of other key terms used in this policy are provided in [APPENDIX XIII](#_Definitions).

# **CHANGES**

This Change 1 implements the following material changes to the Nebraska Department of Labor (NDOL) policy on Memorandums of Understanding and Funding of Local Workforce Delivery System Operations (effective date January 24, 2017):

* [Section III. Timelines](#_Timelines) and [APPENDIX XII. All-inclusive Timelines](#_Each_required_one-stop) have been revised to include release of this policy.
* The term *comprehensive budget* has been revised to read as *annual comprehensive budget* throughout this policy and the applicable appendices.
* In Table 1 of [Section I(e)](#_MOU_Content), item *(4) Accessibility Section* has been revised regarding use of the common identifiers and a related revision has been made in [APPENDIX II](#_Physical_Accessibility).
* In Table 5 of [section (d) of APPENDIX 1](#_Responsible_entity_serving_1), contact persons have been updated for:
  + Adult Education and Family Literacy Act (AEFLA) programs; and
  + Native American programs.
* A flow chart depicting the local MOU process has been inserted as [APPENDIX VI](#_Local_MOU_Process).
* [APPENDIX X. State Funding Mechanism Partner-contribution Methodologies](#_State_Funding_Mechanism_4) has been revised for clarification.
* A flow chart depicting the state funding mechanism process has been inserted as [APPENDIX XI](#_State_Funding_Mechanism_3).
* APPENDIX XIII. Definitions has been revised to include definitions of [program year](#_program_year), [reportable individual](#_reportable_individual), and [Youth program elements](#_Youth_program_elements).

# **ACTION**

Each local board, in partnership with the CEO:

* must develop, negotiate, and enter into an MOU with all required one-stop partners operating in the local area; and
* may develop, negotiate, and enter into MOUs with optional one-stop partners operating in the local area.

Each MOU must include an annual funding agreement (AFA) for partner contributions to funding of infrastructure and additional costs of local workforce delivery system operations.

Development and negotiation of each MOU and AFA, including any interim funding agreement (IFA),[[6]](#footnote-6) must follow the requirements of this policy, including processes, procedures, and timelines.

The MOU is a required part of the regional and local plan. Fully executed MOUs are required for approval of each local area’s regional and local plan for Program Year 2017 – Program Year 2020.

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](mailto:ndol.wioa_policy@nebraska.gov).

# **POLICY**

This policy:

1. supersedes and replaces the NDOL policy on Memorandums of Understanding and Funding of Local Workforce Delivery System Operations (effective date January 24, 2017);
2. establishes the requirements, processes, procedures, and timelines for developing, negotiating, and establishing:
   1. MOUs among each local board and CEO and the one-stop partners operating in the local area, which must include AFAs; and
   2. AFAs and IFAs among each local board and CEO and the one-stop partners operating in the local area for partner contributions to funding of infrastructure and additional costs of local workforce delivery system operations;
3. provides guidance relating to funding of infrastructure and additional costs of local workforce delivery system operations, including guidance for budgeting, allocating, and negotiating infrastructure costs using the two (2) methods prescribed under WIOA;
4. prescribes timelines for local boards for:
5. developing, negotiating, and entering into MOUs;
6. developing, negotiating, and entering into AFAs and/or IFAs for funding of infrastructure and additional costs of local workforce delivery system operations; and
7. reporting the outcomes of negotiations;
8. establishes the process by which required one-stop partners may appeal decisions made if the state funding mechanism is employed.

This policy is organized into five (5) sections and thirteen (13) appendices.

[Section I. Negotiating Local MOUs 5](#_Toc476061855)

[Section II. Negotiating Funding Agreements 13](#_Toc476061861)

[Section III. Timelines 18](#_Toc476061865)

[Section IV. Reporting Negotiation Outcomes 19](#_Toc476061866)

[Section V. Appeal Process for the State Funding Mechanism 20](#_Toc476061869)

[APPENDIX I. Required and Optional One-stop partners 22](#_Toc476061874)

[APPENDIX II. Career Services 28](#_Toc476061879)

[APPENDIX III. Example MOU Template 31](#_Toc476061883)

[APPENDIX IV. Lists of Local Workforce Delivery System Infrastructure and Additional Costs Line Items with Descriptions 53](#_Toc476061910)

[APPENDIX V. Report of Outcomes from Local MOU and Funding Agreement Negotiations 56](#_Toc476061913)

[APPENDIX VI. Local MOU Process 61](#_Toc476061914)

[APPENDIX VII. Permitted Methods of Funding Infrastructure and Additional Costs under the Local Funding Mechanism 62](#_Toc476061915)

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[APPENDIX XII. All-inclusive Timelines 79](#_Toc476061933)

[APPENDIX XIII. Definitions 81](#_Toc476061934)

## **Negotiating Local MOUs**

### Purpose and Scope

An MOU is the product of local discussions and negotiations and is an agreement among the local board, CEO, and one-stop partners operating in the local area. The MOU defines the design and operation of the local workforce delivery system, which includes the local AJC.

A single “umbrella” MOU may be developed among the local board, CEO, and one-stop partners.[[7]](#footnote-7) Establishing an umbrella MOU is encouraged for the sake of transparency. Alternatively, the local board and CEO may enter into separate MOUs with each one-stop partner or with groups of one-stop partners.

### Principles and Guidelines

Each local board must follow the principles, guidelines, and requirements set out in this policy during development and negotiation of MOUs and AFAs.

1. Each MOU will be used as an essential tool for achieving a key goal of WIOA—establishing an integrated and effective workforce delivery system that produces the skilled workers needed by businesses in regional and local economies.
2. Each MOU will reflect the shared vision and commitment of the local board, CEO, and one-stop partners to establishing and maintaining a high-quality local workforce delivery system.
3. Each MOU will be consistent with the vision, goals, and strategies articulated in the Combined State Plan and the local board’s regional and local plan.
4. Each MOU will reflect and document in the AFA how each one-stop partner will contribute its proportionate share, relative to the benefit received by its program, for funding of infrastructure and additional costs of local workforce delivery system operations.
5. All individuals participating in the development and negotiation of the MOU must negotiate in good faith[[8]](#footnote-8) to reach agreement and bring about a cohesive vision for and successful implementation and maintenance of the local workforce delivery system.[[9]](#footnote-9)

### MOU Requirements

1. Prior to commencement of MOU negotiations, the local board must identify the individual(s) having the authority to commit financially and programmatically on behalf of the applicable one-stop partner operating in the local area.
2. [APPENDIX I](#_Required_and_Optional) provides a list of the required and optional partners, their roles and responsibilities within the local workforce delivery system, and identifies points of contact for state-level and local-level required one-stop partners.
3. Known points of contact for optional one-stop partners are provided in [APPENDIX I](#_Required_and_Optional).
4. The chair of the local board must designate at least one (1) member of the local board who will be responsible for negotiating MOUs and funding agreements. One (1) or more members of the local board may be designated.
5. The local board member(s) responsible for negotiating MOUs and funding agreements will use the Career Services summary ([APPENDIX II](#_Career_Services)) as a starting point for negotiations and method for determining which one-stop partners provide which of the career services and at what cost.
6. Each MOU must include, at a minimum, the required MOU content described in Table 1 of this policy.
   1. An example MOU is provided as [APPENDIX III](#_MOU_Template).
7. Each MOU must identify the basic, individualized, and follow-up career services provided by all one-stop partners through the local workforce delivery system using the template illustrated in [Attachment 1](#_Local_Workforce_Delivery) to APPENDIX III.
8. The AFA in each MOU must document the annual comprehensive budget for infrastructure and additional costs for local workforce delivery system operations. The AFA must also document the proportionate share budget for each one-stop partner participating in the AFA.
9. Lists of possible local workforce delivery system costs are provided as [APPENDIX IV](#_List_of_Possible).
10. Each local board must report to NDOL, according to the timelines established in [Section III](#_Timelines_for_Negotiation) of this policy, the outcomes of MOU and funding agreement negotiations using the reporting template provided as [APPENDIX V](#_Budget_Template_for).

A flow chart depicting the MOU process is provided as [APPENDIX VI](#_MOU_Process).

### MOU Format

The MOU must consist of the following seven (7) sections:

1. background and services;
2. term;
3. annual funding agreement;
4. accessibility;
5. data sharing;
6. assurances; and
7. signatures.

Additional local provisions agreed upon by the local board, CEO, and one-stop partners may be included in MOUs as section (8).

### MOU Content

Table 1 lists the requirements for MOU content.

*Table 1. MOU Content Requirements*

| Description of Required Content |
| --- |
| 1. Background and Services Section   The MOU must include provisions that:   1. identify the:    1. parties to the MOU: the local board, CEO, and one-stop partners;    2. one-stop partners covered by the MOU;    3. authorized signatory for each party to the MOU; and    4. one-stop operator for the local workforce delivery system; 2. describe the vision, goals, and strategies for the local workforce delivery system shared among the local board, CEO, and all one-stop partners, which must be consistent with the vision, goals, and strategies articulated in the Combined State Plan, the local board’s regional and local plan, and this policy; 3. describe the design of the local workforce delivery system, including the: 4. location of each AJC, affiliate site(s), eligible one-stop partner(s) linked to an affiliate site(s), and specialized center(s); 5. one-stop partners co-located in each AJC and their occupancy status: 6. intermittent: less than 50% of the time the AJC is open for business; 7. part-time: more than 50% (but not 100%) of the time the AJC is open for business; or 8. full-time: 100% of the time the AJC is open for business; 9. one-stop partners located in an affiliate site(s) and their occupancy status: 10. intermittent: less than 50% of the time the affiliate site is open for business; 11. part-time: more than 50% (but not 100%) of the time the affiliate site is open for business; or 12. full-time: 100% of the time the affiliate site is open for business; 13. eligible one-stop partner(s) linked to affiliate site(s) and specialized center(s); 14. roles of the: 15. one-stop operator, including the: 16. procurement process for selection of the one-stop operator; 17. functions of and scope of work for the one-stop operator as defined in the local board’s Request for Proposal; and 18. one-stop operator’s role and responsibilities for coordinating referrals among one-stop partners; 19. one-stop partners in the AJC and any affiliate site(s); 20. eligible one-stop partner(s) linked to an affiliate site(s); and 21. specialized center(s)); 22. specific programs and services which are accessible at each one-stop location, including the AJC and each affiliate site(s) and specialized center(s); 23. identification of the career services provided by the one-stop partner(s) at the AJC or through the AJC via direct linkage; and 24. utilization of technology to increase access to programs and services, particularly in rural areas; 25. describe the process and methods for service delivery, in a shared and collaborative manner, through the local workforce delivery system, including:[[10]](#footnote-10) 26. common intake, employability plan, career pathways, and employer services provided by each one-stop partner in a non-duplicative way for the job seeker and employer; 27. career services to be provided by each one-stop partner, including any partner that is not party to the MOU; 28. other program services to be provided by each one-stop partner, including any partner that is not party to the MOU; 29. method of service delivery for each one-stop partner providing programs and services (physical presence, direct linkage, *etc.*), including any partner that is not party to the MOU; 30. methods for referring individuals between the one-stop operator and one-stop partners in order to obtain services, such as use of an online referral mechanism;[[11]](#footnote-11) 31. methods for referring program participants among one-stop partners; 32. method of tracking referrals among one-stop partners; 33. manner in which the services, such as intake, orientation and assessment, will be coordinated and delivered through the local workforce delivery system; 34. methods for ensuring that the needs of job seekers and individuals with barriers to employment, including individuals with disabilities, are addressed when it comes to providing access to services, including access to technology and materials that are available through the local workforce delivery system;[[12]](#footnote-12) and 35. specific arrangements to assure that individuals with barriers to employment, including individuals with disabilities, can access available services (must be consistent with NDOL’s current policies on accessibility and non-discrimination); 36. describe the procedures followed by the local board, CEO, and one-stop partners for development and negotiation of the MOU and AFA; and 37. describe the procedures the local board and CEO will follow when consensus is not reached when negotiating amendments to the MOU, including future AFAs. |
| 1. Term (duration) Section   The MOU must include provisions that define the:   1. effective date and term (duration) of the MOU, which must be no longer than 3 years;[[13]](#footnote-13) 2. procedures for amending the MOU,[[14]](#footnote-14) including amendments required to:    1. incorporate the AFA and any IFA;    2. if applicable, incorporate the AFA subsequent to an IFA (see [Section II(b)(3)](#_Extension_to_Deadline) for information on IFAs);    3. reflect any changes in:[[15]](#footnote-15) 3. the signatory official of the local board, CEO, or one-stop partners; or 4. the AFA and any IFA;    1. if applicable, reflect final one-stop partner infrastructure cost contributions subsequent to a one-stop partner appeal to NDOL regarding infrastructure costs determined under the state funding mechanism;[[16]](#footnote-16) 5. procedures and timelines for review and renewal of the MOU, which must occur no less frequently than once every 3 years;[[17]](#footnote-17) and 6. procedures and timelines for review and renewal of the AFA, which must occur no less frequently once every year. |

| Description of Required Content |
| --- |
| 1. Annual Funding Agreement (AFA) Section   The AFA section on funding of infrastructure and additional costs of local workforce delivery system operations must include:[[18]](#footnote-18)   1. a provision defining the effective date and term (duration) of the AFA;[[19]](#footnote-19) 2. identification of the local board, CEO, and all one-stop partners participating in the funding agreement;[[20]](#footnote-20) 3. an annual comprehensive budget for infrastructure and additional costs that provides for joint funding of local workforce delivery system operations using methods permitted under 20 CFR §§ 678.700 – 678.755 and 678.760, as described in [APPENDIX VII](#_Permitted_Methods_of);[[21]](#footnote-21) and 4. provisions describing the:    1. reasonable cost allocation methodology for charging each one-stop partner in proportion to its program’s use of the local workforce delivery system (costs must be allowable, reasonable, necessary, and allocable) and relative to the benefit received by the program;[[22]](#footnote-22)    2. amount to be contributed by each one-stop partner;[[23]](#footnote-23)    3. each one-stop partner’s method of contribution (cash, fairly evaluated non-cash, third-party in-kind, philanthropic, or private contributions or other alternative financing options; see [APPENDIX VII](#_Permitted_Methods_of) for additional information on permitted funding methods);[[24]](#footnote-24)    4. steps the local board, CEO, and one-stop partners used to reach consensus;[[25]](#footnote-25)    5. procedures and timelines for periodic review of one-stop partner contributions and reconciliation of actual costs incurred, which must occur no less frequently than quarterly (*i.e.,* 4 times each year) to ensure that the actual costs charged to each one-stop partner are proportionate to its program’s use of the AJC and local workforce delivery system and relative benefit received;[[26]](#footnote-26) and    6. process to be followed among the local board, CEO, and one-stop partners to resolve issues during the term of the MOU when consensus cannot be reached during negotiation of future AFAs.[[27]](#footnote-27)   The AFA, and any IFA, must be fully signed and include signatures of the chair of the local board, CEO, and each one-stop partner participating in the AFA or IFA, as applicable. |
| 1. Accessibility Section   The accessibility section of the MOU must include provisions that describe how the local board will ensure physical AND programmatic accessibility to the AJC and local workforce delivery system, including:   1. how the local board will assure public accessibility to the AJC, including how the one-stop operator and AJC and program staff will: 2. provide reasonable accommodations for individuals with disabilities; 3. administer programs in the most integrated setting(s) appropriate; 4. communicate with persons with disabilities as effectively as with other persons; and 5. provide appropriate auxiliary aids and services, including assistive technology devices and services, when necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity; 6. how the local board will assure public accessibility to the AJC, including: 7. utilizing the “American Job Center” or “a proud partner of the American Job Center network” identifiers, as required under WIOA Sec. 121(e)(4), 20 CFR § 678.900, and 34 CFR § 463.900, on all: 8. signage; 9. products; 10. programs; 11. activities; 12. services; 13. electronic resources; and 14. facilities and related property; 15. making the physical location of the AJC simple to find and identify with easy-to-see signage on the exterior and interior of the facility; 16. whether the location of the AJC is recognizable in a high-traffic area; 17. whether access to public transportation is available within reasonable walking distance from the AJC; 18. whether the AJC has a dedicated parking lot or street parking; 19. whether the dedicated parking lot or street parking provides parking spaces closest to the AJC doors, which are marked or reserved for individuals with disabilities; 20. how the AJC provides for the physical accessibility of the AJC to individuals with disabilities; 21. how the AJC’s layout supports a culture of inclusiveness; and 22. making reasonable modifications to policies, practices, and procedures when necessary to avoid discrimination against persons with disabilities. 23. how the local board will assure accessibility to programs and services provided at and through the AJC and the local workforce delivery system, including how well the AJC and local workforce delivery system ensure: 24. equal opportunity for individuals with disabilities to participate in or benefit from AJC services, regardless of their: 25. range of abilities; 26. mobility; 27. age; 28. primary language; 29. learning style; and 30. intelligence or education level; 31. services are provided on-demand and in real-time in the physical location of the AJC or through direct linkage using technology. |
| 1. Data Sharing Section   The data sharing section of the MOU must include provisions that address:   1. how core one-stop partners will share data and information and collaborate to assure that all common primary indicators of performance for the core one-stop partners in the local area will be achieved: 2. core one-stop partners include: 3. WIOA Title IB: Adult, Dislocated Worker, and Youth programs; 4. WIOA Title II: Adult Education and Family Literacy Act programs; 5. WIOA Title III: Wagner-Peyser Employment Service programs; and 6. WIOA Title IV programs:    * + 1. Nebraska Commission for the Blind and Visually Impaired; and        2. Nebraska Vocational Rehabilitation Program. 7. explain how other one-stop partners will share data and information and collaborate to assure each program achieves its performance goals; and 8. how use of personal identifiable information (PII)[[28]](#footnote-28) will adhere to and comply with all applicable Federal, state, and local privacy laws, rules, and regulations. |
| 1. Assurances Section   The assurances section of the MOU must include assurances that:   1. the one-stop operator will not perform any of the prohibited activities described in 20 CFR § 678.620(b), which include (see [Section I(e)(1)](#_Clarification_on_Limitations) directly below this Table 1 for clarification on the limitations of and exceptions to one-stop operator activities): 2. convening system stakeholders to assist in the development of the local plan; 3. preparing and submitting local plans; 4. having responsibility for or providing self-oversight; 5. managing or significantly participating in the competitive selection process for a one-stop operator; 6. selecting or terminating: 7. a one-stop operator; 8. career services; or 9. youth providers; 10. negotiating local performance accountability measures; or 11. developing and submitting budgets for any activities of the local board; 12. if applicable, the one-stop operator, prior to performing any of the prohibited activities described directly above in subsection 6.a.: 13. serves a different role within the local workforce delivery system, in addition to its role as one-stop operator, and provide a description of that role; 14. has established sufficient firewalls and conflict-of-interest policies and procedures; and 15. has established a written agreement with the local board and CEO specifying how the one-stop operator will carry out its responsibilities while demonstrating compliance with the requirements of WIOA and its corresponding rules and regulations, relevant circulars issued by the Office of Management and Budget, and NDOL’s current policy on conflict of interest; 16. the local board, CEO, and one-stop partners developed the MOU and will develop each AFA and any IFA based on good faith negotiations;[[29]](#footnote-29) 17. the local board provided and will provide technical assistance to new one-stop partners and local grant recipients to ensure that those entities are informed and knowledgeable of the elements contained in each AFA and any IFA;[[30]](#footnote-30) 18. one-stop partner contributions will be:[[31]](#footnote-31) 19. negotiated among the local board, CEO, and one-stop partner(s); 20. calculated in accordance with the requirements of the Uniform Guidance (2 CFR Parts 200 and 2900); and 21. based on a reasonable cost allocation methodology and allowable, reasonable, necessary, and allocable; 22. the local board: 23. worked and will work with one-stop partners to achieve consensus and informally mediate any possible conflicts or disagreements among the one-stop partners;[[32]](#footnote-32) or 24. will follow the requirements of this policy as they relate to funding of the local workforce delivery system under the state funding mechanism;[[33]](#footnote-33) 25. the local board will ensure the one-stop partners adhere to the requirements of this policy relating to the funding of infrastructure and additional costs;[[34]](#footnote-34) 26. the local board will review and amend, as needed and required, the MOU and AFA no less frequently than annually (*i.e.,* once per year) to ensure appropriate funding and delivery of services through the local workforce delivery system;[[35]](#footnote-35) 27. that use of PII will adhere to and be in compliance with all applicable Federal, state, and local privacy laws, rules, and regulations; 28. the provisions, terms, and conditions of the MOU are consistent with WIOA provisions, rules, and regulations; the authorizing laws, rules, and regulations of one-stop partner programs, including but not limited to the Uniform Guidance (2 CFR Parts 200 and 2900); and all other applicable laws, rules, regulations, and legal requirements; and 29. the fully signed MOU will be available to the public, within a reasonable timeframe, through electronic means, including websites, and in written form and through whatever other means the local board and one-stop partners use to disseminate information to the public. |
| 1. Signatures Section   The signature section of the MOU must contain the signatures of the chair of the local board, CEO, and each one-stop partner participating in the MOU.[[36]](#footnote-36) |

#### Clarification on Limitations of and Exceptions to One-stop Operator Activities

##### Limitations

Except as described directly below in subsection [(B) Exceptions](#_Exception), the local board must ensure that its one-stop operator does not perform any of the following activities:[[37]](#footnote-37)

1. convene system stakeholders to assist in the development of the local plan;
2. prepare and submit local plans;
3. have responsibility for or provide self-oversight;
4. manage or significantly participate in the competitive selection process for a one-stop operator;
5. select or terminate:
   1. a one-stop operator;
   2. career services; or
   3. youth providers;
6. negotiate local performance accountability measures; or
7. develop and submit budget for activities of the local board.

##### Exceptions

If the local board’s one-stop operator serves an additional role within the local workforce delivery system, such as serving as the local area WIOA Title IB (Adult, Dislocated Worker, and Youth programs) service provider, the one-stop operator may, while acting in its additional role, perform some or all of the functions described directly above in subsection [(A) Limitations](#_Limitations); provided that the one-stop operator has established sufficient firewalls and conflict of interest policies and procedures, as described below.[[38]](#footnote-38)

1. The one-stop operator’s policies and procedures must conform to the requirements of WIOA and its corresponding rules and regulations, relevant circulars issued by the Office of Management and Budget, and NDOL’s current policy on conflict of interest.
2. The one-stop operator must develop a written agreement with the CEO and local board that specifies how the one-stop operator will carry out its responsibilities while demonstrating compliance with the requirements of WIOA and its corresponding rules and regulations, relevant circulars issued by the Office of Management and Budget, and NDOL’s current policy on conflict of interest.

## **Negotiating Funding Agreements**

### Overview

AFAs (section 3 in the MOU format[[39]](#footnote-39)) are a required component of each MOU. An AFA may be based on the local funding mechanism or the state funding mechanism.

* Under the local funding mechanism, the AFA covers infrastructure and additional costs associated with the entirety of the local workforce delivery system.
  + The local board and CEO are expected to reach agreement with each required one-stop partner on how infrastructure and additional costs will be shared among one-stop partners in proportion to each partner’s use of the local workforce delivery system and relative benefit received.[[40]](#footnote-40)
* Under the state funding mechanism, which is triggered when the local board is unable to reach consensus with one (1) or more required one-stop partners[[41]](#footnote-41) operating in the local area, the AFA covers only the infrastructure costs associated with the entirety of the local workforce delivery system.

A summary comparison of the requirements and characteristics of the local and state funding mechanisms is provided as [APPENDIX VIII](#_Summary_Comparison_of).

### Local Funding Mechanism

Under the local funding mechanism, the local board, CEO, and one-stop partners:

* negotiate and agree to amounts and methods of calculating how much each one-stop partner will contribute to funding of infrastructure and additional costs of local workforce delivery system operations; and
* document the terms and conditions of the AFA in the MOU.

#### Cost Allocation Methodologies

Recommended approaches to developing a reasonable cost allocation methodology by which infrastructure and additional costs are charged to each one-stop partner, based on proportionate use and relative benefit received, are provided as [APPENDIX IX](#_Local_Funding_Mechanism).

#### Funding Agreement Requirements

In development of the AFA, the local board and CEO must:

1. ensure that each one-stop partner adheres to the guidelines established in this policy;
2. work with one-stop partners to achieve consensus and informally mediate any possible conflicts or disagreements among one-stop partners; and
3. provide technical assistance to new one-stop partners and grant recipients to ensure that those entities are informed and knowledgeable of the elements contained in the MOU and the AFA.

Under the local funding mechanism, the following requirements must be met:[[42]](#footnote-42)

1. infrastructure costs are funded through cash, fairly evaluated non-cash, and third-party in-kind partner contributions, including any funding from philanthropic organizations or other private entities or through other alternative financing options, to provide a stable and equitable funding stream for ongoing local workforce delivery system operations;
2. one-stop partner contributions must be negotiated among the local board, CEO, and one-stop partners and the amount to be contributed must be included in the AFA as section 3 of the MOU;
3. each one-stop partner’s proportionate share of funding must be:
   1. calculated in accordance with the Uniform Guidance (2 CFR Parts 200 and 2900) and based upon a reasonable cost allocation methodology whereby infrastructure costs are charged to each partner relative to the benefit received by its program and in proportion to its use of the local workforce delivery system; and
   2. allowable, reasonable, necessary, and allocable;
4. one-stop partner contributions must be:
   1. periodically reviewed and reconciled against actual costs incurred; and
   2. adjusted to ensure that actual costs charged to each one-stop partner are proportionate its program’s use of the local workforce delivery system and relative benefit received.

#### Interim Funding Agreements (IFAs)

If all other parts of an MOU have been negotiated and agreed upon and in order to allow the applicable one-stop partner program(s) to operate in the local workforce delivery system, the MOU may include an IFA, except as described in this subsection (3) and below in [Section II(b)(4)](#_State_Funding_Mechanism_1).

Each IFA must contain all terms and conditions the local board and CEO have negotiated with the one-stop partner(s), including, at a minimum:

1. a provision defining effective date and term (duration) of the IFA, which must be no longer than one-hundred eighty (180) days from the date of execution of the MOU provided that the MOU is a newly-executed MOU with a new required one-stop partner;[[43]](#footnote-43)
2. identification of the local board, CEO, and all one-stop partners participating in the IFA;[[44]](#footnote-44)
3. an annual comprehensive budget for infrastructure and additional costs of local workforce delivery system operations;[[45]](#footnote-45)
4. provisions describing the:
   1. amounts to be contributed during the term of the IFA by each one-stop partner participating in the IFA and the method(s) of contribution (cash, fairly evaluated non-cash, third-party in-kind, philanthropic, or private contributions or other alternative financing options; and
   2. procedures and timelines for reconciliation of one-stop partner contributions provided during the term of the IFA in relation to actual costs incurred during the term, which must occur no later than the effective date of the finalized AFA and conform with the timelines established in [Section III](#_Timelines_for_Negotiation) of this policy;
5. provisions describing:
   1. procedures and timelines the local board, CEO, and one-stop partners participating in the IFA will use to reach consensus and finalize the AFA, which must conform with the timelines established in [Section III](#_Timelines_for_Negotiation) of this policy;[[46]](#footnote-46) and
   2. procedures and timelines to be followed among the local board, CEO, and one-stop partners to:
      1. resolve issues during the term of the IFA;
      2. achieve consensus; and
      3. informally mediate any possible conflicts or disagreements among the local board, CEO, and one-stop partners participating in the IFA.[[47]](#footnote-47)

IFAs must be finalized within one-hundred eighty (180) days of the date of execution of the MOU if the MOU is a newly executed MOU with a new required one-stop partner. Otherwise, the timelines in [Section III](#_Timelines_for_Negotiation) of this policy apply to IFAs.

If the IFA is not finalized within the established timeframe, the local board must notify NDOL as described in [Section IV(b)](#_Failure_to_Reach) of this policy and according to the timelines established in [Section III](#_Timelines_for_Negotiation) of this policy.[[48]](#footnote-48)

#### Extension to Federal Deadline for Funding Agreements for Program Year 2017[[49]](#footnote-49)

The U.S. Department of Labor is using the transition authority provided under WIOA Sec. 503(b) to provide an extension of the implementation date for AFAs for Program Year (PY) 2017 (July 1, 2017 – June 30, 2018).

* With this extension, AFAs must be in place no later than January 1, 2018.
* This extension does not change the deadline of July 1, 2017 for the rest of the MOU.

During the extension period:

* local areas may continue using funding agreement(s) established for PY 2016, with any modifications the local board, CEO, and one-stop partners may agree to for funding of infrastructure costs in the local area; and
* regulations[[50]](#footnote-50) providing for a six (6) month IFA do not apply.

### State Funding Mechanism

If the local board, CEO, and required one-stop partners in a local area do not reach consensus on methods of sufficiently funding local workforce delivery system operations for a program year, the state funding mechanism takes effect.

The state funding mechanism will be used only as a last resort when consensus is not possible. Local boards and CEOs are expected to take all reasonable steps to reach consensus.

The state funding mechanism covers infrastructure costs ONLY.[[51]](#footnote-51)

The methodologies for determining required one-stop partner contributions under the state funding mechanism are provided in [APPENDIX X](#_State_Funding_Mechanism_2).

A flow chart depicting the state funding mechanism process is provided as [APPENDIX XI](#_State_Funding_Mechanism_3).

#### Determining Required One-stop Partner Contributions

After consultation with local boards, CEOs, and the Nebraska Workforce Development Board, the Governor determines required one-stop partner contributions under the state funding mechanism.

#### Exceptions to Determining Required One-stop Partner Contributions

The Governor does not determine the infrastructure cost contributions for certain required one-stop partners under the state funding mechanism.

1. The Governor does not determine the contribution amounts for infrastructure costs for Native American program grantees.[[52]](#footnote-52)
   1. The appropriate portion of funds to be provided by Native American program grantees to pay for infrastructure costs must be determined as part of the development of an MOU with the Native American program partner and specified in that MOU.
   2. Native American program grantees are not required to contribute to funding of infrastructure costs but are strongly encouraged by the U.S. Department of Labor to contribute as required one-stop partners.[[53]](#footnote-53)
2. The Governor does not determine the contribution amounts for infrastructure costs for WIOA Title II programs (Adult Education and Family Literacy Act programs); WIOA Title IV programs (the Nebraska Commission for the Blind and Visually Impaired and the Nebraska Vocational Rehabilitation Program); or career and technical education activities under the Perkins Act.
   1. Policy-making authority is placed with the Commissioner of the Nebraska Department of Education, which is independent of the authority of the Governor with respect to funding.[[54]](#footnote-54)
   2. The determination of the amount to be contributed by each of these required one-stop partners to assist in funding of the infrastructure costs of the local workforce delivery system must be made by the Commissioner of the Nebraska Department of Education in consultation with the Governor.

## **Timelines**

Timelines for negotiation of MOUs and AFAs are provided in Table 2. Each local board must adhere to the timelines established in Table 2.

The “Deadline” dates provided in Table 2 represent the date range or latest possible date by which the named event can occur.

Because of their interrelatedness, all-inclusive timelines for regional and local plans, MOUs and AFAs, and certification of comprehensive AJCs and evaluation of local workforce delivery systems are provided as Table 15 in [APPENDIX XII](#_Each_required_one-stop).

*Table 2. MOU and Funding Agreement Timelines for Program Year 2017*

| *Responsible Party* - Event | Deadline |
| --- | --- |
| *NDOL –* release policy on MOUs and Funding of Local Workforce Delivery System Operations | Monday, January 24, 2017 |
| *Local boards -* MOU process begins | Tuesday, January 24, 2017 |
| *NDOL –* release Change 1 to policy on MOUs and Funding of Local Workforce Delivery System Operations | February 28, 2017 |
| *Local boards* – must submit to NDOL draft MOUs with all required one-stop partners (as part of regional and local plan submissions); submission of annual funding agreement(s) optional at this time | Wednesday, March 15, 2017 |
| *Local boards* – must submit outcome reports to NDOL on negotiation of MOUs with all required one-stop partners; submission must include the annual comprehensive budget for the local workforce delivery system | Friday, March 31, 2017 |
| *NDOL* – requires any local board failing to reach consensus on MOUs and/or the annual comprehensive budget with all required one-stop partners to resume MOU negotiations andprovides technical assistance to any such local board | Monday, April 3, 2017 – Friday, April 28, 2017 |
| *Local boards* – any local board required to resume negotiations on MOUs and/or the annual comprehensive budget following a reported failure to reach consensus must submit to NDOL a follow-up outcome report on the resumed negotiations | no later than April 28, 2017 |
| *Governor or Nebraska Workforce Development Board* – must notify the Secretary of the U.S. Department of Labor, and the head of any other Federal agency with responsibility for oversight of each applicable required one-stop partner, of any local board's and CEO's failure to reach consensus on MOUs with 1 or more required one-stop partners | Monday, May 1, 2017 |
| *Local boards* - must have fully-signed MOUs, including the annual comprehensive budget, which will be used for negotiating the annual funding agreement(s), in place with all required one-stop partners; inclusion of annual funding agreement(s) is optional at this time | Monday, May 15, 2017 |
| *Local boards –* if needed, continue annual funding agreement negotiations | Monday, May 15, 2017 |
| *Local boards* – must submit outcome reports to NDOL on negotiation of annual funding agreements | Monday, October 2, 2017 |
| *NDOL* – state funding mechanism takes effect for any local board failing to reach consensus with all required one-stop partners during negotiations on infrastructure costs (only) and annual funding agreements | Monday, October 2, 2017 |
| *NDOL* - all required one-stop partners in local areas subject to the state funding mechanism are notified of their required contribution amounts and directed to pay those amounts | Wednesday, November 1, 2017 |
| *Local boards* – must submit draft annual funding agreements to NDOL (based on either the local funding mechanism or the state funding mechanism) | Wednesday, November 1, 2017 |
| *Local boards* - must have fully-signed annual funding agreements in place with all required one-stop partners (based on either the local funding mechanism or the state funding mechanism) | Friday, December 1, 2017 |

## **Reporting Negotiation Outcomes**

Each local board must report to NDOL on the outcomes of MOU and funding agreement negotiations[[55]](#footnote-55) according to the timelines established in [Section III](#_Timelines_for_Negotiation) of this policy. The required reporting form is provided as [APPENDIX V](#_Budget_Template_for).

### Consensus Reached

If the local board and CEO reach consensus with all required one-stop partners operating in the local area during MOU and funding agreement negotiations, the local board must provide, as an attachment to the Report of Outcomes, the:

* annual comprehensive budget for infrastructure and additional costs of local workforce delivery system operations; and
* proportionate share budget for each one-stop partner participating in the AFA.

### Failure to Reach Consensus

If the local board and CEO fail to reach consensus with one (1) or more required one-stop partners during MOU and funding agreement negotiations, the local board must provide, as attachments to the Report of Outcomes, the materials and documents used during negotiations, including, but not limited to:[[56]](#footnote-56)

* materials relating to negotiation of MOUs, including, but not limited to:
  + all proposed and agreed upon MOUs; and
  + any other relevant materials and documents used during MOU negotiations;
* materials relating to negotiation of funding agreements, including, but not limited to:
  + the proposed annual comprehensive budget for infrastructure and additional costs of local workforce delivery system operations;
  + the cost allocation method(s) proposed by the required one-stop partners for determining proportionate share and relative benefit;
  + the proposed required one-stop partner amounts or proposed proportionate share budgets for funding of infrastructure and additional costs;
  + the total amount of required one-stop partner funds involved, including the type of funds or non-cash contributions;
  + any agreed upon or proposed MOUs, AFAs, and IFAs; and
  + any other relevant materials and documents used during funding agreement negotiations.

## **Appeal Process for the State Funding Mechanism**

Under the state funding mechanism, a required one-stop partner may appeal the determination of its contribution to funding of infrastructure costs for local workforce delivery system operations.[[57]](#footnote-57) The appeal may be made based on a claim that the determination is inconsistent with the:[[58]](#footnote-58)

* proportionate share requirements; or
* cost contribution caps.

### How and when to appeal

An appeal must:[[59]](#footnote-59)

* follow the appeal process outlined in this section;
* be submitted in writing within seven (7) calendar days of the determination of the required one-stop partner’s contribution; and
* include the following documentation:
  + a description of the required one-stop partner’s basis for appeal; and
  + a rationale for reversing the determination or establishing a compromise.

### Submission of an appeal

Each appeal must be submitted in writing to:

Commissioner of Labor

Nebraska Department of Labor

PO Box 94600

Lincoln, NE 68509-4600

A copy of each appeal must also be sent electronically to:

* the chair of the local board and the local CEO;
* all other required one-stop partners operating in the local area;
* Joan Modrell, Director, Office of Employment and Training, Nebraska Department of Labor at [joan.modrell@nebraska.gov](mailto:joan.modrell@nebraska.gov); and
* the WIOA policy mailbox at [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

### Timeline for determination of an appeal

Absent extenuating circumstances, the Commissioner of Labor (Commissioner) will assign a hearing officer and a hearing will take place within fourteen (14) days of the Commissioner’s receipt of the written request for a hearing. The hearing will include:

* a statement of the reason(s) for the determination of the required one-stop partner’s required contribution;
* an appeal by the required one-stop partner, describing why the decision should be reversed or a compromise established; and
* a final judgment that will include an explanation of the reasons for:
  + retention of the determination; or
  + reversal of the determination; or
  + establishment of a compromise.

Pursuant to the Nebraska Administrative Procedure Act,[[60]](#footnote-60) any parties aggrieved by a final decision may file a petition for review, in the district court of the county where the action is taken, within thirty (30) calendar days after service of the final decision by the Commissioner and cause summons to be served within thirty (30) calendar days of the filing of the petition.

# **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.

# **Required and Optional One-stop partners**

## Required one-stop partners

Table 3 lists the required one-stop partners and the legislation authorizing their respective programs.[[61]](#footnote-61)

*Table 3. Required One-stop Partners and Authorizing Legislation*

|  |  |
| --- | --- |
| Required One-Stop Partner | Authorizing Legislation |
| 1. Adult Education and Family Literacy Act (AEFLA) program | WIOA Title II |
| 1. Adult, Dislocated Worker, and Youth programs | WIOA Title IB |
| 1. Career and technical education programs at the postsecondary level | Carl D. Perkins Career and Technical Education Act of 2006 |
| 1. Employment and training activities carried out by the Department of Housing and Urban Development | Varies depending on current legislative authorization |
| 1. Employment and training activities carried out under the Community Services Block Grant | 42 USC § 9901 *et seq*. |
| 1. Ex-offender (Second Change Act) programs | Second Chance Act of 2007, Section 212 |
| 1. Job Corps | WIOA Title IC |
| 1. Jobs for Veterans State Grants programs | 38 USC Chapter 41 |
| 1. Migrant and Seasonal Farmworker programs | WIOA Title ID |
| 1. Native American programs | WIOA Title ID |
| 1. Programs authorized under Nebraska’s Unemployment Compensation law | Neb. Rev. Stat. § 48-617 |
| 1. Senior Community Service Employment Program | Older Americans Act, Title V |
| 1. Trade Adjustment Assistance programs | Trade Act of 1974, Title II, Chapter 2 |
| 1. Nebraska Commission for the Blind and Visually Impaired | Rehabilitation Act of 1973, Title I, as amended by WIOA Title IV |
| 1. Nebraska Vocational Rehabilitation Program | Rehabilitation Act of 1973, Title I, as amended by WIOA Title IV |
| 1. Wagner-Peyser Act Employment Service program | Wagner-Peyser Act, as amended by WIOA Title III |
| 1. Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program | Social Security Act, Title IV, Part A |
| 1. YouthBuild programs | WIOA Title ID |

## Optional one-stop partners

Other Federal, state, and local entities responsible for administering employment and training programs and activities in the local area may serve as optional partners in the local workforce delivery system if the local board and CEO approve the entities’ inclusion.

Table 4 lists the optional one-stop partners and the legislation authorizing their programs.[[62]](#footnote-62) The list of potential optional one-stop partners in Table 4 is not exhaustive.

*Table 4. Optional One-stop Partners and Authorizing Legislation*

| Required One-Stop Partner | Authorizing Legislation |
| --- | --- |
| 1. Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program | Social Security Act, Section 1148 |
| 1. Employment and training programs carried out by the Small Business Administration; | Varies depending on current legislative authorization |
| 1. Supplemental Nutrition Assistance Program (SNAP) employment and training programs | Food and Nutrition Act of 2008, Sections 6(d)(4) and 6(o) |
| 1. Client Assistance Programs | Rehabilitation Act of 1973, Section 112 |
| 1. Programs authorized under the National and Community Service Act of 1990 | National and Community Service Act of 1990 |
| 1. Other appropriate Federal, State or local programs, including, but not limited to, employment, education, and training programs provided by public libraries or in the private sector | Varies depending on current legislative authorization |

## Roles and responsibilities of required one-stop partners

Under WIOA, each required one-stop partner must:[[63]](#footnote-63)

* provide access to its employment and training programs through the local workforce delivery system, in additional to any other locations;
* use a portion of the funds available for its programs to:
  + provide career services[[64]](#footnote-64) that are authorized under the partner’s program;[[65]](#footnote-65)
  + work collaboratively with the Nebraska Workforce Development Board and each of Nebraska’s three (3) local boards to establish and maintain the local workforce delivery system;
  + jointly fund infrastructure and additional costs of the local workforce delivery system operations through contributions based on:
    - methods of funding permitted under WIOA (cash, fairly evaluated non-cash, third-party in-kind, philanthropic, or private contributions or other alternative financing options);[[66]](#footnote-66)
    - reasonable cost allocation methodologies by which infrastructure and additional costs are charged to each partner based on proportionate use and relative benefit received;
    - Federal cost principles; and
    - applicable administrative cost requirements under the law or regulations authorizing the partner’s program, including the Uniform Guidance;[[67]](#footnote-67)
* with the local board and CEO, negotiate and enter into an:
  + AFA, as part of an MOU, for funding of infrastructure and additional costs of local workforce delivery system operations; and
  + MOU that includes the AFA;
* participate in the operation of the local workforce delivery system, consistent with the:
  + terms of the MOU;
  + requirements of authorizing laws;
  + Federal cost principles established in the Uniform Guidance; and
  + all other applicable legal requirements;
* provide representation on the Nebraska Workforce Development Board and local boards, as required,[[68]](#footnote-68) and participate in board committees as required.[[69]](#footnote-69)

## Responsible entity serving as the one-stop partner in the local area

The grant recipient, administrative entity, or organization responsible for administering the funds of a one-stop partner program in the local area is the “entity” that serves as the one-stop partner.[[70]](#footnote-70)

* For programs that do not have local administrative entities, the responsible state agency must be the partner.
* If a required one-stop partner program or activity is not carried out in a local area, the requirements relating to a required one-stop partner are not applicable to that program or activity in that local workforce delivery system.[[71]](#footnote-71)

Table 5 identifies the responsible entity for each required one-stop partner.[[72]](#footnote-72)

*Table 5. Required One-stop Partner Responsible Entities*

| Required One-stop Partner | Responsible Entity | Contact Person |
| --- | --- | --- |
| 1. Adult Education and Family Literacy Act (AEFLA) programs | Nebraska Department of Education  Note: The Nebraska Department of Education may delegate its responsibilities to 1 or more eligible AEFLA providers in the local area. | Tate Lauer, State Director, [tate.lauer@nebraska.gov](mailto:tate.lauer@nebraska.gov) |
| 1. Adult, Dislocated Worker, and Youth programs (WIOA Title IB) | Administrative entity in the local area | * Greater Omaha: Erin Porterfield, Executive Director, [eporterfield@hws-ne.org](mailto:eporterfield@hws-ne.org) * Greater Nebraska: Shannon Grotrian, Workforce Administrator, [shannon.grotrian@nebraska.gov](mailto:shannon.grotrian@nebraska.gov) * Greater Lincoln: Jan Norlander-Jensen, Workforce Administrator, [jnjensen@lincoln.ne.gov](mailto:JNJensen@lincoln.ne.gov) |
| 1. Carl D. Perkins Career and Technical Education programs | Eligible recipient(s) or a consortium of recipients at the postsecondary level in the local area  Note: The eligible recipient(s) may request assistance from the Nebraska Department of Education Career Education Program in completing its responsibilities. | Rich Katt, State Director, [rich.katt@nebraska.gov](mailto:Rich.Katt@nebraska.gov) |

| Required One-stop Partner | Responsible Entity | Contact Person |
| --- | --- | --- |
| 1. Employment and training activities carried out by the Department of Housing and Urban Development | Grant recipient, administrative entity, or organization responsible for administering program funds in the local area | To be identified by the local board |
| 1. Employment and training activities carried out under a Community Services Block Grant | Grant recipient, administrative entity, or organization responsible for administering program funds in the local area | Doug Weinberg, Director, Children & Family Services, [doug.weinberg@nebraska.gov](mailto:Doug.Weinberg@nebraska.gov) |
| 1. Second Change Act (ex-offender) programs | Grant recipient, administrative entity, or organization responsible for administering program funds in the local area | To be identified by the local board |
| 1. Job Corps | Job Corps center in local area  Note: This applies only to the Greater Nebraska Workforce Development Area, which is the only local area in which a Job Corps center operates. | Tammy Calamari, Director, Pine Ridge Job Corps Civilian Conservation Center, phone 308.432.3316 |
| 1. Jobs for Veterans State Grants programs | Nebraska Department of Labor | Joan Modrell, Director, Office of Employment and Training, Nebraska Department of Labor, [joan.modrell@nebraska.gov](mailto:joan.modrell@nebraska.gov) |
| 1. Migrant and Seasonal Farmworker programs | Grant recipient, administrative entity, or organization responsible for administering program funds in the local area | * Susan Billups Rabick, Regional Director, Lincoln, Proteus, Inc., [susanb@proteusinc.net](mailto:susanb@proteusinc.net) * Mindy Fisher, Case Manager, North Platte, Proteus, Inc., [mindyf@proteusinc.net](mailto:mindyf@proteusinc.net) |
| 1. Native American programs | Grant recipient, administrative entity, or organization responsible for administering program funds in the local area | Indian Center, Inc., operates in all local areas: Bobby Robinette, Acting Executive Director, phone 402.438.5231 ext. 113  (emails may be sent to Cristi Thaut, WIOA Program Director, [cthaut@icindn.org](mailto:cthaut@icindn.org), Cristi will route to Bobby) |
| 1. Programs authorized under Nebraska’s Unemployment Compensation law | Nebraska Department of Labor | Evan Littrell, Administrator, [evan.littrell@nebraska.gov](mailto:Evan.Littrell@nebraska.gov) |
| 1. Senior Community Service Employment Program | Nebraska Department of Health and Human Services, State Unit on Aging | * State contact: Madhavi Bhadbhade, Program Coordinator, [madhavi.bhadbhade@nebraska.gov](mailto:madhavi.bhadbhade@nebraska.gov) * Interim local contact: Patricia Wilkins, [pwilkins@nationalable.org](mailto:pwilkins@nationalable.org) |
| 1. Trade Adjustment Assistance programs | Nebraska Department of Labor | Joan Modrell, Director, Office of Employment and Training, [joan.modrell@nebraska.gov](mailto:joan.modrell@nebraska.gov) |
| 1. Vocational Rehabilitation: Blind | Nebraska Commission for the Blind and Visually Impaired | Pearl Van Zandt, Executive Director, [pearl.vanzandt@nebraska.gov](mailto:pearl.vanzandt@nebraska.gov) |
| 1. Vocational Rehabilitation: General | Nebraska Vocational Rehabilitation Program | Mark Schulz, Deputy Commissioner/Director, [mark.schultz@nebraska.gov](mailto:Mark.Schultz@nebraska.gov) |
| 1. Wagner-Peyser Employment Service programs | Nebraska Department of Labor | Joan Modrell, Director, Office of Employment and Training, [joan.modrell@nebraska.gov](mailto:joan.modrell@nebraska.gov) |
| 1. Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program | Administrative entity in the local area *or* the state agency | Doug Weinberg, Director, Children & Family Services, [doug.weinberg@nebraska.gov](mailto:Doug.Weinberg@nebraska.gov) |
| 1. YouthBuild programs | Grant recipient, administrative entity, or organization responsible for administering program funds in the local area | To be identified by the local board |

# **Career Services**

Under WIOA, there are three (3) types of career services:[[73]](#footnote-73) basic, individualized, and follow-up.

## Basic Career Services

Basic career services must be made available to each individual accessing an AJC and must be made available otherwise through the local workforce delivery system. Basic career services must also be made available to local employers.

Table 6 lists the basic career services that must be provided.[[74]](#footnote-74)

In addition to the basic career services, TANF agencies must identify all other employment services and related support services being provided by the TANF program in the local area that qualify as career services and ensure access to those services through the local workforce delivery system.

*Table 6. Required Basic Career Services*

| Service Description |
| --- |
| 1. Eligibility determination for WIOA Title IB Adult, Dislocated Worker, and Youth programs |
| 1. Outreach, intake (including profiling), and orientation to information and other services available through the local workforce delivery system, including: 2. an opportunity to initiate an application for TANF assistance and non-assistance benefits and services, which could be implemented through the provision of paper application forms or links to an application web site |
| 1. Initial assessment of skill levels including literacy, numeracy, and English-language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive services needs |
| 1. Labor exchange services, including: 2. job search and placement assistance and career counseling (when needed by an individual), including provision of information on in-demand industry sectors and occupations and nontraditional employment; 3. appropriate recruitment and other business services on behalf of employers, including labor market information and referrals to specialized business services other than those traditionally offered through the local workforce delivery system; and 4. development of on-the-job training contracts and employer job development for unsubsidized placements |
| 1. Provision of referrals to and coordination of activities with other programs and services, including programs and services within the local workforce delivery system and, when appropriate, other workforce development programs |
| 1. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including: 2. job vacancy listings in labor market areas; 3. information on job skills necessary to obtain the vacant jobs listed; and 4. information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those occupations |
| 1. Provision of performance information and program cost information on Eligible Training Providers by program and type of providers |
| 1. Provision of information, in usable and understandable formats and languages, relating to how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the local workforce delivery system |
| 1. Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: 2. child care; 3. child support; 4. medical or child health assistance available through Nebraska's Medicaid program and Children's Health Insurance Program; 5. benefits under SNAP; and 6. assistance through the earned income tax credit; and 7. assistance under Nebraska's TANF program and other supportive services and transportation provided through TANF |
| 1. Provision of information and meaningful assistance[[75]](#footnote-75) to individuals seeking assistance in filing a claim for unemployment compensation |
| 1. Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA |

## Individualized Career Services

Individualized career services are tailored to each program participant to best meet the individual’s needs, if determined appropriate in order for an individual to obtain or retain employment, and must be made available through the local workforce delivery system.

Table 7 lists the individualized career services that must be made available.[[76]](#footnote-76)

*Table 7. Individualized Career Services*

| Service Description |
| --- |
| 1. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include: 2. diagnostic testing and use of other assessment tools; and 3. in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals |
| 1. Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including information on and access to the Eligible Training Provider List |
| 1. Group counseling |
| 1. Individual counseling |
| 1. Career planning[[77]](#footnote-77) |
| 1. Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training |
| 1. Internships and work experiences that are linked to careers |
| 1. Workforce preparation activities |
| 1. Financial literacy services |
| 1. Out-of-area job search assistance and relocation assistance |
| 1. English-language acquisition programs and integrated education and training programs[[78]](#footnote-78) |

## Follow-up Career Services

Follow-up services must be provided for up to twelve (12) months after an individual’s first day of employment, as appropriate.

Follow-up career services include counseling regarding the workplace for participants in Adult or Dislocated Worker programs who are placed in unsubsidized employment.

# **Example MOU Template**

Each MOU among the local board, CEO, and one-stop partners must meet the following requirements.

## Background and Services

### Parties to the MOU

1. Identify the parties to the MOU:
   1. the local board;
   2. the CEO; and
   3. each one-stop partner signing the MOU.
2. Identify the one-stop partner program(s) covered by the MOU.
3. Identify the authorized signatory for each party to the MOU.

### One-stop Operator

1. Identify the one-stop operator for the local workforce delivery system.

### Purpose and Scope of the MOU

1. Describe the general purpose and scope of the MOU.

### Vision for the Local Workforce Delivery System

1. Describe the vision, goals, and strategies for the local workforce delivery system shared among the local board, CEO, and all one-stop partners, which must be consistent with the vision, goals, and strategies articulated in the Combined State Plan, the local board’s regional and local plan, and NDOL’s current policy on memorandums of understanding and funding of local workforce delivery system operations.
2. Define which aspects of the vision are currently in place.
3. Outline the steps to be taken and general timeliness for implementing aspects of the vision that are not currently in place.

### Design of the Local Workforce Delivery System

1. Describe the design of the local workforce delivery system, including the:
   1. location of each AJC, affiliate site(s), eligible one-stop partner(s) linked to an affiliate site(s), and specialized center(s);
   2. one-stop partners co-located in each AJC and their occupancy status:
      1. intermittent: less than 50% of the time the AJC is open for business;
      2. part-time: more than 50% (but not 100%) of the time the AJC is open for business; or
      3. full-time: 100% of the time the AJC is open for business;
   3. one-stop partners located in an affiliate site(s) and their occupancy status:
2. intermittent: less than 50% of the time the affiliate site is open for business;
3. part-time: more than 50% (but not 100%) of the time the affiliate site is open for business; or
4. full-time: 100% of the time the affiliate site is open for business;
   1. eligible one-stop partner(s) linked to affiliate site(s) and specialized center(s);
5. Describe the roles of the:
   1. one-stop operator, including the:
6. procurement process for selection of the one-stop operator;
7. functions of and scope of work for the one-stop operator as defined in the local board’s Request for Proposal; and
8. one-stop operator’s role and responsibilities for coordinating referrals among required one-stop partners;
   1. one-stop partners in the AJC and any affiliate site(s);
   2. eligible one-stop partner(s) linked to an affiliate site(s); and
   3. specialized center(s)).

### Service Delivery

1. Complete the local workforce delivery system service matrix (provided as [Attachment 1](#_Local_Workforce_Delivery) to this Example MOU Template).
2. Describe in detail the location(s) at which the programs and services described in [Attachment 1](#_Local_Workforce_Delivery) will be accessible.
3. Describe the process for developing and implementing methods of service delivery in a shared and collaborative manner through the local workforce delivery system, including the:
   1. common intake, employability plan, career pathways, and employer services provided by each one-stop partner in a non-duplicative way for the job seeker and employer;
   2. career services to be provided by each one-stop partner, including any one-stop partner that is not party to the MOU;
   3. other program services to be provided by each one-stop partner, including any one-stop partner that is not party to the MOU;
   4. method of service delivery for each one-stop partner providing programs and services (physical presence, direct linkage, *etc*.), including any one-stop partner that is not party to the MOU;
   5. methods for referring individuals between the one-stop operator and one-stop partners in order to obtain services, such as use of an online referral mechanism;
   6. methods for referring program participants between one-stop partner programs;
   7. method of tracking referrals among one-stop partner programs;
   8. manner in which the services, such as intake, orientation and assessment, will be coordinated and delivered through the local workforce delivery system;
   9. methods for ensuring that the needs of job seekers and individuals with barriers to employment, including individuals with disabilities, are addressed when it comes to providing access to services including access to technology and materials that are available through the local workforce delivery system; and
   10. specific arrangements to assure that individuals with barriers to employment, including individuals with disabilities, can access available services (must be consistent with NDOL’s current policies on accessibility and non-discrimination).
4. Describe how technology will be utilized to increase access to programs and services, particularly in rural areas.

Note: The local board must be as specific when describing the differences in referral methods between the one-stop operator one-stop partner programs and among one-stop partner programs.

## Term

### MOU Development; Term; Amendment, Review, and Renewal Procedures

1. Provide the effective date and term (duration) of the MOU, which must be no longer than 3 years.
2. Describe the procedures the local board will follow for amending the MOU, including amendments required to:
   1. incorporate the AFA and any IFA;
   2. if applicable, incorporate the AFA subsequent to an IFA;
   3. reflect any changes in:
3. the authorized signatory for the local board, CEO, or one-stop partner(s); or
4. the AFA and any IFA;
   1. if applicable, reflect final one-stop partner infrastructure cost contributions subsequent to a one-stop partner appeal to NDOL regarding infrastructure costs determined under the state funding mechanism;
5. Describe the procedures followed by the local board, CEO, and one-stop partners for development and negotiation of the MOU and AFA.
6. Describe the procedures the local board and CEO will follow when consensus is not reached while negotiating amendments to the MOU, including future AFAs.
7. Described the procedures and timelines the local board will follow for review and renewal of the MOU, which must occur no less frequently than once every 3 years.
8. Describe the procedures and timelines the local board will follow for review and renewal of the AFA, which must occur no less frequently once every year.

## Annual Funding Agreement (AFA)

### Costs of Local Workforce Delivery System Operations

1. Provide the AFA for infrastructure and additional costs of local workforce delivery system operations that includes:
2. identification of the local board, CEO, and all one-stop partners participating in the funding arrangement;
3. a provision defining the effective date and term (duration) of the AFA, which must be no longer than one (1) year;
4. an annual comprehensive budget for infrastructure and additional costs that provides for joint funding local workforce delivery system operations using methods permitted under 20 CFR §§ 678.700 – 678.755 and 678.760, as described in [APPENDIX VII](#_Permitted_Methods_of) of the policy and based on the requirements stated in [Attachment 2](#_Budget_Template_for_1) to this Example MOU Template); and
5. provisions describing the:
6. reasonable cost allocation methodology for charging each one-stop partner in proportion to the one-stop partner’s use of the local workforce delivery system (costs must be allowable, reasonable, necessary, and allocable) and relative benefit received;
7. amount to be contributed by each one-stop partner;
8. each one-stop partner’s method of contribution (cash, fairly evaluated non-cash, third-party in-kind, philanthropic, or private contributions or other alternative financing options);
9. steps the local board, CEO, and one-stop partners used to reach consensus; and
10. procedures and timelines for periodic review of one-stop partner contributions and reconciliation of actual costs incurred, which must occur no less frequently than quarterly to ensure that the actual costs charged to each one-stop partner are proportionate to the one-stop partner’s use of the AJC and local workforce delivery system and relative benefit received.

### Signatures of Parties to the Annual Funding Agreement (AFA)

1. Include all signatures of parties to the AFA and the dates of signatures.

## Accessibility

### Physical Accessibility

1. Describe how the local board will assure physical accessibility to the AJC, including how the one-stop operator and AJC and program staff will:
   1. provide reasonable accommodations for individuals with disabilities;
   2. administer programs in the most integrated setting(s) appropriate;
   3. communicate with persons with disabilities as effectively as with others; and
   4. provide appropriate auxiliary aids and services, including assistive technology devices and services, when necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity.
2. Describe how the local board will assure physical accessibility to the AJC, including:
   1. utilizing the “American Job Center” or “a proud partner of the American Job Center network” identifier, as required under WIOA Sec. 121(e)(4), 20 CFR § 678.900, and 34 CFR § 463.900, on all:
      1. signage;
      2. products;
      3. programs;
      4. activities;
      5. services;
      6. electronic resources; and
      7. facilities and related property;
   2. making the physical location of the AJC simple to find and identify with easy-to-see signage on the exterior and interior of the facility;
   3. whether the location of the AJC is recognizable in a high-traffic area;
   4. whether access to public transportation is available within reasonable walking distance from the AJC;
   5. whether the AJC has a dedicated parking lot or street parking;
   6. whether the dedicated parking lot or street parking provides parking spaces closest to the AJC doors and are marked or reserved for individuals with disabilities;
   7. how the AJC provides for the physical accessibility of the AJC to individuals with disabilities;
   8. how the AJC’s layout supports a culture of inclusiveness; and
   9. making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities.

### Programmatic Accessibility

1. Describe how the local board will assure accessibility to programs and services provided at and through the AJC and the local workforce delivery system, including how well the AJC and local workforce delivery system ensure:
2. equal opportunity for individuals with disabilities to participate in or benefit from AJC services, regardless of their:
3. range of abilities;
4. mobility;
5. age;
6. primary language;
7. learning style; and
8. intelligence or education level;
9. services are provided on-demand and in real-time in the physical location of the AJC or via technology through direct linkage.

## Data Sharing

### Data Sharing

1. Describe how core one-stop partner programs will share data and information and collaborate to assure that all common primary indicators of performance for the core one-stop partner programs in the local area will be achieved.
   1. Core one-stop partner programs include:
2. WIOA Title IB: Adult, Dislocated Worker, and Youth programs;
3. WIOA Title II: Adult Education and Family Literacy Act programs;
4. WIOA Title III: Wagner-Peyser Employment Service programs; and
5. WIOA Title IV programs:
   * + 1. Nebraska Commission for the Blind and Visually Impaired; and
       2. Nebraska Vocational Rehabilitation Program.
6. Explain how other one-stop partners will share data and information and collaborate to assure each achieves its performance goals;
7. Explain how use of Personally Identifiable Information (PII) will adhere to and comply with all applicable Federal, state, and local privacy laws, rules, and regulations.

## Assurances

### Assurances

1. Provide assurances that:
   1. except as permitted under 20 CFR § 678.620(b)(2) (see [Section I(e)(1)(B)](#_Exception) of the policy), the one-stop operator will not perform any of the prohibited activities described in 20 CFR § 678.620(b), which include:
2. convening system stakeholders to assist in the development of the local plan;
3. preparing and submitting local plans;
4. having responsibility for or providing self-oversight ;
5. managing or significantly participating in the competitive selection process for a one-stop operator;
6. selecting or terminating:
   * + 1. a one-stop operator;
       2. career services; or
       3. youth providers;
7. negotiating local performance accountability measures; or
8. developing and submitting budgets for any activities of the local board;
   1. if applicable, the one-stop operator, prior to performing any of the prohibited activities described directly above in subsection 1.a.:
9. serves a different role within the one-stop delivery system, in addition to its role as one-stop operator, and provide a description of that role;
10. has established sufficient firewalls and conflict-of-interest policies and procedures; and
11. has established a written agreement with the local board and CEO specifying how the one-stop operator will carry out its responsibilities while demonstrating compliance with the requirements of WIOA and its corresponding rules and regulations, relevant circulars issued by the Office of Management and Budget, and NDOL’s current policy on conflict of interest;
    1. the local board, CEO, and one-stop partners developed and will develop the MOU and AFA and any IFA based on good faith negotiations;
    2. the local board provided and will provide technical assistance to new one-stop partners and local grant recipients to ensure that those entities are informed and knowledgeable of the elements contained in any AFA and any IFA;
    3. one-stop partner contributions:
12. have been and will be negotiated among the local board, CEO, and one-stop partner(s);
13. have been and will be calculated in accordance with the requirements of the Uniform Guidance (2 CFR Parts 200 and 2900); and
14. are and will be based on a reasonable cost allocation methodology and are allowable, reasonable, necessary, and allocable;
    1. the local board:
15. worked and will work with one-stop partners to achieve consensus and informally mediate any possible conflicts or disagreements among the one-stop partners; or
16. will follow the requirements of this policy as they relate to funding of the local workforce delivery system under the state funding mechanism;
    1. the local board ensured and will ensure the one-stop partners adhere to the requirements of this policy relating to the funding of infrastructure and additional costs;
    2. the local board will review and amend, as needed and required, the MOU and AFA no less frequently than on an annual basis to ensure appropriate funding of and delivery of services through the local workforce delivery system;
    3. that use of Personally Identifiable Information (PII) will adhere to and be in compliance with all applicable Federal, state, and local privacy laws, rules, and regulations;
    4. the provisions, terms, and conditions of the MOU are consistent with WIOA provisions, rules, and regulations and the authorizing laws, rules, and regulations of one-stop partner programs, including but not limited to the Uniform Guidance, and all other applicable laws, rules, regulations, and legal requirements; and
    5. the MOU will be available to the public through electronic means, including websites, and in written form and through whatever other means the local board and one-stop partners use to disseminate information to the public.

## Signatures

### Authority

1. Include a statement that the individuals signing the MOU on behalf of the local board, CEO, and one-stop partner(s) have authority to represent and sign on behalf of the applicable party to the MOU.

### Signatures of Parties to the MOU

1. Include all signatures of parties to the MOU and the dates of signatures.

## Additional Local Provisions (Optional)

1. Include any additional provisions agreed upon by the local board, CEO, and one-stop partner(s) signing the MOU.

## Attachments

1. Attach the fully completed Local Workforce Delivery System Service Matrix (provided below as [Attachment 1](#_Local_Workforce_Delivery) to the Example MOU Template), which includes:
   1. career services available through the local workforce delivery system;
   2. other programs and activities available through the local workforce delivery system; and
   3. the service delivery method for each career service provided through the local workforce delivery system.
2. Attach, as Attachment 2 (see [Attachment 2](#_Budget_Template_for_1) to the Example MOU Template), the local board’s:
   1. annual comprehensive budget for infrastructure and additional costs of local workforce delivery system operations; and
   2. proportionate share budget for each one-stop partner participating in the AFA or IFA, as applicable.
3. Attach any other attachments developed and agreed upon by the local board, CEO, and one-stop partner(s).

### Local Workforce Delivery System Service Matrix

#### *Basic Career Services available through the Local Workforce Delivery System*

INSTRUCTIONS:

1. For all one-stop partners, indicate the one-stop partner program providing the basic career service identified in the column header by entering that one-stop partner’s method of delivery for the service.
2. For example, if AEFLA (WIOA Title II) provides initial skills assessment services through direct linkage to the AJC, enter “direct linkage” in column 3.
3. If a partner does not provide a particular basic career service, enter “not applicable” in the partner’s row in the appropriate column. (See [APPENDIX II](#_Career_Services) of the policy for information on basic career services.)

| Required or optional one-stop partner | 1.  Eligibility for Title IB | 2.  Outreach, intake, orientation | 3.  Initial Skills Assessment | 4.  Labor exchange services | 5.  Referral and coordination with other programs | 6.  Workforce and labor market information | 7.  Performance and cost information for Eligible Training Providers and programs | 8.  Local Area performance information | 9.  Information on the availability of supportive services | 10.  Information and meaningful assistance with UI claims | 11.  Assistance establishing eligibility for financial aid for non-WIOA training and education |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Adult Education and Family Literacy Act (AEFLA) program (WIOA Title II) |  |  |  |  |  |  |  |  |  |  |  |
| Adult, Dislocated Worker, and Youth programs (WIOA Title IB) |  |  |  |  |  |  |  |  |  |  |  |
| Career and technical education programs at the postsecondary level |  |  |  |  |  |  |  |  |  |  |  |
| Employment and training activities carried out by the Department of Housing and Urban Development |  |  |  |  |  |  |  |  |  |  |  |

| Required or optional one-stop partner | 1.  Eligibility for Title IB | 2.  Outreach, intake, orientation | 3.  Initial Skills Assessment | 4.  Labor exchange services | 5.  Referral and coordination with other programs | 6.  Workforce and labor market information | 7.  Performance and cost information for Eligible Training Providers and programs | 8.  Local Area performance information | 9.  Information on the availability of supportive services | 10.  Information and meaningful assistance with UI claims | 11.  Assistance establishing eligibility for financial aid for non-WIOA training and education |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Employment and training activities carried out under the Community Services Block Grant |  |  |  |  |  |  |  |  |  |  |  |
| Ex-offender (Second Chance Act) programs |  |  |  |  |  |  |  |  |  |  |  |
| Job Corps (WIOA Title IC) |  |  |  |  |  |  |  |  |  |  |  |
| Jobs for Veterans State Grants programs |  |  |  |  |  |  |  |  |  |  |  |
| Migrant and Seasonal Farmworker programs (WIOA Title ID) |  |  |  |  |  |  |  |  |  |  |  |
| Native American programs (WIOA Title ID) |  |  |  |  |  |  |  |  |  |  |  |
| Programs authorized under Nebraska’s Unemployment Compensation law |  |  |  |  |  |  |  |  |  |  |  |
| Senior Community Service Employment Program |  |  |  |  |  |  |  |  |  |  |  |
| Trade Adjustment Assistance activities |  |  |  |  |  |  |  |  |  |  |  |
| Nebraska Vocational Rehabilitation Program (WIOA Title IV) |  |  |  |  |  |  |  |  |  |  |  |
| Nebraska Commission for the Blind and Visually Impaired (WIOA Title IV) |  |  |  |  |  |  |  |  |  |  |  |

| Required or optional one-stop partner | 1.  Eligibility for Title IB | 2.  Outreach, intake, orientation | 3.  Initial Skills Assessment | 4.  Labor exchange services | 5.  Referral and coordination with other programs | 6.  Workforce and labor market information | 7.  Performance and cost information for Eligible Training Providers and programs | 8.  Local Area performance information | 9.  Information on the availability of supportive services | 10.  Information and meaningful assistance with UI claims | 11.  Assistance establishing eligibility for financial aid for non-WIOA training and education |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Wagner-Peyser Act Employment Service program (WIOA Title III) |  |  |  |  |  |  |  |  |  |  |  |
| Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program |  |  |  |  |  |  |  |  |  |  |  |
| YouthBuild programs (WIOA Title ID) |  |  |  |  |  |  |  |  |  |  |  |
| Optional one-stop partner (specify): |  |  |  |  |  |  |  |  |  |  |  |
| Optional one-stop partner (specify): |  |  |  |  |  |  |  |  |  |  |  |

#### *Individualized and Follow-up Career Services available through the Local Workforce Delivery System*

INSTRUCTIONS

1. For all one-stop partners, indicate the one-stop partner program providing the individualized or follow-up career service identified in the column header by entering that one-stop partner’s method of delivery for the service.
2. For example, if AEFLA (WIOA Title II) provides comprehensive and specialized skills assessment services onsite at the AJC, enter “onsite at AJC” in column 1.
3. If a partner does not provide a particular individualized or follow-up career service, enter “not applicable” in the partner’s row in the appropriate column. (See [APPENDIX II](#_Career_Services) of the policy for information on individualized and follow-up career services.)

| Required or optional one-stop partner | 1.  Comprehensive and specialized assessments | 2.  Development of an individual employment plan or individual service strategy | 3.  Group counseling | 4.  Individual counseling | 5.  Career planning | 6.  Short-term pre-vocational services | 7.  Internships and work experience | 8.  Workforce preparation activities | 9.  Financial literacy services | 10.  Out-of-area job search assistance | 11.  English language acquisition | 12.  Follow-up services for adult and dislocated workers |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Adult Education and Family Literacy Act (AEFLA) program (WIOA Title II) |  |  |  |  |  |  |  |  |  |  |  |  |
| Adult, Dislocated Worker, and Youth programs (WIOA Title IB) |  |  |  |  |  |  |  |  |  |  |  |  |
| Career and technical education programs at the postsecondary level |  |  |  |  |  |  |  |  |  |  |  |  |
| Employment and training activities carried out by the Department of Housing and Urban Development |  |  |  |  |  |  |  |  |  |  |  |  |
| Employment and training activities carried out under the Community Services Block Grant |  |  |  |  |  |  |  |  |  |  |  |  |

| Required or optional one-stop partner | 1.  Comprehensive and specialized assessments | 2.  Development of an individual employment plan or individual service strategy | 3.  Group counseling | 4.  Individual counseling | 5.  Career planning | 6.  Short-term pre-vocational services | 7.  Internships and work experience | 8.  Workforce preparation activities | 9.  Financial literacy services | 10.  Out-of-area job search assistance | 11.  English language acquisition | 12.  Follow-up services for adult and dislocated workers |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Ex-offender (Second Chance Act) programs |  |  |  |  |  |  |  |  |  |  |  |  |
| Job Corps (WIOA Title IC) |  |  |  |  |  |  |  |  |  |  |  |  |
| Jobs for Veterans State Grants programs |  |  |  |  |  |  |  |  |  |  |  |  |
| Migrant and Seasonal Farmworker programs (WIOA Title ID) |  |  |  |  |  |  |  |  |  |  |  |  |
| Native American programs (WIOA Title ID) |  |  |  |  |  |  |  |  |  |  |  |  |
| Programs authorized under Nebraska’s Unemployment Compensation law |  |  |  |  |  |  |  |  |  |  |  |  |
| Senior Community Service Employment Program |  |  |  |  |  |  |  |  |  |  |  |  |

| Required or optional one-stop partner | 1.  Comprehensive and specialized assessments | 2.  Development of an individual employment plan or individual service strategy | 3.  Group counseling | 4.  Individual counseling | 5.  Career planning | 6.  Short-term pre-vocational services | 7.  Internships and work experience | 8.  Workforce preparation activities | 9.  Financial literacy services | 10.  Out-of-area job search assistance | 11.  English language acquisition | 12.  Follow-up services for adult and dislocated workers |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Trade Adjustment Assistance activities |  |  |  |  |  |  |  |  |  |  |  |  |
| Nebraska Vocational Rehabilitation Program (WIOA Title IV) |  |  |  |  |  |  |  |  |  |  |  |  |
| Nebraska Commission for the Blind and Visually Impaired (WIOA Title IV) |  |  |  |  |  |  |  |  |  |  |  |  |
| Wagner-Peyser Act Employment Service program (WIOA Title III) |  |  |  |  |  |  |  |  |  |  |  |  |
| Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program |  |  |  |  |  |  |  |  |  |  |  |  |
| YouthBuild programs (WIOA Title ID) |  |  |  |  |  |  |  |  |  |  |  |  |
| Optional one-stop partner (specify): |  |  |  |  |  |  |  |  |  |  |  |  |
| Optional one-stop partner (specify): |  |  |  |  |  |  |  |  |  |  |  |  |

#### *Other Programs and Activities Available through the Local Workforce Delivery System*

INSTRUCTIONS: For each one-stop partner that offers other programs and activities through the AJC, provide a concise description of the program or activity including that partner’s method of delivery for the service. If a partner does not provide other programs or activities through the AJC, enter “not applicable” in that partner’s row in column 2.

| Required Partner | Other Programs and Activities Provided |
| --- | --- |
| 1. Adult Education and Family Literacy Act (AEFLA) program (WIOA Title II) |  |
| 1. Adult, Dislocated Worker, and Youth programs (WIOA Title IB) |  |
| 1. Career and technical education programs at the postsecondary level |  |
| 1. Employment and training activities carried out by the Department of Housing and Urban Development |  |
| 1. Employment and training activities carried out under the Community Services Block Grant |  |
| 1. Ex-offender (Second Chance Act) programs |  |
| 1. Job Corps (WIOA Title IC) |  |
| 1. Jobs for Veterans State Grants programs |  |
| 1. Migrant and Seasonal Farmworker programs (WIOA Title ID) |  |
| 1. Native American programs (WIOA Title ID) |  |
| 1. Programs authorized under Nebraska’s Unemployment Compensation law |  |
| 1. Senior Community Service Employment Program |  |
| 1. Trade Adjustment Assistance activities |  |
| 1. Nebraska Commission for the Blind and Visually Impaired (WIOA Title IV) |  |
| 1. Nebraska Vocational Rehabilitation Program (WIOA Title IV) |  |
| 1. Wagner-Peyser Act Employment Service program (WIOA Title III) |  |
| 1. Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program |  |
| 1. YouthBuild programs (WIOA Title ID) |  |
| 1. Optional one-stop partner (specify): |  |
| 1. Optional one-stop partner (specify): |  |

### Budget for Funding of Local Workforce Delivery System Operations

INSTRUCTIONS: The local board must provide:

* an annual comprehensive budget for infrastructure and additional costs of local workforce delivery system operations; and
* a proportionate share budget for each one-stop partner participating in the AFA or IFA, as applicable, including the:
  + percentage of the annual comprehensive budget each required one-stop partner will pay; and
  + method of payment for each required one-stop partner.

#### Annual Comprehensive Budget for Infrastructure and Additional Costs

Illustration 1 diagrams the organization of infrastructure and additional costs of the local workforce delivery system operations.

*Illustration 1. Local Workforce Delivery System Operating Costs*

Local workforce delivery system operating costs

Infrastructure costs

Additional costs

Must include Career Services

May include shared operating costs and costs for shared services

The annual comprehensive budget for infrastructure and additional costs of local workforce delivery system operations must be organized as diagramed in Illustration 1. For examples of infrastructure costs and additional costs, see [APPENDIX IV](#_List_of_Possible).

#### Proportionate Share Budgets

Proportionate share budgets must document the reasonable cost allocation methodology for charging each one-stop partner in proportion to the partner’s use of the local workforce delivery system (costs must be allowable, reasonable, necessary, and allocable) and relative to the benefit received, including the:

* percentage of the annual comprehensive budget each required one-stop partner will pay; and
* method of payment for each required one-stop partner.

To demonstrate the percentage of the annual comprehensive budget each required one-stop partner will pay, the local board must complete Forms 1 and 2 (provided below).

*Form 1. Percentage Contributions by Required One-stop Partners*

|  |  |
| --- | --- |
| Required One-Stop Partner | Percentage Contribution to Local Workforce Delivery System Operating Costs |
| 1. Adult Education and Family Literacy Act (AEFLA) program |  |
| 1. Adult, Dislocated Worker, and Youth programs |  |
| 1. Career and technical education programs at the postsecondary level |  |
| 1. Employment and training activities carried out by the Department of Housing and Urban Development |  |
| 1. Employment and training activities carried out under the Community Services Block Grant |  |
| 1. Ex-offender (Second Chance Act) programs |  |
| 1. Job Corps |  |
| 1. Jobs for Veterans State Grants programs |  |
| 1. Migrant and Seasonal Farmworker programs |  |
| 1. Native American programs |  |
| 1. Programs authorized under Nebraska’s Unemployment Compensation law |  |
| 1. Senior Community Service Employment Program |  |
| 1. Trade Adjustment Assistance programs |  |
| 1. Nebraska Commission for the Blind and Visually Impaired |  |
| 1. Nebraska Vocational Rehabilitation Program |  |
| 1. Wagner-Peyser Act Employment Service program |  |
| 1. Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program |  |
| 1. YouthBuild programs |  |

*Form 2. Percentage Contributions by Optional One-stop Partners*

|  |  |
| --- | --- |
| Required One-Stop Partner | Percentage Contribution to Local Workforce Delivery System Operating Costs |
| 1. Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program |  |
| 1. Employment and training programs carried out by the Small Business Administration; |  |
| 1. Supplemental Nutrition Assistance Program (SNAP) employment and training programs |  |
| 1. Client Assistance Programs |  |
| 1. Programs authorized under the National and Community Service Act of 1990 |  |
| 1. Other appropriate Federal, State or local programs, including, but not limited to, employment, education, and training programs provided by public libraries or in the private sector |  |

# **Lists of Local Workforce Delivery System Infrastructure and Additional Costs Line Items with Descriptions**

## Infrastructure Costs

Infrastructure costs are non-personnel costs that are necessary for the general operation of the local workforce delivery system.[[79]](#footnote-79)

* Non-personnel costs are all costs that are not compensation for personnel costs. For example, technology-related services performed by vendors or contractors are non-personnel costs and may be identified as infrastructure costs if they are necessary for the general operation of the one-stop center. Such costs would include service contracts with vendors or contractors, equipment, and supplies.

Tables 8 through 10 provide lists of examples of allowable infrastructure costs. The lists are not exhaustive.

*Table 8. Allowable Local Workforce Delivery System Infrastructure Costs - Facilities*

| Facilities Costs Category/Line Item | Line Item Definition |
| --- | --- |
| Lease cost | Annual amount due for AJC space costs pursuant to a lease or other contractual arrangement |
| Facility maintenance | Annual costs for upkeep and maintenance of leased space, including grounds keeping, trash and shredding, if not already included as part of the lease |
| Property and casualty insurance | Annual cost of property and general liability insurance for the space, if not already included in the lease |
| Security services | Cost of third party contractors and/or camera-based surveillance, if not already included in the lease |
| Cleaning services | Cost of janitorial services, if not already included in the lease |
| Utilities | Electricity, water, gas and other utility costs associated with the AJC space, if not included in the lease cost |
| Equipment | Costs of shared computers, printers, fax machines, copiers, postage machines utilized for the operation of the AJC and related maintenance and supply costs |

*Table 9. Allowable Local Workforce Delivery System Infrastructure Costs - Technology*

|  |  |
| --- | --- |
| Technology Costs Category/Line Item | Line Item Definition |
| Telecommunications, including Internet | Cost of phone and internet connectivity in the resource room and other shared spaces in the AJC |
| Assessment-related and assistive technology | Cost of assessment-related and assistive technology enabling individuals with disabilities to utilize the resource room or other services provided at the AJC |
| Planning and outreach | Cost of technology used for the AJC’s planning and outreach activities including costs associated with the development and use of the common identifier |

*Table 10. Allowable Local Workforce Delivery System Infrastructure Costs – Common Identifier*

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| --- | --- |
| Marketing Costs Related to Common Identifier | Line Item Definition |
| Signage | One-time costs associated with new exterior and interior signage displaying the common identifier |
| Other common identifier costs | Printed materials, costs of website changes, business cards and similar costs incurred to implement the common identifier |

## Additional Costs

Additional (shared) costs must include applicable career services and may include shared operating costs, shared services, and any other additional costs necessary to maintain a fully functioning and successful local one-stop delivery system.[[80]](#footnote-80)

*Table 11. Allowable Local Workforce Delivery System Additional costs*

| Cost Type | Examples of Possible Additional Costs |
| --- | --- |
| Costs related to local board functions | * Salary, benefits and other expenses associated with staffing board functions * Board meeting costs * Audit costs of incorporated boards * Errors and omissions insurance for board directors and officers * Non-technology costs associated with marketing services to employers and other customers * Non-technology costs of strategic data gathering and analysis projects intended to isolate area workforce needs, priorities and issues |
| Costs to promote integration and streamlining of services | * Joint staff training, including staff of comprehensive one-stop centers * Customer satisfaction measurement * Business services * Receptionist at the AJC * Resource room materials and staffing costs at the AJC or affiliated sites |
| Shared services and operating costs for required one-stop partners | * Delivery of career services * Shared services * Shared operating costs * Any allowable non-technology cost item (*e.g.*, initial intake or needs assessments) agreed upon by local required one-stop partners |

# **Report of Outcomes from Local MOU and Funding Agreement Negotiations**

| Local Workforce Development Area (Local Area): |  |
| --- | --- |

| Local Workforce Development Board (Local Board): |  |
| --- | --- |

| Chief Elected Official (CEO) |  |
| --- | --- |

Notice is provided as required under 20 CFR § 678.725: The Local Board, CEO, and all required one-stop partners in this Local Area have reached consensus on (check all that apply):

local memorandums of understanding (MOUs)

the local workforce delivery system annual comprehensive budget for funding infrastructure and additional costs for the program year beginning      , a draft of which is provided with this report as an attachment

annual funding agreements

***OR***

Notice is provided as required by 20 CFR § 678.725: Despite every effort, the Local Board, CEO, and one (1) or more required one-stop partners in this Local Area have failed to reached consensus on (check all that apply):

proposed MOUs

the proposed local workforce delivery system annual comprehensive budget for funding infrastructure and additional costs for the program year beginning

proposed annual funding agreements or interim funding agreements

Details regarding required one-stop partners with which the local board has failed to reach consensus, along with a summary of the reasons for failure to reach consensus, must be provided in Sections 1, 2, and 3, as applicable.

As required under 20 CFR § 678.735, the materials and documents used during negotiations must be provided with this report as attachments, including, but not limited to:

* materials relating to negotiation of MOUs, including, but not limited to:
  + all proposed and agreed upon MOUs; and
  + any other relevant materials and documents used during MOU negotiations;
* materials relating to negotiation of funding agreements, including, but not limited to:
  + the proposed local workforce delivery system annual comprehensive budget for infrastructure and additional costs;
  + the cost allocation method(s) proposed by the required one-stop partners to be used in determining proportionate share and relative benefit;
  + the proposed required one-stop partner amounts or proposed budgets to fund the infrastructure and additional costs;
  + the total amount of required one-stop partner funds involved, including the type of funds or non-cash contributions;
  + any agreed upon or proposed MOUs or annual funding agreements or interim funding agreements; and
  + any other relevant materials and documents used during funding agreement negotiations.

1. Failure to reach consensus on proposed MOUs

Not applicable

One (1) or more required one-stop partners do not agree with the proposed MOU(s).

Listed below are the required one-stop partners and programs with which the Local Board has failed to reach consensus on MOUs and a summary of the reasons for failure to reach consensus.

| Required One-stop Partner Name and Program | Reasons for Non-consensus |
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1. Failure to reach consensus on the proposed local workforce delivery system annual comprehensive budget for funding infrastructure and additional costs for the program year beginning

Not applicable

One (1) or more required one-stop partners do not agree with the proposed local workforce delivery system annual comprehensive budget for funding infrastructure and additional costs for the program year beginning      .

Listed below are the required one-stop partners and programs that do not agree with the local workforce delivery system annual comprehensive budget for funding infrastructure and additional costs and a summary of the reasons for failure to reach consensus.

| Required One-stop Partner Name and Program | Reasons for Non-consensus |
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1. Failure to reach consensus on proposed annual funding agreements for the program year beginning

Not applicable

One (1) or more required one-stop partners do not agree with the proposed annual funding agreements or interim funding agreements for the program year beginning      .

Listed below are the required one-stop partners and programs that do not agree with the proposed annual funding agreements or interim funding agreements and a summary of the reasons for failure to reach consensus.

| Required One-stop Partner Name and Program | Reasons for Non-consensus |
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Signatures:

| Chair, Local Board |  | Date |
| --- | --- | --- |

| Chief Elected Official |  | Date |
| --- | --- | --- |

A completed, fully signed copy of this report and the required materials and documentation described on the first page of this form must be submitted electronically, as described below, according to the timelines established in [Section III](#_Timelines_for_Negotiation) of NDOL’s current policy on memorandums of understanding and funding of local workforce delivery system operations:

* Joan Modrell, Director, Office of Employment and Training, Nebraska Department of Labor at [joan.modrell@nebraska.gov](mailto:joan.modrell@nebraska.gov);
* the WIOA policy mailbox at [ndol.wioa\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov); and
* all required one-stop partners in the Local Area.

# **Local MOU Process**

Illustration 2 depicts the local MOU process for Program Year 2017.

*Illustration 2. Local MOU Process for Program Year 2017*

**Local Board**

**Negotiate terms and conditions of MOU(s)**

**Successful MOU negotiations with all Required One-stop Partners?**

**Yes**

**No**

**MOUs are executed and incorporated into local plan**

**NDOL requires Local Board and Required One-stop Partners to resume MOU negotiations and provides technical assistance to Local Board**

**Required One-stop Partners**

**Local Board reports outcomes of MOU negotiations**

**Local Board reports outcomes of resumed MOU negotiations**

**Successful MOU negotiations with all Required One-stop Partners?**

**Yes**

**No**

**Secretary of Labor and head(s) of any other Federal agency having oversight of effected Required One-stop Partner program(s) is notified of the Local Board’s failure to reach consensus on MOUs**

**Local Board negotiates budget and annual funding agreement for infrastructure and additional costs of local workforce delivery system**

**Successful budget and annual funding agreement negotiations with all Required One-stop Partners?**

**Yes**

**No**

**Funding agreements are executed and incorporated into MOUs and local plan; local plan modified**

**State funding mechanism takes effect**

**Annual funding agreements renewed no less frequently than annually**

**MOUs renewed no less frequently than once every 3 years**

# **Permitted Methods of Funding Infrastructure and Additional Costs under the Local Funding Mechanism**

Infrastructure and additional costs of local workforce delivery system operations can be funded through:

* cash;
* fairly evaluated non-cash:
* third party in-kind partner contributions;
* funding from philanthropic organizations or other private entities; or
* other alternative financing options.[[81]](#footnote-81)

## Non-cash Contributions

Non-cash contributions are expenditures incurred by one-stop partners on behalf of the local workforce delivery system and goods or services contributed by a one-stop partner program and used by the local workforce delivery system.[[82]](#footnote-82)

The value of non-cash contributions must be consistent with 2 CFR § 200.306 (cost sharing or matching) and reconciled on a regular basis, but no less frequently than quarterly, to ensure they are fairly evaluated and meet the one-stop partner’s proportionate share. One way to ensure that non-cash contributions are fairly evaluated is to ensure that the one-stop partners agree on the sources or companies that will be used to assess or appraise the fair market value or fair rental value of non-cash contributions.[[83]](#footnote-83)

* Example 1: For Program Year (PY) 2017, a partner’s proportionate use of the one-stop center results in a contribution of $15,000. The partner does not have sufficient cash resources to fund fully its share and wishes to donate to the local workforce delivery system (not for its own individual use) gently used surplus office furniture. The furniture is needed in the AJC. The office furniture was purchased in 2015 for $18,500 using unrestricted or non-Federal funds. The office furniture has a current fair market value of $10,000 and a depreciated value of $11,100. The value of the contribution must be the lesser of the current fair market value or the value of the remaining life of the property as recorded in the partner’s accounting records at the time of donation unless approval has been granted by the Federal awarding agency.[[84]](#footnote-84) The partner would be able to count the $10,000 value as part of its $15,000 contribution and would be required to use additional resources for the remaining $5,000 balance of its share. This one-time contribution is recognized by the partner during the year in which the contribution is made.
* Example 2: In the same example as above, the partner does not donate the gently used office furniture but loans it for general use by one-stop partners at the AJC. The office furniture is on a five-year depreciation schedule. The annual depreciation is $3,700 and the annual fair rental value is $3,500. The one-stop partner may count $3,500 as part of its contribution for that year.[[85]](#footnote-85) As with any depreciable asset, an assessment of its fair rental value must be done each year in which the equipment is loaned to the AJC. The one-stop partners must determine annually whether the AJC still requires the use of the office furniture and that this cost is built into the AFA.

## Third-party In-kind Partner Contributions

Third-party in-kind contributions are contributions of space, equipment, technology, non-personnel services, or other like items to support the infrastructure costs associated with local workforce delivery system operations. The value of third-party in-kind contributions must also be consistent with the Uniform Guidance at 2 CFR § 200.306 and reconciled on a regular basis, but no less frequently than quarterly, to ensure they are fairly evaluated and meet the partners’ proportionate share.[[86]](#footnote-86)

There are two types of third-party in-kind contributions: general contributions to one-stop operations (*i.e.*, those not connected to any individual one-stop partner program); and those made specifically to a one-stop partner program.[[87]](#footnote-87)

* Example 1: For PY 2017, a county government that is not a one-stop partner has space in a vacant building and wants to donate the space for use as an AJC. This in-kind contribution would not be associated with one specific partner, but rather would go to support the AJC generally and would be factored into the underlying budget and cost pools used to determine proportionate share. The value of the donated space by a third party must adhere to the Uniform Guidance at 2 CFR § 200.306(i)(3).[[88]](#footnote-88) The annual fair rental value of comparable space in the same locality, as established by an independent appraisal, is $77,000. As with all non-cash and third-party in-kind contributions, the value at which the space has been appraised is the amount accounted for in the local workforce delivery system annual comprehensive budget. The value of the donated space should be assessed again each subsequent year.

The second type of third-party in-kind contribution is a contribution to a specific partner to support that partner’s proportionate share for funding of local workforce delivery system operations. If the contribution was in the local workforce delivery system annual comprehensive budget, the partner could then use the value of the third-party in-kind contribution to count toward its proportionate share.

* Example 2: An employer provides assistive technology equipment to a Vocational Rehabilitation program located in an AJC. The acquisition cost for the equipment at the time of purchase by the employer was $6,800 and, at the time of the donation, the fair market value was assessed as $4,500. If the assistive technology equipment was in the local workforce delivery system annual comprehensive budget, the partner could use the fair market value of the donation toward its contribution. The Uniform Guidance at 2 CFR § 200.306(g) requires that the equipment is valued at no more than the fair market value ($4,500) at the time of donation.
* Example 3: A local literacy foundation wants to donate gently used computer equipment to the AJC to support the contribution of the designated Adult Education and Family Literacy Act required one-stop program (AEFLA) in the local community. Computer equipment is part of the local workforce delivery system annual comprehensive budget. The fair market value of the computer equipment is valued at $9,200 at the time of donation. AEFLA’s proportionate use of the one-stop center is determined to be $12,500. AEFLA may use the fair market value of this equipment towards its contribution for that program year. Furthermore, AEFLA is required to contribute an additional $3,300 in cash, non-cash, or in-kind contributions from its available resources to pay its remaining share.

# **Summary Comparison of Local and State Funding Mechanisms**

*Table 12. Summary Comparison of Local and State Funding Mechanisms[[89]](#footnote-89)*

| Requirement or Characteristic | Local Funding Mechanism | State Funding Mechanism |
| --- | --- | --- |
| Required one-stop partner contributions to infrastructure costs | Required[[90]](#footnote-90) | Required[[91]](#footnote-91) |
| Required one-stop partner compliance with its own governing laws and regulations | Required[[92]](#footnote-92) | Required[[93]](#footnote-93) |
| Required one-stop partner compliance with Uniform Guidance | Required[[94]](#footnote-94) | Required[[95]](#footnote-95) |
| Required one-stop partner contributions based on proportionate share and relative benefit received | Required[[96]](#footnote-96) | Required[[97]](#footnote-97) |
| Required one-stop partner contributions determined by the Governor | No[[98]](#footnote-98) | Yes[[99]](#footnote-99) |
| Cash contributions from required one-stop partners | Allowed[[100]](#footnote-100) | Required from all required one-stop partners except:   * Adult Education and Family Literacy Act programs (WIOA Title II)[[101]](#footnote-101) * Career and Technical Education[[102]](#footnote-102) |
| In-kind contributions from required one-stop partners | Allowed[[103]](#footnote-103) | Not allowed except for:   * Adult Education and Family Literacy Act programs (WIOA Title II)[[104]](#footnote-104) * Career and Technical Education[[105]](#footnote-105) |

| Requirement or Characteristic | Local Funding Mechanism | State Funding Mechanism |
| --- | --- | --- |
| Third-party in-kind contributions from required one-stop partners | Allowed[[106]](#footnote-106) | Not allowed except for:   * Adult Education and Family Literacy Act programs (WIOA Title II)[[107]](#footnote-107) * Career and Technical Education[[108]](#footnote-108) |
| Philanthropic and private funds by required one-stop partners | Allowed[[109]](#footnote-109) | Not allowed[[110]](#footnote-110) |
| Limitations (caps) on required one-stop partner contributions (see Table 13 below for details on required one-stop partner limitations (caps)): | Only as imposed by the statutory and regulatory requirements of each required one-stop partner[[111]](#footnote-111) | * Percentage limitations (caps) listed in Table 13 represent statewide contribution limitations (caps) for each required one-stop partner * Percentages do not represent a mandatory contribution, rather a statewide mandatory limit (cap) on a required one-stop partner’s contribution * A required one-stop partner’s contribution under the state funding mechanism is determined based on calculations made using the methodologies detailed in [APPENDIX X](#_State_Funding_Mechanism_2) of the policy |
| Source of funds for required one-stop partner contributions | As allowed under each required one-stop partner’s authorizing statutes and regulations:   * For Adult, Dislocated Worker, and Youth Programs (WIOA Title IB): infrastructure costs may be considered program costs[[112]](#footnote-112) * For Adult Education and Family Literacy Act programs (WIOA Title II): funding of infrastructure costs must include funds available for local administration *or* state or non-Federal resources that are cash, in-kind, or third-party contributions[[113]](#footnote-113) * For Career and Technical Education programs: funds used to pay for infrastructure costs may include funds available for local administrative expenses, non-Federal resources that are cash, in-kind or third-party contributions, and may include other funds made available by the state[[114]](#footnote-114) | * Adult, Dislocated Worker, and Youth Programs (WIOA Title IB): program funds, administrative funds, or both[[115]](#footnote-115) * Adult Education and Family Literacy Act programs (WIOA Title II): funds that are available for local administration, funds made available by the State, non-Federal resources that are cash, in-kind, third-party contributions, or a combination[[116]](#footnote-116) * Career and Technical Education: funds available for local administration of postsecondary level programs and activities to eligible recipients or consortia of eligible recipients or funds made available by the state or non-Federal resources that are cash, in-kind, or third-party contributions[[117]](#footnote-117) * Senior Community Service Employment Program: program funds, administrative funds, or both[[118]](#footnote-118) * All other programs: administrative funds only[[119]](#footnote-119) |
| IFA for up to 180 days after MOU execution, pending finalization of the AFA | Allowed[[120]](#footnote-120) | Not allowed[[121]](#footnote-121) |
| Appeal process available to required one-stop partners | Not applicable | Yes[[122]](#footnote-122) |
| Certification of the AJC required to fund infrastructure costs (see Note below) | Yes | Yes[[123]](#footnote-123) |

Note: While neither WIOA nor its final rules state explicitly that the AJC must be certified in order for required one-stop partners to contribute to funding of infrastructure and additional costs under the local funding mechanism, at least one (1) AJC in each local area must be certified in order for required one-stop partners to contribute based on the following:

1. Each local board and CEO and the required one-stop partners operating in the local area must provide access to programs and services at or through a comprehensive AJC.[[124]](#footnote-124)
2. Each AJC must comply with physical and programmatic accessibility requirements established under WIOA Sec. 188 and 29 CFR Part 38.[[125]](#footnote-125)
3. Determining an AJC’s compliance with the requirements of WIOA Sec. 188 and 29 CFR Part 38 is achieved through the AJC certification process.[[126]](#footnote-126)
4. Limitations (Caps) on Required One-stop Partner Contributions under the State Funding Mechanism[[127]](#footnote-127)

The percentages listed in Table 13:

* *do* represent mandatory statewide, aggregate limitations (caps) for required one-stop partner contributions; and
* *do not* represent a mandatory contribution percentage for required one-stop partners.

The determination of a required one-stop partner’s contribution to funding of infrastructure costs under the state funding mechanism is based on:

* calculations made using the methodologies detailed in [APPENDIX X](#_State_Funding_Mechanism_2) of the policy; and
* proportionate share and relative benefit received.

*Table 13. Statewide Limitations (caps) on Required One-stop Partner Contributions under the State Funding Mechanism[[128]](#footnote-128)*

| Required One-stop Partner | Percentage Statewide Limitation (cap) |
| --- | --- |
| 1. Adult, Dislocated Worker, and Youth programs (WIOA Title IB) | Up to 3% of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Adult Education and Family Literacy Act (AEFLA) programs (WIOA Title II) | Up to 1.5% of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Career and technical education programs at the postsecondary level (Carl D. Perkins Career and Technical Education Act of 2006) | Up to 1.5% of the amount made available by the state for postsecondary level programs and activities and the amount of funds used by the state during the prior year to administer postsecondary level programs and activities |
| 1. Employment and training activities carried out by the Department of Housing and Urban Development | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Employment and training activities carried out under the Community Services Block Grant (42 USC 9901 *et seq*.) | Up to 1.5% of the total amount of CSBG funds  determined by the Nebraska Department of Health and Human Services to have been expended by local CSBG-eligible entities for the provision of employment and training activities during the prior Federal fiscal year for which information is available (as reported to the U.S. Department of Health and Human Services (HHS) on the CSBG Annual Report) and any additional amount that the Nebraska Department of Health and Human Services reasonably determines was expended for administrative purposes in connection with these activities and was separately reported to HHS as an administrative cost |
| 1. Ex-offender programs (Second Chance Act of 2007, Section 212) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Jobs Corps (WIOA Title IC) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Jobs for Veterans State Grant (JVSG) program (38 USC Chapter 41) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Migrant and Seasonal Farmworker programs (WIOA Title ID) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Native American programs (WIOA Title ID) | Not applicable |
| 1. Programs authorized under Nebraska’s Unemployment Compensation Law (Neb. Rev. Stat. § 48-617) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Senior Community Service Employment Program (SCSEP) (Older Americans Act, Title V) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Trade Adjustment Assistance programs (Trade Act of 1974, Title II, Chapter 2) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Nebraska Commission for the Blind and Visually Impaired (WIOA Title IV)[[129]](#footnote-129) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year, phased in over 4 years:   * 0.75% year 1 * 1.0% year 2 * 1.25% year 3 * 1.5% year 3 |
| 1. Nebraska Vocational Rehabilitation Program (WIOA Title IV)[[130]](#footnote-130) | Up to 1.5% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year, phased in over 4 years:   * 0.75% year 1 * 1.0% year 2 * 1.25% year 3 * 1.5% year 3 |
| 1. Wagner-Peyser Employment Service programs (WIOA Title III) | Up to 3% of the amount of Federal funds provided to the partner to carry out its program in the state for the applicable fiscal year |
| 1. Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program (Social Security Act, Title IV, Part A) | Up to 1.5% of the total Federal TANF funds expended by the Nebraska Department of Health and Human Services for work, education, and training activities during the prior Federal fiscal year (as reported to the U.S. Department of Health and Human Services (HHS) on the quarterly TANF Financial Report form), plus any additional amount of Federal TANF funds that the Nebraska Department of Health and Human Services reasonably determines was expended for administrative costs in connection with these activities but that was separately reported to HHS as an administrative cost |
| 1. YouthBuild (WIOA Title ID) | Up to 1.5% of the amount of Federal funds provided to carry out the program in the state for a fiscal year |

# **Local Funding Mechanism Cost Allocation Methodologies**

## Process under the Local Funding Mechanism

1. An annual comprehensive budget must be developed for infrastructure and additional costs of local workforce delivery system operations.
2. Each one-stop partner's proportionate share must be determined.
3. Each one-stop partner’s method of paying for its proportionate share is agreed upon.
4. An annual comprehensive budget must be developed for infrastructure and additional costs of local workforce delivery system operations.

The local board, CEO, and required one-stop partners operating in the local area develop an annual comprehensive budget using the budget format provided as [Attachment 2](#_Budget_Template_for_1) to APPENDIX III.

1. Each one-stop partner's proportionate share must be determined.

One simple method that may be employed to determine proportionate share would be based on participation by eligible customers.[[131]](#footnote-131) Under this method, in its most basic form, the proportionate share would be determined by comparing the number of individuals either eligible for or receiving services from a partner to the total number of participants served.

Example: The AJC provides career planning services through six (6) one-stop partner programs. The costs of the shared service have been identified within the additional costs budget and pooled for a total dollar amount of $100,000. The six (6) one-stop partner programs determine the estimated number of participants attributable to their particular program. The results of this cost allocation are displayed below in Table 14.

*Table 14. Example Proportionate-share Methodology*

| Partner | No. of Participants | Proportionate-share Percentage (%) | Proportionate-share Dollars ($) |
| --- | --- | --- | --- |
| 1 | 150 | 15 | 15,000 |
| 2 | 100 | 10 | 10,000 |
| 3 | 50 | 5 | 5,000 |
| 4 | 300 | 30 | 30,000 |
| 5 | 200 | 20 | 20,000 |
| 6 | 200 | 20 | 20,000 |
| Total | 1,000 | 100 | 100,000 |

Note: The U.S. Department of Labor Employment and Training Administration offers two technical assistance guides:

* One-stop Comprehensive Financial Management Technical Assistance Guide (TAG) Part I, July 2002;[[132]](#footnote-132) and
* One-stop Comprehensive Financial Management Technical Assistance Guide (TAG) Part II, July 2011 Update.[[133]](#footnote-133)

While both TAGs predate WIOA, they are still relevant as they provide useful information on financial management of local workforce delivery systems, including many examples of methodologies for cost allocation among one-stop partners.

1. Each one-stop partner’s method of paying for proportionate share is agreed upon.

* cash
* fairly evaluated non-cash
* fairly evaluated third-party in-kind
* philanthropic contributions
* private contributions
* other alternative financing options

# **State Funding Mechanism Partner-contribution Methodologies**

## Key Points

* The state funding mechanism is used for each program year[[134]](#footnote-134) for which consensus is not reached (by the local board, CEO, and required one-stop partners operating in the local area) on funding of the infrastructure costs[[135]](#footnote-135) of local workforce delivery system operations.[[136]](#footnote-136)
* Failure to reach consensus on funding of additional costs[[137]](#footnote-137) of local workforce delivery system operations does not trigger the state funding mechanism.[[138]](#footnote-138)
* Failure to reach consensus with Native American programs operating in the local area does not trigger the state funding mechanism.[[139]](#footnote-139)
* The state funding mechanism funds infrastructure costs only.[[140]](#footnote-140)
* Additional costs are not funded under the state funding mechanism.[[141]](#footnote-141)
* Funds provided to the local area through the state funding mechanism must not fund any of the additional costs of local workforce delivery system operations.
* While operating under the state funding mechanism, any and all funding of additional costs is the responsibility of the local board, CEO, and required one-stop partners operating in the local area; and all funding of additional costs must adhere to the requirements of this policy and the Uniform Guidance (2 CFR Parts 200 and 2900).

## State Funding Mechanism Process

The state funding mechanism process consists of seven (7) steps. An example worksheet illustrating the calculations performed under Steps 2 through 7 is provided in [subsection (c)](#_Example_Worksheet) of this appendix.

### Failing to Reach Consensus

The local board and CEO notify NDOL that consensus was not reached with all required one-stop partners during MOU and AFA negotiations *and* provide NDOL with materials from the local board’s failed negotiations, as described in [Section IV(b)](#_Failure_to_Reach) of the policy.[[142]](#footnote-142)

### Establishing the Budget for Infrastructure Costs

If the local board, CEO, and required one-stop partners:[[143]](#footnote-143)

* have an agreed upon annual comprehensive budget and the budget is appropriate [*cb*],[[144]](#footnote-144) it will be used; or
* do not have an agreed upon annual comprehensive budget *or* the budget is not appropriate, a budget will be created using the budget formula developed by the Nebraska Workforce Development Board (NWDB).

Budget Formula

The formula for budget creation is based on the:

* overall budget for the local workforce delivery system from the previous program year; and
* materials provided by the local board under Step 1.

To create the budget for infrastructure costs under the state funding mechanism using the budget formula, the overall budget from the previous program year [*ob*] is adjusted by subtracting all:

* additional costs (the non-infrastructure costs) [*a*];
* costs charged to non-required one-stop partners and Native American programs [*b*]; and
* alternative funding that defrays infrastructure costs [*c*].

The result is the adjusted budget for infrastructure costs for the current program year under the state funding mechanism [*ab*].

Formula for budget creation: *ob –* (*a* + *b* + *c*) = *ab*

The adjusted budget [*ab*] may be increased by up to three (3) percent, if warranted, based on the materials provided under Step 1 and subject to the approval of NDOL.

### Determining Proportionate Share of the Budget for Infrastructure Costs

1. First, the proportionate share percentage for each required one-stop partner is determined by dividing the number of participants[[145]](#footnote-145) served in the local area by the program during the previous program year [*n1*] by the number of participants served by all required one-stop partners operating in the local area during the previous program year [*n2*]. The resulting percentage is the required one-stop partner’s proportionate share [*s*].

Formula for proportionate share percentage: *n1* / *n2* = *s*

This calculation must be performed for each required one-stop partner in the local area to determine each partner’s proportionate share percentage.

1. Second, the proportionate share of the budget for infrastructure costs for each required one-stop partner is determined by multiplying either the total amount of the agreed upon annual comprehensive budget [*cb*] or the total amount of the adjusted budget [*ab*] by the partner’s proportionate share percentage.

If using the agreed upon annual comprehensive budget [*cb*], the formula is: *s* x *cb* = *ps1*

If using the adjusted budget [*ab*], the formula is: *s* x *ab* = *ps2*

This calculation must be performed for all required one-stop partners in the local area to determine each program’s proportionate share of the budget for infrastructure costs.

### Establishing Statewide Caps

Under the state funding mechanism, statewide percentage limitations (statewide caps) apply to each required one-stop partner’s contribution to funding of infrastructure costs.[[146]](#footnote-146)

* The Governor must establish the statewide cap for each required one-stop partner, except as described in [Section II(c)(2)](#_Exceptions_to_Determination) of the policy.[[147]](#footnote-147)
* When establishing the statewide caps, the Governor:
  + at his or her discretion, may establish lower percentage limitations than those established under WIOA;[[148]](#footnote-148) and
  + must not exceed the percentage limitations established under WIOA.[[149]](#footnote-149)

The statewide cap for each required one-stop partner will be determined on an annual basis and provided by NDOL through an issuance.

The established statewide cap for a required one-stop partner is represented generically by the operator *sc* in the applicable formulas of this appendix.

### Determining Maximum Statewide Contribution Amounts

The maximum statewide contribution amount for a required one-stop partner [*ma*] is determined by multiplying the established statewide cap for the program [*sc*] by the amount of Federal funds provided to the partner to carry out the program in the state for the applicable fiscal year [*ff*].

Formula for maximum statewide contribution amount: *sc* x *ff* = *ma*

This calculation must be performed for all required one-stop partners to determine each partner’s maximum statewide contribution amount.

### Determining Maximum Local Contribution Amounts

1. Use of the AJC(s) in a local area that has not reached consensus [*u*] is determined by dividing the total population of the local area [*p1*] by the total population of the state [*p2*].

Formula for percentage use of the local area AJC(s): *p1* / *p2* = *u*

1. The percentage use of the local area AJC(s) [*u*] is multiplied by the maximum statewide contribution amount for the required one-stop partner [*ma*]. The resulting amount is the maximum local contribution amount for the program [*lc*].

Formula for maximum local contribution amount: *u* x *ma* = *lc*

This calculation must be performed for all required one-stop partners in the local area to determine each partner’s maximum local contribution amount.

### Determining Actual Local Contribution Amounts

The actual local contribution amount for each required one-stop partner is the lesser of the partner’s:

* proportionate share of the budget for infrastructure costs [*ps1* or *ps2*], as determined under Step 2; or
* maximum local contribution amount [*lc*], as determined under Step 6.

NDOL notifies each required one-stop partner of its actual local contribution amount and directs the partner to pay that amount.

## Example Worksheet

Illustration 3 is an example worksheet depicting the calculations described above in subsection (b) under Steps 2 through 7 for a local area that:

* failed to reach consensus with all required one-stop partners during MOU and AFA negotiations;
* is subject to the state funding mechanism; and
* does not have an agreed upon an overall budget for its local workforce delivery system.

The illustration shows the calculations made for one (1) required one-stop partner program using an example established statewide (percentage) cap of three (3) percent.

The calculations shown in Illustration 3 would be made for all required one-stop partners operating in the example local area and based on the actual established statewide (percentage) cap.

*Illustration 3. Example Worksheet for a Required One-stop Partner subject to the State Funding Mechanism*

Step 2. Establishing the Budget for Infrastructure Costs

|  |  |
| --- | --- |
| Total amount of agreed upon local budget from the previous program year [*ob*], minus | $331,000.00 |
| Additional costs (non-infrastructure costs) [*a*] | $127,000.00 |
| Costs charged to non-required partners and Native American programs [*b*] | $1,000.00 |
| Alternative funding that defrays infrastructure costs [*c*] | $77,899.00 |
| Adjusted budget for infrastructures costs for current program year under the state funding mechanism [*ab*] | $125,101.00 |

Step 3. Determining Proportionate Share of the Budget for Infrastructure Costs

Calculating proportionate share percentage [*s*]

|  |  |
| --- | --- |
| Number of participants served in local area by program during previous program year [*n1*], divided by | 267 |
| Number of participants served in local area by all programs during previous program year [*n2*] | 1,764 |
| Proportionate share percentage [*s*] | 15.14% |

Calculating proportionate share of budget for infrastructure costs [*ps2*]

|  |  |
| --- | --- |
| Proportionate share percentage [*s*], multiplied by | 15.14% |
| Adjusted budget for infrastructures costs for current program year under the state funding mechanism [*ab*] | $125,101.00 |
| Proportionate share of budget for infrastructure costs [*ps2*] | $18,935.36 |

Step 4. Establishing Statewide Caps

|  |  |
| --- | --- |
| Established statewide (percentage) cap [*sc*] | 3.00% |

Step 5. Determining Maximum Statewide Contribution Amounts

|  |  |
| --- | --- |
| Established statewide (percentage) cap [*sc*] | 3.00% |
| Amount of Federal funds provided to partner to carry out program in the state for applicable fiscal year [*ff*] | $2,000,000.00 |
| Maximum statewide contribution amount [*ma*] | $60,000.00 |

Step 6. Determining Maximum Local Contribution Amounts

Calculating percentage use of local area AJC(s) [*u*]

|  |  |
| --- | --- |
| Total population of local area [*p1*], divided by | 500,000 |
| Total population of state [*p2*] | 1,800,000 |
| Percentage use of local area AJC(s) [*u*] | 27.78% |

Calculating maximum local contribution amount

|  |  |
| --- | --- |
| Percentage use of local area AJC(s) [*u*] | 27.78% |
| Maximum statewide contribution amount [*ma*] | $60,000.00 |
| Maximum local contribution amount [*lc*] | $16,666.67 |

Step 7. Determining Actual Local Contribution Amounts

Example required one-stop partner pays the lesser of the following amounts:

|  |  |
| --- | --- |
| Proportionate share of budget for infrastructure costs [*ps2*] | $18,935.36 |
| Maximum local contribution amount [*lc*] | $16,666.67 |

# **State Funding Mechanism Process**

Illustration 3 depicts the state funding mechanism process.

*Illustration 3. State Funding Mechanism Process*

**Local Board reports outcomes of MOU, budget, and funding agreement negotiations**

**Failure to reach consensus**

**Have the Local Board and all Required One-stop Partners developed an agreed upon annual comprehensive budget for infrastructure costs for local workforce delivery system?**

**Yes**

**No**

**Is the budget appropriate?**

**Yes**

**No**

**Budget formula developed by the Nebraska Workforce Development Board is used to establish budget for infrastructure costs for local workforce delivery system**

**Proportionate share of infrastructure costs is determined for each Required One-stop Partner**

**Statewide cap amount for each Required One-stop Partner program is established**

**Maximum statewide contribution amounts for each Required One-stop Partner program are determined**

**Maximum local contribution amounts for each Required One-stop Partner program are determined**

**Actual local contribution amounts for each Required One-stop Partner program are determined**

**NDOL notifies each Required One-stop Partner of its actual local contribution amount and directs the partner to pay**

# **All-inclusive Timelines**

Because of their interrelatedness, timelines for regional and local plans, MOUs and AFAs, and certification of comprehensive AJCs and evaluation of local workforce delivery systems are provided in combination in Table 15.

Table 15 is color coded to classify timelines according to their respective policies:

* **Black, bolded text** indicates timelines for MOUs and AFAs
* Blue text indicates timelines for regional and local plans
* Dark red text indicates timelines for certification of comprehensive AJCs and evaluation of local workforce delivery systems

Timelines for regional and local plans and certification of comprehensive AJCs are also or will be provided in the current or future NDOL policies.

*Table 15. All-inclusive PY17 and PY18 Timelines for Regional and Local Plans, MOUs and AFAs, and Certification of AJCs*

| *Responsible Party* - Event | Deadline |
| --- | --- |
| *WIOA Core Partners -* sponsor regional planning sessions | October 2016 - December 2016 |
| *NDOL -* release interim policy on Regional and Local Plans | Wednesday, November 23, 2016 |
| *NDOL -* release policy on Regional and Local Plans, Change 1 | Friday, December 30, 2016 |
| ***NDOL -* release policy on MOUs and Funding of Local Workforce Delivery System Operations** | **Monday, January 23, 2017** |
| ***Local boards -* MOU process begins** | **Tuesday, January 24, 2017** |
| *NDOL -* release policy on Certification of Comprehensive American Job Centers and Evaluation of the Local Workforce Delivery Systems | Tuesday, January 31, 2017 |
| *NDOL -* release policy on Regional and Local Plans, Change 2 | Thursday, February 9, 2017 |
| ***NDOL –* release Change 1 to policy on MOUs and Funding of Local Workforce Delivery System Operations** | **February 28, 2017** |
| ***Local boards* – submit to NDOL draft MOUs with all required one-stop partners (as part of regional and local plan submissions); submission of annual funding agreement(s) optional at this time** | **Wednesday, March 15, 2017** |
| *Local boards -* must submit regional and local plans to NDOL | Wednesday, March 15, 2017 |
| *NDOL* - review of regional and local plans for compliance | Thursday, March 16, 2017 –  Saturday, April 15, 2017 |
| ***Local boards* – must submit outcome reports to NDOL on negotiation of MOUs with all required one-stop partners; submission must include the annual comprehensive budget for the local workforce delivery system** | **Friday, March 31, 2017** |
| ***NDOL* – requires any local board failing to reach consensus on MOUs and/or the annual comprehensive budget with all required one-stop partners to resume MOU negotiations andprovides technical assistance to any such local board** | **Monday, April 3, 2017 –**  **Friday, April 28, 2017** |
| *NDOL* - provides feedback to local boards on regional and local plans, identifying deficiencies that must be addressed | no later than April 15, 2017 |
| ***Local boards* – any local board required to resume negotiations on MOUs and/or the annual comprehensive budget following a reported failure to reach consensus must submit to NDOL a follow-up outcome report on the resumed negotiations** | **no later than April 28, 2017** |
| *Local Certification Team -* conducts an onsite evaluation of each comprehensive AJC in the local area for certification purposes | no later than April 28, 2017 |
| ***Governor or Nebraska Workforce Development Board*– must notify the Secretary of the U.S. Department of Labor, and the head of any other Federal agency with responsibility for oversight of each applicable required one-stop partner, of any local board's and CEO's failure to reach consensus on MOUs with 1 or more required one-stop partners** | **Monday, May 1, 2017** |
| ***Local boards* - must have fully-signed MOUs, including the annual comprehensive budget, which will be used for negotiating the annual funding agreement(s), in place with all required one-stop partners; inclusion of annual funding agreement(s) is optional at this time** | **Monday, May 15, 2017** |
| ***Local boards –* if needed, continue annual funding agreement negotiations** | **Monday, May 15, 2017** |
| *Local boards* – must resubmit to NDOL revised regional and local plans with (1) deficiencies addressed and (2) fully-executed MOUs, including annual comprehensive budgets, with each required one-stop partner incorporated | Monday, May 15, 2017 |
| *System Alignment Committee, Nebraska Workforce Development Board* - review of local plans | Wednesday, May 24, 2017 |
| *Local board*- must notify each comprehensive AJC one-stop operator of the local board's determination of certification, conditional certification, or non-certification of the AJC | Wednesday, May 31, 2017 |
| *Local board*- must implement the local board's continuity-of-service plan for any comprehensive AJC receiving a notification of non-certification | Wednesday, May 31, 2017 |
| *Strategic Direction Committee, Nebraska Workforce Development Board -* review of regional plans | Thursday, June 8, 2017 |
| *Local board*- must certify or conditionally certify each eligible comprehensive AJC in the local area | Thursday, June 15, 2017 |
| *Local board*- must conduct a baseline evaluation of the local workforce delivery system | Thursday, June 15, 2017 |
| *Local Boards -* must provide any additional information requested by the Strategic Direction and System Alignment Committees following review of regional and local plans | Monday, June 12, 2017 –  Friday, June 16, 2017 |
| *Nebraska Workforce Development Board* - review of regional and local plans | Friday, June 23, 2017 |
| *Governor -* must notify local boards of determinations on regional and local plans | Friday, June 30, 2017 |
| *Local boards* – must competitively select a new one-stop operator following implementation of the local board's continuity of service plan following non-certification of any comprehensive AJC in the local area | Tuesday, August 29, 2017 |
| *Local boards* – must certify any eligible conditionally-certified comprehensive AJC in the local area | Wednesday, September 13, 2017 |
| ***Local boards* – must submit outcome reports to NDOL on negotiation of annual funding agreements** | **Monday, October 2, 2017** |
| ***NDOL* – state funding mechanism takes effect for any local board failing to reach consensus with all required one-stop partners during negotiations on infrastructure costs (only) and annual funding agreements** | **Monday, October 2, 2017** |
| ***NDOL* - all required one-stop partners in local areas subject to the state funding mechanism are notified of their required contribution amounts and directed to pay those amounts** | **Wednesday, November 1, 2017** |
| ***Local boards* – must submit draft annual funding agreements to NDOL (based on either the local funding mechanism or the state funding mechanism)** | **Wednesday, November 1, 2017** |
| ***Local boards* - must have fully-signed annual funding agreements in place with all required one-stop partners (based on either the local funding mechanism or the state funding mechanism)** | **Friday, December 1, 2017** |
| *Local boards* - must submit modifications to regional and local area plans to incorporate fully-signed annual funding agreements (based on either the local funding mechanism or the state funding mechanism) which include the annual comprehensive budget | Friday, December 15, 2017 |
| *Local board*- must conduct a reevaluation of the local workforce delivery system to determine progress compared to June 2017 evaluation | Friday, June 15, 2018 |

* **Black, bolded text** indicates timelines for MOUs and AFAs
* Blue text indicates timelines for regional and local plans
* Dark red text indicates timelines for certification of comprehensive AJCs and evaluation of local workforce delivery systems

# **Definitions**

## additional costs[[150]](#footnote-150)

Additional (shared) costs must include applicable career services and may include shared operating costs and shared services and any other additional costs necessary to maintain a fully functioning and successful local one-stop delivery system.[[151]](#footnote-151)

## administrative entity

“Administrative entity” means the entity responsible for administering the funds of a program.

## affiliate site

“Affiliate site” means a site that makes available to job seekers and employers one (1) or more one-stop partner programs, services, or activities. An affiliate site does not need to provide access to every one-stop partner program. Affiliate sites are access points in addition to the AJC(s) in each local area.

## career planning[[152]](#footnote-152)

“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
* provide job, education, and career counseling, as appropriate during program participation and after job placement.

## comprehensive American Job Center

“Comprehensive American Job Center” is a physical location where job seekers and employers access the programs, services, and activities of all required one-stop partner programs. Comprehensive AJC is referred to as “AJC” throughout the policy.

## entity

“Entity” means the grant recipient, administrative entity, or other organization responsible for administering the funds of the specified program in the local area. The term “entity” does not include service providers that contract with, or are subrecipients of, the local administrative entity. The regulation notes that for programs that do not have local administrative entities, the responsible state agency should be the one-stop partner.

## good faith

“Good faith” refers to the manner of negotiations among the local board, CEO, and one (1) or more one-stop partners. Good faith negotiations may include fully and repeatedly engaging partners, transparently sharing information, and maintaining a shared focus on the needs of customers of the local workforce delivery system.

## grant recipient[[153]](#footnote-153)

“Grant recipient” or “recipient” means a non-Federal entity that receives a Federal award directly from a Federal agency to carry out an activity under a Federal program. The term recipient does not include subrecipients.

## infrastructure costs[[154]](#footnote-154)

Infrastructure costs are non-personnel costs that are necessary for the general operation of the one-stop center.[[155]](#footnote-155)

* Non-personnel costs are all costs that are not compensation for personnel costs. For example, technology-related services performed by vendors or contractors are non-personnel costs and may be identified as infrastructure costs if they are necessary for the general operation of the one-stop center. Such costs would include service contracts with vendors or contractors, equipment, and supplies.

## local workforce delivery system[[156]](#footnote-156)

The “local workforce delivery system” brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to program services and improves long-term employment outcomes for individuals receiving assistance. Within the local workforce delivery system, one-stop partners administer separately funded programs as a set of integrated streamlined services to customers.

The local workforce delivery system must include at least one (1) AJC. The local workforce delivery system may also have additional arrangements to supplement the AJC, including:

* an affiliate site or network of affiliate sites, where one (1) or more partners make certain programs, services, and activities available to job seekers or employers;
* a network of one-stop partners through which each partner provides one (1) or more of the programs services, and activities that are linked, either physically or technologically, to an affiliate site or other access point that assures customers are provided information on the availability of career services, as well as other programs, services and activities, regardless of where or how the customer initially enters the local workforce delivery system; and
* specialized centers that address specific needs, including those of dislocated workers, youth, or key industry sectors or clusters.

Through the local workforce delivery system, required one-stop partners must provide access to programs, services, and activities through electronic means, if applicable and practicable. This is in addition to providing access to services through the AJC and any affiliate sites or specialized centers.

* The provision of programs and services by electronic methods such as websites, telephones, or other means, must improve the efficiency, coordination, and quality of one-stop partner services.
* Electronic delivery must not replace access to programs and services at an AJC or serve as a substitute for making services available at an affiliate site if the partner is participating in an affiliate site.
* Electronic delivery systems must comply with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and its implementing regulations at 29 CFR part 38.

The design of the local workforce delivery system must be described in each MOU executed among the local board, CEO, and one-stop partners.

## meaningful assistance[[157]](#footnote-157)

“Meaningful assistance” means providing assistance:

* on-site using staff who are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or
* by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.

## one-stop center[[158]](#footnote-158)

“One-stop center” refers collectively to:

* comprehensive American Job Centers or AJCs;
* affiliate centers; and
* specialized centers.

## participant[[159]](#footnote-159)

In general, “participant” means a reportable individual who has received services after satisfying all applicable programmatic requirements for the provision of services, such as an eligibility determination.

For WIOA Title IV programs (programs provided by the Nebraska Commission for the Blind and Visually Impaired and the Nebraska Vocational Rehabilitation program), “participant” means a reportable individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services.

For the WIOA Title IB Youth program, “participant” means reportable individual who has satisfied all applicable programmatic requirements for the provision of services, including an eligibility determination, an objective assessment, and the development of an individual service strategy, *and* received at least one (1) of the fourteen (14) Youth program elements identified in WIOA Sec. 129(c)(2).

The following individuals are not participants:

* individuals in a WIOA Title II Adult Education and Family Literacy Act program who have not completed at least twelve (12) contact hours;
* individuals who only use the self-service system.

## pass-through entity[[160]](#footnote-160)

“Pass-through entity” means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

## personal identifiable information (PII)[[161]](#footnote-161)

The term “personal identifiable information” refers to any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information:

* that directly identifies an individual (name, address, social security number or other identifying number or code, telephone number, email address, *etc*.) or
* by which an agency intends to identify specific individuals in conjunction with other data elements, *i.e.*, indirect identification.

Data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors.

Additionally, information permitting the physical or online contacting of a specific individual is the same as personal identifiable information. This information can be maintained in either paper, electronic or other media.

## program year

“Program year” means the one (1) year period beginning on July 1 and ending on June 30.

## reportable individual[[162]](#footnote-162)

“Reportable individual” means an individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including individuals who:

* provide identifying information;
* use the self-service system only; or
* only receive information-only services or activities.

## specialized center[[163]](#footnote-163)

“Specialized center” means a center that addresses specific needs, including those of dislocated workers, youth, or key industry sectors or clusters.

## subrecipient[[164]](#footnote-164)

“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 subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

## Youth program elements[[165]](#footnote-165)

“Youth program elements” means the following fourteen (14) services made available to WIOA Title IB Youth program participants:

1. 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;
2. alternative secondary school services, or dropout recovery services;
3. 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:
   1. summer employment opportunities and other employment opportunities available throughout the school year;
   2. pre-apprenticeship programs;
   3. internships and job shadowing; and
   4. on-the-job training opportunities;
4. 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 local area involved, if the local board determines that the programs meet the quality criteria described in WIOA Sec. 123;
5. education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;
7. supportive services;
8. adult mentoring for a duration of at least twelve (12) months that may occur both during and after program participation;
9. follow-up services for not less than twelve (12) months after the completion of program participation;
10. 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;
11. financial literacy education;
12. entrepreneurial skills training;
13. services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
14. activities that help youth prepare for and transition to postsecondary education and training.

1. ' The Combined State Plan is available online in PDF format at http://dol.nebraska.gov/webdocs/WIOAPlans/29//WIOA\_NCSP\_F01\_01OCT2016.pdf *and* in accessible Word format at http://dol.nebraska.gov/webdocs/WIOAPlans/30//WIOA\_NCSP\_F01\_01OCT2016.docx. [↑](#footnote-ref-1)
2. Throughout this policy, CEO also refers to “chief elected officials board.” [↑](#footnote-ref-2)
3. See APPENDIX XIII for the definition of [local workforce delivery system](#_local_workforce_delivery_1). [↑](#footnote-ref-3)
4. 20 CFR § 678.705(a)(1) – (2) [↑](#footnote-ref-4)
5. See APPENDIX XIII for the definition of [comprehensive American Job Center](#_comprehensive_AJC). [↑](#footnote-ref-5)
6. See [Section II(b)(3)](#_Extension_to_Deadline) for information on IFAs. [↑](#footnote-ref-6)
7. 20 CFR § 678.505(a) [↑](#footnote-ref-7)
8. See APPENDIX XIII for the definition of [good faith](#_good_faith). [↑](#footnote-ref-8)
9. 20 CFR § 678.570(a) [↑](#footnote-ref-9)
10. 20 CFR § 678.500(b)(1) [↑](#footnote-ref-10)
11. 20 CFR § 678.500(b)(3) [↑](#footnote-ref-11)
12. 20 CFR § 678.500(b)(4) [↑](#footnote-ref-12)
13. 20 CFR §§ 678.500(b)(5) and 678.500 (d) [↑](#footnote-ref-13)
14. 20 CFR § 678.500(b)(5) [↑](#footnote-ref-14)
15. 20 CFR § 678.500(d) [↑](#footnote-ref-15)
16. 20 CFR § 678.500(e); see [Section V](#_Appeal_Process_for) of this policy for information on the appeal process. [↑](#footnote-ref-16)
17. 20 CFR § 678.755(b) [↑](#footnote-ref-17)
18. 20 CFR §§ 678.500(b)(2), 678.505(b), and 678.755; the MOU must contain this information regardless of the funding mechanism used by the local board, CEO, and one-stop partners (*e.g.*, local funding mechanism or state funding mechanism). [↑](#footnote-ref-18)
19. 20 CFR § 678.755(a) [↑](#footnote-ref-19)
20. 20 CFR § 678.755(c) [↑](#footnote-ref-20)
21. 20 CFR §§ 678.500(b)(2)(i) – (ii), 678.715(b)(2), and 678.755(b) [↑](#footnote-ref-21)
22. 20 CFR §§ 678.715(a)(3) and 678.755(b) [↑](#footnote-ref-22)
23. 20 CFR § 678.715(a)(2) [↑](#footnote-ref-23)
24. 20 CFR § 678.715(a)(1) [↑](#footnote-ref-24)
25. 20 CFR § 678.755(d) [↑](#footnote-ref-25)
26. 20 CFR §§ 678.715(a)(4), 678.755(b) and (f) [↑](#footnote-ref-26)
27. 20 CFR § 678.755(e) [↑](#footnote-ref-27)
28. See APPENDIX XIII for the definition of [personal identifiable information (PII)](#_personal_identifiable_information). [↑](#footnote-ref-28)
29. 20 CFR § 678.510(a) [↑](#footnote-ref-29)
30. 20 CFR § 678.715(b)(3) [↑](#footnote-ref-30)
31. 20 CFR § 678.715(a) [↑](#footnote-ref-31)
32. 20 CFR § 678.715(b)(2) [↑](#footnote-ref-32)
33. 20 CFR § 678.755(d) [↑](#footnote-ref-33)
34. 20 CFR § 678.715(b)(1) [↑](#footnote-ref-34)
35. 20 CFR § 678.715(b)(6) [↑](#footnote-ref-35)
36. 20 CFR § 678.500(d) [↑](#footnote-ref-36)
37. 20 CFR § 678.620(b)(1) [↑](#footnote-ref-37)
38. 20 CFR § 678.620(b)(2) [↑](#footnote-ref-38)
39. See [Section I(d)](#_MOU_Format) of this policy for information on the MOU format. [↑](#footnote-ref-39)
40. U.S. Department of Labor response to comments in the final rules on 20 CFR § 678.735 [↑](#footnote-ref-40)
41. Native American program grantees are not required to contribute to funding of infrastructure and additional costs of local workforce delivery system operations but are strongly encouraged by the U.S. Department of Labor to contribute as required one-stop partners. Failing to reach consensus with Native America program partners does not trigger the state funding mechanism; and Native American program partners are not subject to the state funding mechanism. [↑](#footnote-ref-41)
42. 20 CFR § 678.715 [↑](#footnote-ref-42)
43. 20 CFR § 678.755(a) [↑](#footnote-ref-43)
44. 20 CFR § 678.755(c) [↑](#footnote-ref-44)
45. 20 CFR §§ 678.715(b)(2) and 678.755(b) [↑](#footnote-ref-45)
46. 20 CFR § 678.755(d) [↑](#footnote-ref-46)
47. 20 CFR § 678.755(e) [↑](#footnote-ref-47)
48. 20 CFR § 678.725 [↑](#footnote-ref-48)
49. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-49)
50. 20 CFR § 678.715(c) and 678.510(b) [↑](#footnote-ref-50)
51. 20 CFR § 678.730(a); U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-51)
52. 20 CFR § 678.730(c)(1) [↑](#footnote-ref-52)
53. U.S. Department of Labor response to comments in the final rules on 20 CFR § 678.735 [↑](#footnote-ref-53)
54. 20 CFR § 678.730(c)(2) [↑](#footnote-ref-54)
55. 20 CFR § 678.725 [↑](#footnote-ref-55)
56. 20 CFR § 678.735 [↑](#footnote-ref-56)
57. 20 CFR § 678.750 [↑](#footnote-ref-57)
58. 20 CFR § 678.750(b) [↑](#footnote-ref-58)
59. 20 CFR § 678.750(b) and (d) [↑](#footnote-ref-59)
60. Neb. Rev. Stat. § 84-917 [↑](#footnote-ref-60)
61. WIOA Sec. 121(b)(1)(B); 20 CFR § 678.400 [↑](#footnote-ref-61)
62. WIOA Sec. 121(b)(2)(B); 20 CFR § 678.410 [↑](#footnote-ref-62)
63. 20 CFR § 678.420 [↑](#footnote-ref-63)
64. See [APPENDIX II](#_Career_Services) for a list of career services. [↑](#footnote-ref-64)
65. 20 CFR § 678.425 [↑](#footnote-ref-65)
66. 20 CFR § 678.715(a)(1) [↑](#footnote-ref-66)
67. The term *Uniform Guidance* refers to 2 CFR Parts 200 and 2900. [↑](#footnote-ref-67)
68. WIOA Secs. 101(b) and 107(b); 20 CFR § 678.420(e); TEGL 27-14 [↑](#footnote-ref-68)
69. The requirement to provide representation on state and local boards applies only to core programs, meaning adult, dislocated worker, and youth programs (WIOA Title I); adult education programs (WIOA Title II), Wagner-Peyser programs (WIOA Title III), and vocational rehabilitation programs (WIOA Title IV). [↑](#footnote-ref-69)
70. The term *entity* does not include service providers that contract with or are subrecipients of the local administrative entity. See APPENDIX XIII for definitions of [grant recipient](#_grant_recipient), [administrative entity](#_administrative_entity), and [entity](#_entity). [↑](#footnote-ref-70)
71. 20 CFR § 678.415(a) [↑](#footnote-ref-71)
72. 20 CFR § 678.415(b) – (e) [↑](#footnote-ref-72)
73. WIOA Sec. 134(c)(2); 20 CFR § 678.430 [↑](#footnote-ref-73)
74. 20 CFR § 678.430(a) [↑](#footnote-ref-74)
75. See APPENDIX XIII for the definition of [meaningful assistance](#_meaningful_assistance). [↑](#footnote-ref-75)
76. 20 CFR § 678.430(b) [↑](#footnote-ref-76)
77. See APPENDIX XIII for the definition of [career planning](#_career_planning). [↑](#footnote-ref-77)
78. 20 CFR § 678.430: If any one-stop partner or service provider receives funds directly or indirectly from U.S. Department of Health and Human Services or other Federal agencies, it is required under Title VI of the Civil Rights Act of 1964 and its implementing regulations, to take reasonable steps to ensure meaningful access to its programs by persons with limited English proficiency. Title VI also prohibits Federal grant recipients from utilizing methods of administration that have the effect of discriminating against persons based on their race, color, or national origin. In some cases, a provider's failure to provide language assistance to linguistically or culturally diverse populations could be a violation of Title VI. However, the Title VI requirement to take reasonable steps to ensure meaningful access does not mean that jurisdictions are required to provide universal ESL training. While individual jurisdictions may need to provide ESL training and testing to TANF family members in some cases, universal ESL training is not a statutorily mandated requirement. [↑](#footnote-ref-78)
79. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-79)
80. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-80)
81. 20 CFR § 678.715(a)(1) [↑](#footnote-ref-81)
82. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-82)
83. 2 CFR § 200.306; TEGL 17-16 [↑](#footnote-ref-83)
84. 2 CFR § 200.306(d) [↑](#footnote-ref-84)
85. 2 CFR § 200.306(i)(4) [↑](#footnote-ref-85)
86. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-86)
87. 20 CFR § 678.715 and 2 CFR § 200.306; TEGL 17-16 [↑](#footnote-ref-87)
88. 2 CFR § 200.306(i)(3): The value of donated space must not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality [↑](#footnote-ref-88)
89. TEGL 17-16 [↑](#footnote-ref-89)
90. 20 CFR § 678.715(a) [↑](#footnote-ref-90)
91. 20 CFR § 678.725 [↑](#footnote-ref-91)
92. 20 CFR § 678.720(b) [↑](#footnote-ref-92)
93. 20 CFR § 678.730(b)(2) [↑](#footnote-ref-93)
94. 20 CFR § 678.720(b) [↑](#footnote-ref-94)
95. 20 CFR § 678.730(b)(2) [↑](#footnote-ref-95)
96. 20 CFR § 678.720(b) [↑](#footnote-ref-96)
97. 20 CFR § 678.730(b)(2) [↑](#footnote-ref-97)
98. 20 CFR § 678.720(a) [↑](#footnote-ref-98)
99. 20 CFR § 678.730(b) [↑](#footnote-ref-99)
100. 20 CFR § 678.720(c) [↑](#footnote-ref-100)
101. 20 CFR § 678.740(c) [↑](#footnote-ref-101)
102. 20 CFR § 678.740(d) [↑](#footnote-ref-102)
103. 20 CFR § 678.720(c) [↑](#footnote-ref-103)
104. 20 CFR § 678.740(c) [↑](#footnote-ref-104)
105. 20 CFR § 678.740(d) [↑](#footnote-ref-105)
106. 20 CFR § 678.720(c) [↑](#footnote-ref-106)
107. 20 CFR § 678.740(c) [↑](#footnote-ref-107)
108. 20 CFR § 678.740(d) [↑](#footnote-ref-108)
109. 20 CFR § 678.715(a)(1) [↑](#footnote-ref-109)
110. 20 CFR § 678.740(a) – (d) [↑](#footnote-ref-110)
111. 20 CFR § 678.720(b) [↑](#footnote-ref-111)
112. 20 CFR § 678.720(a) [↑](#footnote-ref-112)
113. Ibid. [↑](#footnote-ref-113)
114. 20 CFR § 678.720(a) [↑](#footnote-ref-114)
115. 20 CFR § 678.740(a) [↑](#footnote-ref-115)
116. 20 CFR § 678.740(c) [↑](#footnote-ref-116)
117. 20 CFR § 678.740(d) [↑](#footnote-ref-117)
118. 20 CFR § 678.720(a) [↑](#footnote-ref-118)
119. 20 CFR § 678.740(b) [↑](#footnote-ref-119)
120. 20 CFR § 678.715(c) [↑](#footnote-ref-120)
121. 20 CFR § 678.730 [↑](#footnote-ref-121)
122. 20 CFR § 678.750(a) – (d) [↑](#footnote-ref-122)
123. 20 CFR § 678.800(d) [↑](#footnote-ref-123)
124. 20 CFR § 678.300(e) [↑](#footnote-ref-124)
125. 20 CFR §§ 678.305(e) and 678.800(e); also, affiliate sites must be physically and programmatically accessible to individuals with disabilities as established under WIOA Sec. 188 and 29 CFR Part 38 (20 CFR § 678.310(d)). [↑](#footnote-ref-125)
126. For information on the certification process, see NDOL’s current policy on AJC certification and local workforce delivery system evaluation. [↑](#footnote-ref-126)
127. 20 CFR § 678.738 (both the preamble and the provision) [↑](#footnote-ref-127)
128. 20 CFR § 678.738(c)(1) – (6) [↑](#footnote-ref-128)
129. Pursuant to the preamble discussion on 20 CFR § 678.738, in states where there are two Vocational Rehabilitation agencies (general and blind), the combined contribution from the programs cannot be required to exceed the cap, which is based on the total Vocational Rehabilitation allotment to the state. [↑](#footnote-ref-129)
130. Ibid. [↑](#footnote-ref-130)
131. One-stop Comprehensive Financial Management Technical Assistance Guide, U.S. Department of Labor, Employment and Training Administration, July 2002 (https://www.doleta.gov/grants/pdf/finaltag\_august\_02.pdf). [↑](#footnote-ref-131)
132. Accessible at https://www.doleta.gov/grants/pdf/finaltag\_august\_02.pdf. [↑](#footnote-ref-132)
133. Accessible at https://www.doleta.gov/grants/pdf/TAG\_PartII\_July2011.pdf. [↑](#footnote-ref-133)
134. See APPENDIX XIII for the definition of [program year](#_program_year). [↑](#footnote-ref-134)
135. See APPENDIX XIII for the definition of [infrastructure costs](#_infrastructure_costs_1). [↑](#footnote-ref-135)
136. 20 CFR § 678.730(a) [↑](#footnote-ref-136)
137. See APPENDIX XIII for a definition of [additional costs](#_additional_costs_1). [↑](#footnote-ref-137)
138. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-138)
139. Ibid. [↑](#footnote-ref-139)
140. Ibid.; 20 CFR § 678.730(a) [↑](#footnote-ref-140)
141. Ibid. [↑](#footnote-ref-141)
142. 20 CFR § 678.735 [↑](#footnote-ref-142)
143. 20 CFR § 678.730(b)(1) [↑](#footnote-ref-143)
144. “Appropriate” means the infrastructure costs detailed in the budget are (1) representative of actual infrastructure costs and (2) supported by the negotiation materials provided by the local board under Step 1. [↑](#footnote-ref-144)
145. See APPENDIX XIII for a definition of [participant](#_participant). [↑](#footnote-ref-145)
146. 20 CFR § 678.738(c) [↑](#footnote-ref-146)
147. Ibid. [↑](#footnote-ref-147)
148. WIOA Sec. 121(h)(2)(D)(ii); 20 CFR § 678.735(c); see Table 13 in [APPENDIX VIII](#_Summary_Comparison_of) for a summary of the percentage limitations (caps) [↑](#footnote-ref-148)
149. Ibid. [↑](#footnote-ref-149)
150. See [APPENDIX IV](#_Additional_Costs) for a non-exhaustive list of examples of additional costs. [↑](#footnote-ref-150)
151. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-151)
152. WIOA Sec. 3(8) [↑](#footnote-ref-152)
153. 2 CFR § 200.86 [↑](#footnote-ref-153)
154. U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-154)
155. See [APPENDIX IV](#_Infrastructure_Costs) for a non-exhaustive list of examples of infrastructure costs. [↑](#footnote-ref-155)
156. 20 CFR § 678.300 [↑](#footnote-ref-156)
157. 20 CFR § 678.430(a)(10)(i)(A) – (B) [↑](#footnote-ref-157)
158. WIOA Secs. 3(40) and 121(e)(2); U.S. Department of Labor, “FAQs – December 27, 2016: Infrastructure Funding Guidance,” https://doleta.gov/wioa/FAQs.cfm#WIOA\_One-Stop\_Infrastructure\_Costs\_–\_FAQs [↑](#footnote-ref-158)
159. 20 CFR § 677.150(a) [↑](#footnote-ref-159)
160. 2 CFR § 200.74 [↑](#footnote-ref-160)
161. U.S. Department of Labor, “Guidance on the Protection of Personal Identifiable Information,” https://www.dol.gov/general/ppii [↑](#footnote-ref-161)
162. 20 CFR § 677.150(b) [↑](#footnote-ref-162)
163. 20 CFR § 678.300(d)(3) [↑](#footnote-ref-163)
164. 2 CFR § 200.93 [↑](#footnote-ref-164)
165. 20 CFR § 681.460 [↑](#footnote-ref-165)