Policy Manual

WIOA Title I Adult, Dislocated Worker, and Youth Programs
WIOA Title III Wagner-Peyser Employment Service
Jobs for Veterans State Grant Program
National Dislocated Worker Grant Programs
Senior Community Service Employment Program
Trade Adjustment Assistance

Version date: 25 Sep 2026

Message to readers

This manual is a compilation of policies in effect as of April 17, 2026. If you experience accessibility issues with this manual or have questions or comments, please email the policy mailbox at ndol.wioa_policy@nebraska.gov.

1. Governance

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Governance Effective June 11, 2025 Rescinds State Workforce Development Board, Local Chief Elected Officials, Local Fiscal Agents, and Local Workforce Development Boards (effective December 13, 2023)

Local Chief Elected Officials, Fiscal Agents, and Workforce Development Boards

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

WIOA and its implementing rules, regulations, and guidance define roles and responsibilities of local chief elected officials, fiscal agents, and workforce development boards.

ACTION

NDOL

This policy rescinds *State Workforce Development Board, Local Chief Elected Officials, Fiscal agents, and Local Workforce Development Boards*. Questions and comments on this policy may be submitted by email to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local chief elected officials, fiscal agents, and workforce development boards

Local chief elected officials (CEOs), local fiscal agents (fiscal agents), and local workforce development boards (local boards) must adhere to requirements established in this policy; applicable provisions of WIOA and its implementing rules, regulations, and guidance; and other applicable Federal and State laws, rules, and regulations.

POLICY

This policy establishes requirements pertaining to CEOs, fiscal agents, and local boards concerning their respective roles and responsibilities in Nebraska's one-stop delivery system.

This policy has three sections and three appendices.

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Section I. CEOs, fiscal agents, and local boards

(a) CEO roles and responsibilities

Roles and responsibilities of CEOs are described throughout WIOA Title IA Chapter 2 (29 USC Chapter 32 Subchapter I, Part A, Subpart 2), 20 CFR §§ 678.610 and 678.800; applicable provisions of 20 CFR Part 679 Subparts B, C, and D; 20 CFR § 683.710; and other applicable Federal and State laws, rules, regulations, and guidance.

CEO roles and responsibilities concerning biennial local board certifications are clarified below in subsection (1).

(1) Biennial local board certifications

Local boards are appointed by CEOs in accordance with criteria established under 29 USC § 3122(b) and 20 CFR § 679.310(a).

Local boards must be certified by the Governor every two years (biennially), in accordance with 29 USC § 3122(c)(1)-(2) and NDOL requirements pertaining to submission, documentation, and due date requirements, as described below.

1. NDOL requires CEOs (or their designees) to submit the following documentation when requesting biennial local board certifications:
    a. written requests indicating CEOs are applying for biennial certification of their respective local boards (email requests are sufficient);
    b. fully completed local board membership rosters, membership distributions, and standing committee membership rosters using working versions of the templates provided in APPENDIX II;[1] and
    c. membership applications for all local board members, which must have been completed using working versions of the temples provided in APPENDIX III.[2]
2. Local board certification requests and required documentation must be submitted to the policy mailbox (ndol.wioa_policy@nebraska.gov) *no later than March 1 of applicable calendar years*, as described in Table 1.
    a. Note. Due dates for submission of biennial board certification documentation will have the same biennial March 1 due date for PY33 and subsequent biennial certification periods.

Table 1. Due dates for submission of biennial local board certification documentation

Certification period	Calendar year due date
Program Years 2027 and 2028	March 1, 2027
Program Years 2029 and 2030	March 1, 2029
Program Years 2031 and 2032	March 1, 2031

(b) Fiscal agent roles and responsibilities

CEOs must ensure their fiscal agents have clearly defined roles and responsibilities. General and optional functions of fiscal agents functions are defined under 20 CFR 679.420. Fiscal agents must also comply with all other applicable Federal and State laws, rules, regulations, guidance, and policies.

(c) Local board roles and responsibilities

Local boards must:

1. perform the functions described under 29 USC § 3122(d), 20 CFR § 679.330, and 20 CFR § 679.370;
2. adhere to requirements defined under 20 CFR § 679.330 and 20 CFR § 683.710(b)(3);
3. comply with Federally defined “sunshine” requirements described in 29 USC § 3122(e);
4. comply with requirements of the Nebraska Open Meetings Act (Neb. Rev. Stat. §§ 84-1407-84-1414);[3] and

[1] Current working versions of the templates are provided to local area administrative entity staff by email.
[2] Ibid.
[3] An annotated outline of the Nebraska Open Meetings Act is accessible at https://ago.nebraska.gov/open-meetings.

5. in partnership with CEOs, provide oversight and monitoring of their respective local areas, as required under 2 CFR §§ 200.303(c) and (d), 200.318(b), 200.328, and 200.332; and 20 CFR § 679.370(i); and other applicable Federal and State laws, rules, and regulations.

(1) Standing committees

Local boards may designate standing committees to assist the local board with carrying out its responsibilities.[4] If local boards elect to designate standing committees, the standing committees must meet the requirements of 20 CFR § 679.360.

(2) Staff

Pursuant to 29 USC § 3122(f) and 20 CFR § 679.400(a), local boards have the authority to hire directors and other staff to assist in carrying out the functions of local boards. If local boards elect to hire staff, the requirements of 20 CFR § 679.400(b)-(e) must be met, as well as requirements of TEGL 10-24 and all other applicable and future Federal laws, rules, and regulations concerning salary caps.

(3) Satisfying consumer choice requirements for Title IB program services

In accordance with 29 USC §§ 3122(d)(10)(E) and 3152, local boards must satisfy consumer choice requirements described in 20 CFR § 679.380.

(4) Waitlist requirements for Title IB programs

As required under 29 USC §§ 3164 and 3174, local areas must provide Title IB youth services to eligible youth and Title IB employment and training activities to eligible adults and dislocated workers. Further, during annual budget planning for upcoming program years, local boards:

- *must* prioritize funding for Title IB program services for eligible adults, dislocated workers, and youth; and
- *must not* prioritize use of adult and dislocated worker funds for incumbent worker training or customized training services to employers, which are non-mandatory employer services, in a manner that jeopardizes the availability of Title IB program services.

If local boards predict or determine during a given program year that funding for Title IB adult, dislocated worker, or youth program services may be limited, local boards may establish waitlists for services. Prior to implementing waitlists, however, local boards must establish, implement, and adhere to local area waitlist policies, processes, and procedures, which must comply with the following conditions and requirements.

1. Only local boards (not their designees, including local administrative entity staff or service provider staff) may establish waitlists for one or more Title IB programs under the following limited circumstances:
    a. when funding is predicted to be insufficient during the remainder of a given program year, based on full analyses of local fiscal records for the impacted program(s); or
    b. unexpected economic conditions occurring in the local area.

[4] 29 USC § 3122(b)(4)

2. Local boards must ensure written agreements with employers for incumbent worker and customized training services include provisions that allow local boards to modify, suspend, or terminate the agreements due to changes in available funding levels for adult and dislocated worker programs.
3. Local boards must modify, suspend, or terminate written agreements with employers for incumbent worker and customized training services and deobligate those funds and restore the balance of the deobligated funds to adult and dislocated worker programs to ensure the availability of funding and to ensure continued provision of program services for eligible adults and dislocated workers.
4. Prior to establishing waitlists for one or more Title IB programs, local boards must take the following actions:
    a. request technical assistance from NDOL by emailing the policy mailbox (ndol.wioa_policy@nebraska.gov) and providing the following documentation with the request:
        (1) *in the event of predicted insufficient funding*, provide summary and detailed:
            (A) documentation demonstrating local board oversight and monitoring of expenditures and obligations relating to the impacted program(s);
            (B) financial documentation for the impacted program(s), including documentation reflecting time charging by subrecipient staff implementing program services under the impacted program(s); and
            (C) descriptions of how priority of service will be ensured and implemented in accordance with NDOL's policy on priority of service and how the local board will frequently monitor waitlist implementation to minimize the duration of the proposed waitlist(s);
        (2) *in the event of unexpected economic conditions occurring in local areas*, provide summary and detailed documentation demonstrating:
            (A) unexpected economic conditions occurring in the local areas;
            (B) local board actions to mitigate those conditions, including coordination with required and additional one-stop partners, as well as workforce development system partners; and
            (C) how priority of service will be ensured and implemented in accordance with NDOL's policy on priority of service and how the local board will frequently monitor waitlist implementation to minimize the duration of the proposed waitlist(s);
    b. participate in technical assistance provided by NDOL, which *must* include participation by one or more representatives of local boards, as well as local area administrative entity staff, and leadership level service provider staff; and
    c. fully implement all reasonable guidance provided by NDOL during technical assistance in order to prevent or mitigate the proposed implementation of any waitlist.

(d) High-performing local boards

Criteria for high-performing local boards have not been established by the state workforce development board.

Section II. Local board decertification

Pursuant to 29 USC § 3122(c)(3), the Governor has the authority to decertify a local board at any time for any of the following reasons:

- fraud or abuse;
- failure to carry out the functions specified for local boards; or
- failure to meet adjusted levels of performance for two consecutive program years.

If the Governor decertifies a local board for a local area, the Governor may require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the CEO in the local area and in accordance with the criteria established under 29 USC § 3122(b).[5]

Section III. Internal controls, conflicts of interest, and mandatory disclosures

(a) Internal controls

Local boards must adhere to the requirements of 2 CFR § 200.303. In addition, if local boards or CEOs have selected or designated an organization to function simultaneously in two or more roles (including fiscal agents, local boards staff, one-stop operators, and direct providers of services), local boards and CEOs must develop written agreements with the organizations that define how the organizations will carry out their responsibilities while demonstrating compliance with WIOA and its implementing rules, regulations, and guidance; Uniform Guidance (2 CFR Parts 200) and 20 CFR § 679.430; as well as other applicable Federal laws, rules, regulations, and guidance.

(b) Conflicts of interest

CEOs, local board members, and local board standing committee members must disclose to NDOL in writing any potential conflicts of interest pertaining to subaward of WIOA Title IB funds to CEOs, as required under 20 CFR § 683.200(c)(5).

Written disclosures must be submitted in a timely manner by email to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(c) Mandatory disclosures

CEOs, fiscal agents, local boards, and local board standing committees must disclose in writing to NDOL and USDOL, as applicable and in a timely manner:

- all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting subawards of Federal funds by NDOL, as required under 2 CFR § 200.113; and
- certain civil, criminal, or administrative proceedings, as required under 2 CFR § 200.113.

[5] 29 USC § 3122(c)(3)(C)

Failure to make required disclosures can result in any of the remedies described under 2 CFR §§ 200.113, 200.339, and other applicable Federal and State laws, rules, and regulations.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

APPENDIX I. Definitions

Definitions in this appendix are provided as supplemental information supporting the provisions of the policy and its appendices. Terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and its appendices and not as stand-alone information independent of that context.

1. chief elected official (CEO)

The term chief elected official (CEO) refers to the chief elected executive officer of a unit of general local government in a local area.[6] The term chief elected official also refers to a chief elected officials board (CEOB) established in accordance with 29 USC §§ 3102(9) and 3122(c)(1)(b).

2. community-based organization

Community-based organization[7] means a private nonprofit organization (which may include a faith-based organization) that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce development.

3. demonstrated experience and expertise

An individual with *demonstrated experience and expertise* refers to an individual who has documented leadership in developing or implementing workforce development, human resources, training and development, or a core program function.[8] Individuals with demonstrated experience and expertise may include an individual with experience and expertise in:

- education or training of job seekers with barriers to employment, such as Veterans and individuals with disabilities;
- providing or supporting competitive integrated employment for individuals with disabilities; or
- addressing employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

For purposes of selecting representatives as members of local boards, a representative with demonstrated experience and expertise means an individual who:[9]

- is a workplace learning advisor;
- contributes to the field of workforce development, human resources, training and development, or a core program function; or
- the local board recognizes for valuable contributions in education or workforce development related fields.

[6] 29 USC § 3102(9)
[7] 29 USC § 3102(10)
[8] 20 CFR §§ 679.110(b)(3)(ii)(C) – (D) and 679.120(b)
[9] 20 CFR § 679.340(b)

4. in-demand industry sector or occupation

In-demand industry sector or occupation[10] means an:

- industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.

5. optimum policymaking authority

Individuals with optimum policymaking authority[11] are those who can reasonably be expected to:

- speak affirmatively on behalf of the entities they represent; and
- commit those entities to a chosen course of action.

6. small business

Refer to 29 CFR § 3151(b)(2)(B) for WIOA's current definition of small business.

7. subrecipient

Subrecipient[12] means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Subrecipient *does not* include an individual that is a beneficiary of such program.

8. unit of general local government

The term unit of general local government[13] means any general-purpose political subdivision of a state that has the power to levy taxes and spend funds and has general corporate and police powers.

[10] 29 USC § 3102(23)
[11] 20 CFR §§ 679.120(a) and 679.340(a)
[12] 2 CFR § 200.1
[13] 29 USC § 3102(62)

9. workplace learning advisor

The term workplace learning advisor[14] means an individual employed by an organization who has the knowledge and skills necessary to advise other employees of that organization about education, skill development, job training, career counseling services, and credentials that are required to progress toward the career goals of the employees in order to meet employer requirements related to job openings and career advancements that support economic self-sufficiency. The workplace learning advisor must also have the knowledge and skills necessary to advise other employees on the services provided through the workforce development system.

[14] 29 USC § 3102(70)

APPENDIX II. Local board roster, membership distribution, and standing committee templates

1. Local board roster template

Last name	First name	Board membership category (*business; workforce; education and training; government; economic and community development; or optional*)	Board role (*chair, vice chair, or general member*)	Board committee and subcommittee membership and assignments (*identify committee or subcommittee*)	Professional affiliation	Professional title	Full work address	Work phone	Work email address

2. Local board membership distribution template

Board members may represent 2 categories. Category means local area business, workforce, education and training, government and economic/community development, or optional categories.

- For the business category, a board member *may not* represent both local area business general *and* local area business small.

Membership category: Local area business (mandatory minimum of 51% of total membership)	# Count	% Representation	Names of applicable members
Local area business: General	0	#DIV/0!	
Local area business: Small (minimum 2)	0	#DIV/0!	
Total	0	#DIV/0!	

Membership category: Workforce (mandatory minimum of 20% of total membership)	# Count	% Representation	Names of applicable members
Workforce: Labor organization (minimum 2)	0	#DIV/0!	
Workforce: Joint labor-management *or* union-affiliated sponsor of Registered Apprenticeship program in the local area who must be a training director or member of a labor organization (minimum 1)	0	#DIV/0!	
Workforce: Community-based organization with demonstrated experience and expertise in addressing employment, training, or education needs of individuals with barriers to employment, including organizations that serve Veterans or provide or support competitive integrated employment for individuals with disabilities (optional membership)	0	#DIV/0!	
Workforce: Organization experienced in addressing employment, training, or education needs of eligible youth, including out-of-school youth (optional membership)	0	#DIV/0!	
Workforce: At least 1 additional representative from above categories to reach the mandatory 20% threshold for workforce membership	0	#DIV/0!	
Total	0	#DIV/0!	

Membership category: Education and training	# Count	% Representation	Names of applicable members
Education and training: WIOA Title II Adult Education and Family Literacy (minimum 1)	0	#DIV/0!	
Education and training: Institution of higher education (minimum 1)	0	#DIV/0!	
Total	0	#DIV/0!	

Membership category: Government and economic/community development	# Count	% Representation	Names of applicable members
Government and economic/community development: Economic and community development entity serving the local area (minimum 1)	0	#DIV/0!	
Government and economic/community development: Wagner-Peyser Employment Service Program serving the local area (minimum 1)	0	#DIV/0!	
Government and economic/community development: WIOA Title IV vocational rehabilitation programs serving the local area (minimum 1)	0	#DIV/0!	
Total	0	#DIV/0!	

Optional representation	# Count	% Representation	Names of applicable members
Entities administering education and training activities who represent local educational agencies or community-based organizations with demonstrated expertise in addressing the education or training needs for individuals with barriers to employment	0	#DIV/0!	
Governmental and economic and community development entities who represent transportation, housing, and public assistance programs	0	#DIV/0!	
Philanthropic organizations serving the local area	0	#DIV/0!	
Other appropriate individuals as determined by the CEO	0	#DIV/0!	
Total	0	#DIV/0!	

3. Local board standing committee roster template

Last name	First name	Board role (*identify board role or indicate non-board member*)	Committee role *(chair, vice chair, or committee category of representation*)	Professional affiliation	Professional title	Full work address	Work phone	Work email address

APPENDIX III. Local board membership applications

Instructions to CEOs and local boards

1. For *potential* board members:[15]

    a. Membership applications must be completed and signed digitally by potential local board members.

2. For *current* board members:[16]

    a. If they have not already done so, current local board members must complete membership applications applicable to their categories of representation.

    b. When the employment status of current local board members changes, the effected local board members must complete and submit new membership applications to the CEO and local board, and local area administrative entity staff for determination of eligibility to continue serving as local board members.

    c. The applications must be completed and signed digitally by potential local board members.

[15] Current working versions of the templates are provided to local area administrative entity staff by email.
[16] Ibid.

Membership application: BUSINESS representatives[17]

Instructions

1. Sections 2 through 7 must be completed.
2. You must submit your completed and digitally signed application to the local board representative identified in Section 1, along with supporting documentation required in this form.
3. Incomplete applications and applications that do not include required supporting documentation will not be considered.

Application

1. Local area information (section must be *completed by a local board representative prior to distribution to you*)

Local board name: *Greater* _____ *Workforce Development Board*
Local board representative (full name and email address) _____
Local workforce development area counties _____
_____

2. Applicant information (each field must be completed *by you*)

Applicant name _____
Applicant job title _____
Applicant business address _____
Applicant business phone _____
Applicant business email or alternative email _____

3. Employer information (each field must be completed *by you*)

Employer name _____
Employer address _____
Employer phone (may be used to verify employment) _____
Employer email (may be used to verify employment) _____
Employer industry sector _____
Number of employees companywide _____

4. Eligibility information (each field must be completed *by you*)

Do you have optimum policymaking authority[18] or hiring authority for the entity named in Section 3? ☐ Yes ☐ No
(To be eligible for local board membership, you must have optimum policy making authority for the entity you represent.)
Are you owner of the entity named in Section 3? ☐ Yes ☐ No
Are you the chief executive officer for your employer (named in Section 3)? ☐ Yes ☐ No
Are you the chief operating officer for your employer (named in Section 3)? ☐ Yes ☐ No
Does your employer (named in Section 3) provide employment opportunities in in-demand industry sectors or occupations in the local area counties named above in Section 1? ☐ Yes ☐ No
(*Your employer must provide employment opportunities in in-demand industry sectors or occupations in the local area counties named in Section 1. If you are unsure, contact the local board representative named in Section 1.*)
Have you been nominated for appointment to the local board by a local business organization or business trade association? ☐ Yes ☐ No
(*Business representatives must be nominated for appointment to the local board by a local business organization or business trade association. Your letter of nomination must be submitted with this application.*)

[17] 20 CFR § 679.320(b) and (f)

[18] An individual with *optimum policymaking authority* is an individual who can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action [20 CFR §679.340(a)].

5. Additional information (each field must be completed *by you*)

Please describe your interest in serving on the local board. _____

_____

_____

_____

Please provide your job description. _____

_____

_____

_____

6. Attachments (each field must be completed *by you*)

I am providing following required documents as part of this application.

☐ Letter of nomination
☐ My resume

7. Applicant signature

I assure the information I've provided in and with this application is accurate.

Signature _____

Membership application: WORKFORCE representatives[19]

Instructions

1. Sections 2 through 7 must be completed.
2. You must submit your completed and digitally signed application to the local board representative identified in Section 1, along with supporting documentation required in this form.
3. Incomplete applications and applications that do not include required supporting documentation will not be considered.

Application

1. **Local area information** (section must be *completed by a local board representative prior to distribution to you*)

Local board name: *Greater* _____ *Workforce Development Board*
Local board point of contact (full name and email address) _____
Local workforce development area counties (i.e., service delivery area) _____

2. **Applicant information** (each field must be completed *by you*)

Applicant name _____
Applicant job title _____
Applicant business address _____
Applicant business phone _____
Applicant business email or alternative email _____

3. **Employer information** (each field must be completed *by you*)

Employer name _____
Employer address _____
Employer phone (may be used to verify employment) _____
Employer email (may be used to verify employment) _____
Employer industry sector _____
Number of employees companywide _____

4. **Eligibility information** (each field must be completed *by you*)

Do you have *optimum policymaking authority*[20] or hiring authority for the entity named in Section 3? ☐ Yes ☐ No
(*All board members must have optimum policy making authority for the entity they represent*.)
Do you represent a labor organization in the local area counties named in Section 1? ☐ Yes ☐ No
Do you represent a joint labor-management organization, union affiliated organization, or Registered Apprenticeship program in the local area counties named in Section 1? ☐ Yes ☐ No
If yes, are you the training director or member of the labor organization? ☐ Yes ☐ No
If you are a representative of a labor organization, joint labor-management organization, union affiliated organization, or Registered Apprenticeship program in the local area counties named in Section 1, have you been nominated for appointment by a local labor federation? ☐ Yes ☐ No
(*Representatives of labor organizations, joint labor-management organizations, union affiliated organizations, or Registered Apprenticeship programs must be nominated for appointment to the board by local labor federations. Your letter of nomination must be provided with this application.*)
If you are not a representative of a labor organization, joint labor-management organization, union affiliated organization, or Registered Apprenticeship program in the local area counties named in Section 1, have you been nominated for appointment to the board by an organization that otherwise represents employees in those counties? ☐ Yes ☐ No
(*Representatives of other organizations that represent employees must be nominated by those organizations. A letter of nomination must be submitted with this application.*)

[19] 20 CFR § 679.320(c) and (f)
[20] An individual with *optimum policymaking authority* is an individual who can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action [20 CFR §679.340(a)].

Do you represent a community-based organization that has *demonstrated experience and expertise*[21] in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities? ☐ Yes ☐ No

(*If yes, the community-based organization named in Section 3 must have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities.*)

Do you represent an organization that has *demonstrated experience and expertise* in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth? ☐ Yes ☐ No

(*If yes, the organization named in Section 3 must have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.*)

5. Additional information (each field must be completed *by you*)

Please describe your interest in serving on the local workforce development board. _____

_____

_____

_____

Please provide your job description. _____

_____

_____

_____

6. Attachments

I am providing following required documents as part of this application.

☐ Letter of nomination
☐ My resume

7. Applicant signature

I assure the information I've provided in and with this application is accurate.

Signature _____

[21] A representative of an organization with demonstrated experience and expertise means an individual who (1) is a workplace learning advisor as defined in 29 USC § 3102(70); (2) contributes to the field of workforce development, human resources, training and development, or a core program function; *or* (3) the local board recognizes for valuable contributions in education or workforce development related fields [20 CFR § 679.340(b)].

Membership application: GOVERNMENT, HIGHER EDUCATION, and ECONOMIC AND COMMUNITY DEVELOPMENT representatives[22]

Instructions

1. Sections 2 through 7 must be completed.
2. You must submit your completed and digitally signed application to the local board representative identified in Section 1, along with supporting documentation required in this form.
3. Incomplete applications and applications that do not include required supporting documentation will not be considered.

Application

1. Local area information (section must be *completed by a local board representative prior to distribution to you*)

Local board name: *Greater* _____ *Workforce Development Board*
Local board representative (full name and email address) _____
Local workforce development area counties _____
_____

2. Applicant information (each field must be completed *by you*)

Applicant name _____
Applicant job title _____
Applicant business address _____
Applicant business phone _____
Applicant business email or alternative email _____

3. Employer information (each field must be completed *by you*)

Employer name _____
Employer address _____
Employer phone (may be used to verify employment) _____
Employer email (may be used to verify employment) _____
Employer industry sector _____
Number of employees companywide _____

4. Eligibility information (each field must be completed *by you*)

Do you have *optimum policymaking authority*[23] or hiring authority for the entity named in Section 3? ☐ Yes ☐ No
(*All board members must have optimum policy making authority for the entity they represent*.)

Do you represent a provider that administers adult education and literacy activities authorized under WIOA Title II in the ? ☐ Yes ☐ No
(*If there are multiple providers administering Title II adult education and literacy activities in the in the local area counties named above in Section 1, those entities must nominate you. This is a mandatory eligibility criterion for Title II providers. Your letter of nomination must be submitted with this application*.)

Do you represent an institution of higher education (includes community colleges) that provides workforce investment activities (education, training, etc.)? ☐ Yes ☐ No
(*If there are multiple institutions of higher education that provide workforce investment activities in the local area counties named above in Section 1, those institutions must nominate you. Your letter of nomination must be submitted with this application.*)

Do you represent WIOA Title III Wagner-Peyser Employment Service? ☐ Yes ☐ No

Do you represent a WIOA Title IV vocational rehabilitation program (Nebraska VR or NCBVI)? ☐ Yes ☐ No

[22] 20 CFR § 679.320(d) and (f)

[23] An individual with *optimum policymaking authority* is an individual who can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action [20 CFR §679.340(a)].

5. Additional information (each field must be completed *by you*)

Please provide your job description. _____

_____

_____

_____

Please describe your interest in serving on the local workforce development board. _____

_____

_____

_____

6. Attachments

I am providing following required documents as part of this application.

☐ Letter of nomination (if applicable, as described in Section 4)
☐ My resume

7. Applicant assurance and signature

I assure the information I've provided in and with this application is accurate.

Signature _____

Membership application: OTHER representatives[24]

Instructions

1. Sections 2 through 7 must be completed.
2. You must submit your completed and digitally signed application to the local board representative identified in Section 1, along with supporting documentation required in this form.
3. Incomplete applications and applications that do not include required supporting documentation will not be considered.

Application

1. Local area information (section must be *completed by a local board representative prior to distribution to you*)

Local board name: *Greater* _____ *Workforce Development Board*
Local board representative (full name and email address) _____
Local workforce development area counties _____
_____

2. Applicant information (each field must be completed *by you*)

Applicant name _____
Applicant job title _____
Applicant business address _____
Applicant business phone _____
Applicant business email or alternative email _____

3. Employer information (each field must be completed *by you*)

Employer name _____
Employer address _____
Employer phone (may be used to verify employment) _____
Employer email (may be used to verify employment) _____
Employer industry sector _____
Number of employees companywide _____

4. Eligibility information (each field must be completed *by you*)

Do you have *optimum policymaking authority*[25] or hiring authority for the entity named in Section 3? ☐ Yes ☐ No
(*All board members must have optimum policy making authority for the entity they represent*.)
Do you represent a local educational agency or community-based organization with demonstrated expertise in addressing the education or training needs of individuals with barriers to employment? ☐ Yes ☐ No
Do you represent a governmental or economic and community development entity that provides transportation, housing, or public assistance programs? ☐ Yes ☐ No
Do you represent a philanthropic organization that serves the local area counties named above in Section 1? ☐ Yes ☐ No

5. Additional information (each field must be completed *by you*)

Please describe your interest in serving on the local workforce development board. _____
_____
_____
_____

[24] 20 CFR § 679.320(e) and (f)
[25] An individual with *optimum policymaking authority* is an individual who can reasonably be expected to speak affirmatively on behalf of the entity they represent and to commit that entity to a chosen course of action [20 CFR §679.340(a)].

Please provide your job description. _____

_____

_____

_____

6. Attachments (each field must be completed *by you*)

I am providing following required documents as part of this application.

☐ My resume

7. Applicant signature

I assure the information I've provided in and with this application is accurate.

Signature _____

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Governance Effective date October 28, 2025 Rescinds Local Workforce Development Areas and Statewide Planning Region, Change 2 (effective May 3, 2023)

Local Workforce Development Areas and Statewide Planning Region, Change 3

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Local workforce development areas (local areas) serve as jurisdictions for the administration of workforce development activities and execution of WIOA Title I adult, dislocated worker, and youth programs using Title I funds allocated by the State. In order for the State to receive WIOA Title I funding, the Governor must designate local workforce development areas (local areas).[1]

Planning regions align workforce development activities and resources with larger regional economic development areas and available resources to provide coordinated and efficient services to both job seekers and employers. The Governor must assign local areas to a planning region prior to submission of the state plan, in order for the State to receive WIOA Title I adult, dislocated worker, and youth program allotments.[2]

CHANGES

The entirety of this policy has been reorganized and revised for clarity. Further, this policy has been simplified by removing paraphrased versions of Federal and State laws, rules, regulations,

[1] 29 USC § 3121(b); 20 CFR § 679.220
[2] 29 USC § 3121(a); 20 CFR § 679.210(a)

guidance, and policies and replacing those provisions with links to those laws, rules, regulations, and guidance.

- Sections I and II in the rescinded policy have been combined into a single section in this policy.
- APPENDIX I (definitions) has been removed. Related definitions are now linked in text or footnotes in this policy.
- APPENDIX II and APPENDIX III (2016 and 2020 commuting patterns maps) have been removed as the statewide planning region was established in 2020, and the narrative in Section II of this policy addresses the State's processes and procedures for establishment of the statewide planning region.

ACTION

NDOL

This policy rescinds *Local Workforce Development Areas and Statewide Planning Region, Change 2*. Questions and comments on this policy may be submitted in writing to ndol.wioa_policy@nebraska.gov.

Local areas

Local boards, fiscal agents, and administrative entity staff must ensure they comply with the requirements of this policy, as well as related Federal and State laws, rules, regulations, and other guidance.

POLICY

This policy has two sections.

Section I. Designation, redesignation, and subsequent designation of local areas....3
(a) Initial designation....3
(b) New local area designation....3
(c) Redesignation....3
(d) Subsequent designation....3
(e) Procedures....3
(f) Appealing denied requests for designation, redesignation, or subsequent designation....5
Section II. Statewide planning region....7
(a) Consultation....7
(b) Designation....7

Section I. Designation, redesignation, and subsequent designation of local areas

(a) Initial designation

The State's local areas received initial designation prior to the effective date of this policy in accordance with 29 USC § 3121(b) and 20 CFR §§ 679.230, 679.250(a)-(b), and 679.260.

(b) New local area designation

The Governor may designate new local areas, meaning those that were not designated as local area under the Workforce Investment Act of 1998 (WIA), in accordance with the requirements of 29 USC § 3121(b)(1)(B) and 20 CFR § 679.240(a)-(b).

(c) Redesignation

The Governor may redesignate two or more local areas in a planning region as a single local area if the redesignation has been requested jointly by applicable chief elected officials (CEOs) and local boards, provided the Governor approves the request.[3]

(d) Subsequent designation

After initial designation of local areas, the Governor must approve requests for subsequent designation from such local areas, in accordance with 29 USC § 3121(b)(3), if they have:

- performed successfully;[4]
- sustained fiscal integrity;[5] and
- met all requirements described under 29 USC § 3121(c)(1).

(e) Procedures

(1) General

The State adheres to the general procedural requirements for designation of local areas defined under 29 USC § 3121(b)(1) and 20 CFR § 679.230.

(2) New local area

The Governor may approve requests for designation as new local workforce development areas not designated as local areas under WIA, in accordance with 29 USC § 3121(b)(1)(B) and 20 CFR § 679.240(a)-(b), from any unit of general local government including a combination of such units, if the Nebraska Workforce Development Board determines that the area meets the requirements of 20 CFR § 679.240(a) and recommends designation of the area to the Governor. NDOL has established the following procedures for new local area designation.

1. Units of general local government, or combinations of such units, seeking designation as new local areas must submit written requests and documentation to ndol.wioa_policy@nebraska.gov demonstrating they meet the requirements of 29 USC § 3121(b)(1)(B) and 20 CFR §§ 679.230 and 679.240(a).

[3] 20 CFR § 679.240(c)
[4] 20 CFR § 679.260(a)-(b)
[5] 20 CFR § 679.260(c)

2. Following receipt of requests and documentation, NDOL will:
    a. review the requests and required documentation; and
    b. prepare a written recommendation for consideration by the Nebraska Workforce Development Board.
3. Following the Nebraska Workforce Development Board's review and consideration of the submitted requests and documentation, NDOL will forward to the Governor the:
    a. submitted requests and required documentation;
    b. the Nebraska Workforce Development Board's recommendation; and
    c. NDOL's recommendation.
4. The Governor will review the materials and will make a determination within 120 calendar days, absent extenuating circumstances.
5. NDOL will notify the Nebraska Workforce Development Board and requesting units of general local government, as well as current CEOs and local boards, of the outcome of the Governor's determinations.

(3) Redesignation

NDOL has established the following procedures for redesignation of two or more local areas as a single local area, in accordance with 20 CFR § 679.230.

1. Two or more CEOs and local boards seeking redesignation of their respective local areas as a single local area must:
    a. prepare a joint written request and provide supporting documentation demonstrating criteria described under 29 USC § 3121(b)(1)(B) and 20 CFR § 679.240(a) have been met;
    b. submit the request and documentation by email to the policy mailbox at ndol.wioa_policy@nebraska.gov.
2. Following receipt of the request and required documentation, NDOL will:
    a. review the request and supporting documentation to verify criteria described under 29 USC § 3121(b)(1)(B) and 20 CFR § 679.240(a) have been met;
    b. verify the availability of Title I statewide funds for the current program year to provide assistance to local areas seeking redesignation; and
    c. prepare a written recommendation for consideration by Nebraska Workforce Development Board.
3. NDOL will provide the following to the Nebraska Workforce Development Board for review and consideration during its next regularly scheduled meeting:
    a. the submitted request and supporting documentation;
    b. NDOL's assessment of the availability of Title I statewide funds to provide assistance to local areas seeking redesignation; and
    c. NDOL's recommendation on the request.
4. Following the Nebraska Workforce Development Board's review and consideration of the submitted request and documentation, NDOL will forward the following to the Governor:
    a. the submitted request and supporting documentation;
    b. the Nebraska Workforce Development Board's recommendation;
    c. NDOL's assessment of the availability of Title I statewide funds; and
    d. NDOL's recommendation on the request.
5. The Governor will review the materials and make a determination within 120 calendar days, absent extenuating circumstances; and NDOL will notify the Nebraska Workforce Development Board and local boards and chief elected officials of the Governor's determination.

6. If the Governor approves the request, the Nebraska Workforce Development Board must authorize use of statewide Title I funds to facilitate redesignation activities[6] during its next regularly scheduled meeting, provided Title I statewide funds are available for the current program year in accordance with 20 CFR § 679.280(a). If statewide funds are not available during the program year when the request is approved, funds from the next program year may be provided pursuant to 20 CFR § 679.280(b).

(4) Subsequent designation

The Governor must approve requests from CEOs and local boards for subsequent designation if the legislative, regulatory, and policy requirements have been met.[7] NDOL has established the following procedures for subsequent designation of local areas.

1. CEOs and local boards seeking subsequent designation must submit written requests and supporting documentation demonstrating they've met the requirements of 29 USC § 3121(c)(1) and 20 CFR § 679.250(a)-(b). Requests and documentation must be submitted to ndol.wioa_policy@nebraska.gov.
2. Following receipt of the request and documentation, NDOL will:
    a. review the request and documentation to ensure the requirements of 29 USC § 3121(c)(1) and 20 CFR § 679.250(a)-(b) have been met;
    b. prepare a written recommendation for the Governor's consideration; and
    c. submit the request, supporting documentation, and NDOL's recommendation to the Governor.
3. The Governor will review the request, supporting documentation, and NDOL's recommendation and make a determination within 120 calendar days, absent extenuating circumstances.
4. NDOL will notify CEOs and local boards of the Governor's determination.

The Governor must review local areas that have received subsequent designation during each four-year state plan cycle to evaluate whether the local area continues to meet requirements for subsequent designation.[8] In addition, the Governor may review local areas that have received subsequent designation at any time to evaluate whether the local area continues to meet requirements for subsequent designation.[9] Local areas that have received subsequent designation are considered as having requested continued subsequent designation unless the respective CEOs and local boards notify the Governor in writing that they no longer seek continued subsequent designation.[10] The notification must be submitted by email to ndol.wioa_policy@nebraska.gov. The notification will be transmitted to the Governor by NDOL.

(f) Appealing denied requests for designation, redesignation, or subsequent designation

A local board and chief elected official or unit of general local government or combination of such units may appeal a denied request for designation, redesignation, or subsequent designation to the Nebraska Workforce Development Board and US Secretary of Labor (Secretary), according to the procedures described below.[11]

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[6] 20 CFR § 679.280(c)
[7] 20 CFR § 679.250(b)
[8] 20 CFR § 679.250(d)
[9] Ibid.
[10] 20 CFR § 679.250(e)
[11] 29 USC § 3121(b)(6); 20 CFR §§ 679.290 and 683.640

(1) Appeal to the Nebraska Workforce Development Board

CEOs and local boards or units of general local government or combination of such units must submit a written request for a hearing to the Chair of the Nebraska Workforce Development Board within 15 calendar days of the date of notification of denial of designation, redesignation, of subsequent designation. Written requests must include descriptions of the bases for the appeal and be submitted by certified mail, return receipt requested to Chair, Nebraska Workforce Development Board, Attention: Director, Reemployment Services Division, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508. In addition, a copy of the request must be sent by email to ndol.wioa_policy@nebraska.gov. Absent extenuating circumstances, the Chair will assign a hearing officer and a hearing will take place within 15 calendar days of the Chair's receipt of the request. The hearing will include:

- a statement of the reason(s) for denial of the request; and
- an appeal by the local board and chief elected official or unit of general local government or combination of such units describing why the decision should be reversed or a compromise established.

The Chair will render a decision within 15 calendar days of the date of the hearing.

(2) Appeal to the Secretary of Labor

In accordance with 20 CFR §§ 683.630(a) and 683.640, if the appeal to the Nebraska Workforce Development Board does not result in designation, CEOs and local boards or units of general local government or combination of such units may request a review by the Secretary. When appealing to the Secretary, appellants must file the appeal no later than 30 calendar days after receipt of written notification from the Chair of the Nebraska Workforce Development Board of denying designation. In the appeal, appellants must establish that:

- procedural rights under the appeal process set forth in the state plan were not afforded regarding designation, redesignation, or subsequent designation; *or*
- they meet the requirements for designation, redesignation, or subsequent designation under 29 USC § 3121(b) and 20 CFR § 679.250, as applicable.

Appeals to the Secretary concerning denial of designation, redesignation, and subsequent designation *must be submitted by certified mail, return receipt requested*,[12] to:

Secretary
US Department of Labor
200 Constitution Avenue NW
Washington, DC 20210
Attention: ASET

Chair
Nebraska Workforce Development Board
Attention: Director, Reemployment Services
Nebraska Department of Labor
550 South 16th Street
Lincoln, NE 68508

[12] 20 CFR §§ 679.290 and 683.640(b)

In addition, NDOL requires that copies of appeals to the Secretary be sent simultaneously to:

Commissioner
Nebraska Department of Labor
550 South 16th Street
Lincoln, NE 68508

NDOL policy mailbox at
ndol.wioa_policy@nebraska.gov

Section II. Statewide planning region

(a) Consultation

As required under 29 USC §§ 3121(a)(1) and (c)(2), NDOL held a statewide consultation session on October 14, 2020 on the Governor's behalf with designated representatives of CEOs and local boards and local area administrative entities regarding potential establishment of a single statewide planning region, in lieu of the then-current three planning regions originally identified in 2016 based on worker commuting patterns and areas of economic concentration. In preparation for the October 2020 consultation, NDOL evaluated 2016 commuting patterns in contrast to 2020 commuting patterns and confirmed that commuting patterns are not static. NDOL also evaluated Title I participant mobility during PY18 and PY19. During PY18, 148 participants were served by two or more local areas; and during PY19, 99 participants were served by two or more local areas. NDOL presented this data to and discussed it with local area representatives. Also discussed was the burden placed upon Nebraska's three local areas regarding their then-assignment to multiple planning regions pursuant to a PY18/PY19 waiver granted by the US Department of Labor. All local area representatives agreed unanimously that establishment of a single statewide planning region would:

1. better support alignment of Nebraska's statewide one-stop delivery system through:
    a. development of a single cohesive statewide region plan;
    b. elimination of fragmentation and duplication of regional planning efforts; and
    c. improvement of Title I service delivery across local area boundaries;
2. eliminate burden placed upon local areas, pursuant to the PY18/PY19 waiver permitting assignment of Nebraska's local areas to multiple planning regions requiring their involvement in development and implementation of multiple overlapping regional plans.

(b) Designation

Following NDOL's consultation and local area consensus, the Governor designated the statewide planning region and assigned Nebraska's three local areas to the statewide planning region, as indicated in the designation letter included as appendix to NDOL's regional and local plans policy.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Governance Effective September 23, 2025 Rescinds Statewide Region Plans and Local Plans (effective December 12, 2024)

Statewide Region Plans and Local Plans, Change 1

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Local boards and local chief elected officials (CEOs) must collectively submit and obtain approval of four-year plans for the statewide planning region and mandatory two-year modifications of those plans.[1] In addition, local boards and CEOs must submit and obtain approval for four-year plans for their respective local areas and mandatory two-year modifications of those plans.[2]

CHANGES

Changes implemented under this policy are listed below.

- *APPENDIX I. Letter of designation: Statewide planning region and local area assignment to the planning region*, has been renamed as *APPENDIX I. Assignment of local areas to the Statewide Planning Region*.
- *APPENDIX II. Required content for statewide region plans and local plans* has been removed. NDOL provides current statewide region plan and local plan templates to local boards and administrative entities by email.

[1] 29 USD §§ 3121(c)(2) and 3123(a)
[2] Ibid.

- *APPENDIX III. Nebraska economic development regions* has been retitled as *APPENDIX II. Nebraska economic development regions* and includes an updated map. Specifically, Hamilton County is no longer part of the Grand Island MSA and is now part of the Central Economic Development Region.

ACTION

NDOL

This policy rescinds the NDOL policy titled *Statewide Region Plans and Local Plans*. Questions and comments regarding this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must ensure they comply with the requirements of this policy, as well as related Federal and State laws, rules, regulations, and other guidance.

POLICY

This policy establishes requirements for statewide region plans and local plans and includes four sections and two appendices.

Section I. Requirements for statewide region plans and local plans 2
(a) Four-year statewide region plans and local plans 2
(b) Two-year modifications of statewide region plans and local plans 2
Section II. Submission timelines and procedures 3
Section III. Review and approval processes 3
Section IV. Technical assistance 4
APPENDIX I. Assignment of local areas to the Statewide Planning Region 5
APPENDIX II. Nebraska economic development regions 6

Section I. Requirements for statewide region plans and local plans

(a) Four-year statewide region plans and local plans

All local boards must adhere to the requirements of 20 CFR § 679.510 and 20 CFR § 679.550 concerning preparation, submission, and approval of statewide region[3] plans and local plans.

(b) Two-year modifications of statewide region plans and local plans

Mandatory two-year modifications of statewide region plans and local plans must adhere to the requirements of 20 CFR §§ 679.390, 679.510(a)(2)(ii), 679.510(b), 679.530(b), 679.540(a), and

[3] All local areas were assigned to a single statewide planning region as described in APPENDIX I.

679.580(b), the requirements of the Nebraska Open Meetings Act, as well as other applicable Federal and State laws, rules, regulations, and guidance.

Section II. Submission timelines and procedures

Local boards must use templates provided by NDOL for statewide region plans and local plans when preparing and submitting four-year plans, and subsequent mandatory modifications of the plans.

1. Plans and modifications must be submitted in *Word format*. Plans and modifications submitted in *PDF will not be accepted*.
2. Submission of plans and modifications must include confirmation that submitters are authorized to submit plans and modifications on behalf of applicable local boards and CEOs.
3. Plans and modifications must be submitted by March 1 of the applicable calendar year to the policy mailbox at ndol.wioa_policy@nebraska.gov.
    a. Example due dates:
        i. Due date for submission of statewide region plans and local plans for PY25 through PY28 is March 1, 2025.
        ii. Due date for submission of two-year modifications of statewide region plans and local plans for PY27 and PY28 is March 1, 2027.

Section III. Review and approval processes

On behalf of the Governor, NDOL is responsible for reviewing submitted statewide region plans and local plans and two-year modifications of the plans. Plans are considered approved 90 days after NDOL's receipt of the plans according to the submission timelines described above, *unless* NDOL notifies local areas in writing that, pursuant to 20 CFR §§ 679.520 and 679.570:

- there are deficiencies in workforce investment activities that have been identified through audits and a local area has not made acceptable progress in implementing plans to address the deficiencies;
- plans or mandatory plan modifications of plans do not comply with applicable provisions of WIOA and its implementing rules, regulations, guidance, as well as applicable NDOL policies, including required consultation and public comment requirements and nondiscrimination requirements of WIOA Sec. 188 and 29 CFR Part 38; or
- plans do not align with the state plan, including alignment of core programs to support the vision, goals, and strategies defined in the state plan, in accordance with WIOA Sec. 102(b)(1)(E) and 20 CFR § 676.105.

In the event that statewide region plans and local plans and mandatory modifications are not submitted by March 1 of applicable calendar years, 90-day review periods begin on the dates the plans are *received* in the policy mailbox.

It is important to note that late submission of local plans or mandatory modifications may impact the availability of Title IB program funds to local areas. As stated in NDOL's program funding policy, program funds are available for disbursement *on the latter of*:[4]

- 30 days after funds are made available to the State; or
- 7 days after *date of approval by the Governor of local plans or mandatory plan modifications*.

Section IV. Technical assistance

NDOL will provide technical assistance and labor market information to assist with development of statewide region plans and local plans, mandatory two-year plan modifications, and service delivery efforts.[5]

- For technical assistance with labor market data during development of statewide region plans, local plans, and mandatory modifications, local boards and administrative entities may submit data requests to lmi_ne@nebraska.gov.
- For technical assistance with all other aspects of development of statewide region plans, local plans, mandatory modifications, and service delivery efforts, local boards and administrative entities may submit requests to the policy mailbox at ndol.wioa_policy@nebraska.gov.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[4] WIOA Sec. 182(e); 20 CFR § 683.120(a)(2)(iii)
[5] 20 CFR § 679.510(c)

APPENDIX I. Assignment of local areas to the Statewide Planning Region

STATE OF NEBRASKA

Pete Ricketts
Governor

OFFICE OF THE GOVERNOR
P.O. Box 94848 • Lincoln, Nebraska 68509-4848
Phone: (402) 471-2244 • pete.ricketts@nebraska.gov

October 15, 2020

John H. Albin
Commissioner of Labor/State WIOA Liaison
Nebraska Department of Labor
P.O. Box 94600
Lincoln, NE 68509-4600

Dear Commissioner Albin,

As required under the Workforce Innovation and Opportunity Act of 2014 (WIOA), I hereby designate the entire State of Nebraska as a planning region. Also, as required under WIOA, I assign all of Nebraska's local workforce development areas to the Statewide Planning Region:

1. Greater Omaha Workforce Development Area
2. Greater Lincoln Workforce Development Area
3. Greater Nebraska Workforce Development Area

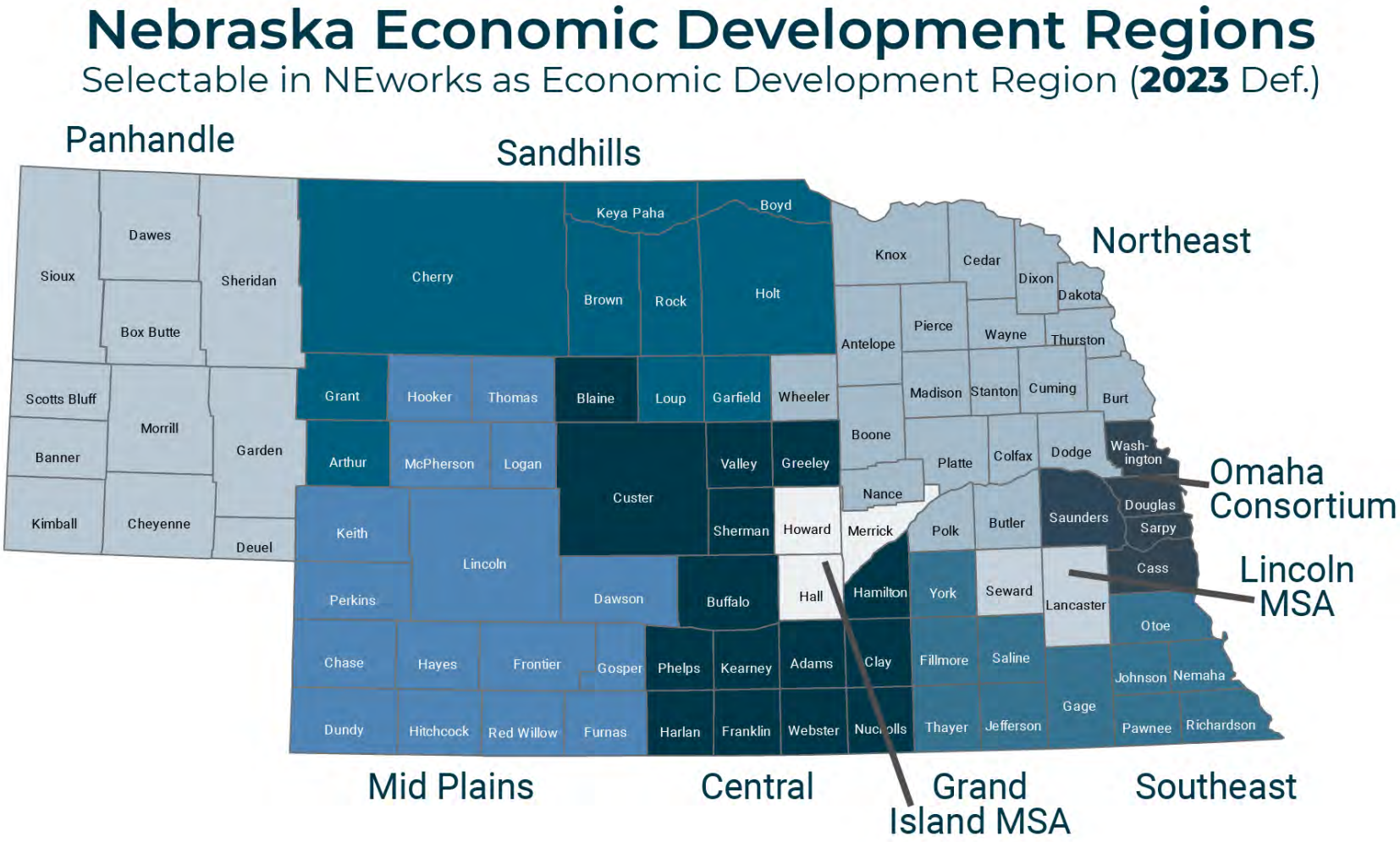
Sincerely,

Pete Ricketts
Governor

cc: Mark Moravec, Chair, Nebraska Workforce Development Board
Bradley Pierce, Director, Office of Employment and Training
Deb Andersen, Interim Administrator of Reemployment Services

An Equal Opportunity Employer

APPENDIX II. Nebraska economic development regions[6]



[6] Nebraska Department of Labor, "Nebraska Economic Development Regions," NEworks, https://neworks.nebraska.gov/admin/gsipub/htmlarea/uploads/Map_EconomicRegions_2013-23_full.pdf [accessed September 19, 2025]

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Governance Effective August 27, 2025 Rescinds Memorandums of Understanding and Funding Agreements, Change 3 (effective May 3, 2023)

Memorandums of Understanding and Local Funding Mechanisms

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Local boards, with agreement of local area chief elected officials (CEOs), are required to establish memorandums of understanding (MOUs) and local funding mechanisms with required one-stop partners covering operations of their local one-stop delivery systems and one-stop centers in their respective local areas[1] Local boards and CEOs may also establish MOUs and local funding mechanisms with additional one-stop partners.[2]

ACTION

NDOL

This policy rescinds NDOL's policy titled *Memorandums of Understanding and Funding Agreements, Change 3*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

[1] 29 USC § 3151(a)(1)
[2] 29 USC § 3151(b)(2)

Local boards

Local boards must ensure that they and their administrative entities adhere to the requirements of this policy, as well as all applicable Federal and State laws, rules, regulations, guidance, and policies, including this policy.

POLICY

This policy provides information concerning:

- MOUs and local funding mechanisms and related local board and required one-stop partner roles and responsibilities;
- reporting outcomes of MOU and local funding mechanism negotiations; and
- the state funding mechanism, including processes by which required one-stop partners may appeal decisions regarding required contributions under the state funding mechanism.

This policy has two sections.

Section I. MOUs, local funding mechanisms, and the state funding mechanism 2
(a) MOUs 2
(b) Local funding mechanisms 2
(c) State funding mechanism 3
Section II. Reporting outcomes of MOU and local funding mechanism negotiations 6
(a) Notification requirements 6

Section I. MOUs, local funding mechanisms, and the state funding mechanism

(a) MOUs

MOUs are products of local discussions and negotiations and are developed and executed between local boards and one-stop partners, with the agreement of local CEOs, relating to the operation of local one-stop delivery systems and one-stop centers.[3] MOUs must include the elements described in 20 CFR § 678.500(b)-(e), which includes funding agreements, and must be negotiated in accordance with 20 CFR § 678.510. Required elements of MOUs are described under 29 USC § 3151(c) and 20 CFR § 678.500.

(b) Local funding mechanisms

Local funding mechanisms for infrastructure and additional costs[4] must comply with and are subject to the requirements of 29 USC §§ 3151(b)-(e), (h)(1), and (i); 2 CFR Part 200; 20 CFR Part 678 Subpart C; 20 CFR §§ 678.715, 678.720, 678.755, and 678.760; and TEGLs 16-16, 16-16 Change 1, and 17-16. Local board and CEO responsibilities relating to local funding mechanisms

[3] 20 CFR § 678.500(a)

[4] Infrastructure costs and additional costs are defined under 20 CFR §§ 678.700 and 678.760 and TEGLs 16-16 and 16-16 Change 1.

are described in 20 CFR § 678.715. Required elements of funding agreements are describe under 20 CFR § 678.755 and TEGLs 16-16 and 17-16.

(c) State funding mechanism

(1) General requirements

As indicated in 29 USC § 3151(h)(1)(A)(ii), 20 CFR §§ 678.725 and 678.730, and TEGL 17-16, if a local board and one or more required one-stop partners fail to reach consensus for sufficiently funding one-stop center *infrastructure* costs, the Governor must administer funding through the state funding mechanism for the applicable program year.

(2) State funding mechanism implementation

Pursuant to 20 CRF §§ 678.725, 678.730, and 678.736 and TEGL 17-16, the process for determining required one-stop partner contributions under the state funding mechanism consists of five steps.

1. *Notice of failure to reach consensus*. If a local board, CEO, and one or more required one-stop partners fail to reach consensus on methods of sufficiently funding a one-stop center's infrastructure costs and amounts to be contributed by each partner program, the local board is required to notify NDOL. Notification must be given as described in Section II(a).

2. *Provision of local negotiation materials*. To assist with state-funding mechanism calculations and determinations, the local board and CEO must provide the following materials and documents used during funding agreement negotiations:
    a. local plan;
    b. cost allocation methodology or methodologies proposed by the partners to be used in determining the proportionate share;
    c. proposed amounts or budget to fund infrastructure costs and the amount of partner funds included;
    d. types of funds available (cash, non-cash, and third-party in-kind contributions);
    e. any proposed or agreed upon one-stop center or system budget;
    f. any partially agreed upon, proposed, or draft funding agreements; and
    g. materials the local board and CEO feel are relevant.

3. *Determining the budget for infrastructure costs*. If the local board provides an agreed-upon budget for infrastructure costs with its notification *and* only the individual programmatic contributions to funding of infrastructure costs funding are at issue, that budget may be used to calculate each required one-stop partner's contribution consistent with the cost allocation methodologies contained in the Uniform Guidance. If an agreed-upon budget is not submitted *or* the agreed-upon budget does not adequately meet the needs of the local area, the formula established by the state board is used to determine the budget. To determine a budget using the state board formula, the one-stop center budget for the local area from the previous program year is adjusted by subtracting all:
    a. additional costs (i.e., non-infrastructure costs);
    b. costs charged to non-required one-stop partners and INA programs; and
    c. alternative funding that defrays infrastructure costs.

    The resulting amount would be the local area budget for infrastructure costs under the state funding mechanism. The budget may be increased by up to three percent, if warranted, based on materials provided with the local board's notification, subject to the approval of NDOL.

4. *Establishing the cost allocation methodology*. Once the budget is determined for a local area in step 3, the Commissioner of Labor in consultation with Commissioner Education, must determine the appropriate cost allocation methodology to be applied to required one-stop partner programs in the local area, which must be consistent with the Federal cost principles permitted under 2 CFR Part 200 to fund the infrastructure costs budget. When determining each required one-stop partner's proportionate share of infrastructure costs, consideration must be given to the costs of administration of the one-stop delivery *system* for purposes not related to one-stop *centers,* such as:
    a. costs associated with maintaining the local board or information technology systems;
    b. statutory requirements for each partner program;
    c. required one-stop partners' ability to fulfill such requirements; and
    d. all other applicable legal requirements.

    Consideration may also be given to the extent to which the required one-stop partners in the local area have agreed in determining partners' proportionate share, including any agreements reached at the local level by one or more partners, as well as any other materials or documents of the negotiating process provided by the local board.

5. *Determining partner shares*. Each required one-stop partner's proportionate share of the infrastructure costs budget is determined, subject to the requirements and limitations established under 20 CFR § 678.738 and TEGL 17-16, using the four-step methodology described below. Required one-stop partners are then notified of their determined costs in writing according to timelines established in Table 2 in Section II(a)(2).

    a. Determining maximum statewide contributions

    Formula for calculations: *ma* = *sc x ff*
    - *ma* = maximum statewide contribution in dollars
    - *sc* = statewide cap percentage
    - *ff* = Federal funds

    Example calculation

Factor	Amount
sc	0.03
ff	$1,000,000
ma	$30,000

    b. Determining maximum local contributions

    Formula: *lc* = *ma* x *u*
    - *lc* = maximum local area contribution in dollars
    - *ma* = maximum statewide contribution in dollars
    - *u* = use of local area
    - *u* = p1 / p2
        - *p1* = local area population
        - *p2* = state population

Example calculation

Factor	Amount
p1	90,000
p2	2,000,000
u	0.45

Factor	Amount
ma	$30,000
u	0.45
lc	$13,500

c. Determining proportionate share

Formula: n1 / n2 = s

- *n1* = number of local area participants served by the required one-stop partner program at the one-stop center, as reported by the partner, during the previous program year (July 1 – June 30)
- *n2* = number of local area participants served by all required one-stop programs at the one-stop center (sum of *n1* for all partners) during the previous program year (July 1 – June 30)
- *s* = proportionate share

Example calculation

Factor	Proportionate share
n1	1,500
n2	10,000
s	0.15

d. Determining contribution amount

Example calculation

Partner	Statewide cap (*sc*)	Local area cap (*lc*)	Proportionate share (*s*)	Proportionate share (*s* x *ff*)	Contribution amount
A	$30,000	$13,500	0.15	$15,000	$13,500

Note. Required one-stop partner contribution amounts under the state funding mechanism must not exceed the local area percentage cap for the partner program. Percentage caps on required one-stop partner contributions under the state funding mechanism are described under 20 CFR § 678.738(c).

(A) Appeal processes for the state funding mechanism

Pursuant to 20 CFR § 678.750, required one-stop partners may appeal determinations of their required contributions to funding of *infrastructure costs* under the state funding mechanism. To appeal determinations of required contributions to funding of *infrastructure costs*, required one-stop partners must:

1. submit appeals and supporting documentation within 15 days of NDOL's notification to the partners regarding their required contributions simultaneously to:
    a. Commissioner of Labor, Nebraska Department of Labor, PO Box 94600, Lincoln, NE 68509-4600
    b. chair of the applicable local board and applicable CEO;
    c. all other required one-stop partners operating in the applicable local area;
    d. Erick Carrillo, Director, Reemployment Services, erick.carrillo@nebraska.gov; and
    e. policy mailbox at ndol.wioa_policy@nebraska.gov.
2. provide the following information with written appeals:
    a. descriptions of the bases for appeal; and
    b. rationale for reversing the determination or establishing a compromise.

Absent extenuating circumstances, the Commissioner of Labor will assign a hearing officer and a hearing will take place and a determination made within 30 days of receipt of the written appeal and supporting documentation. The hearing will include:

- statement of the reasons for the determination of the required one-stop partner's required contribution;
- statement by the partner, describing why the decision should be reversed or a compromise established; and
- final judgment that will include an explanation of the reasons for retention or reversal of the determination or establishment of a compromise, if reasonably possible during the hearing.

Section II. Reporting outcomes of MOU and local funding mechanism negotiations

(a) Notification requirements

Local boards and CEOs must promptly notify NDOL by email once they've *failed to reach consensus* during negotiation of MOUs and local funding mechanisms,[5] as described in subsections (1) and (2) below. Notifications must be submitted to:

1. chair of the applicable local board and applicable CEO;
2. all other required one-stop partners operating in the applicable local area;
3. Erick Carrillo, Director, Reemployment Services, at erick.carrillo@nebraska.gov; and
4. policy mailbox at ndol.wioa_policy@nebraska.gov.

[5] 20 CFR § 678.725

(1) MOU negotiations: Failure to reach consensus

Pursuant to 20 CFR § 678.510(c), if local boards fail to reach consensus during MOU negotiations with one or more required one-stop partners, email notifications must be sent as described above, according to the timelines described below in Table 1. Email notifications must include, as attachments, the materials described above in Section I(c)(1) under item 2 (*Provision of local negotiation materials*). NDOL will provide technical assistance to local boards as described in Table 1.

Table 1. Timelines when consensus is not reached on *MOUs*

Responsible party – event	Deadline
Local board – notifies NDOL that it has failed to reach consensus with 1 or more required one-stop partners during MOU negotiation	No later than April 1 of the applicable calendar year
NDOL – provides initial technical assistance to the local board and requires the local board to resume negotiations for up to 30 days	No longer than 30 days starting on April 1 of the applicable calendar year
Local board – notifies NDOL of the outcome of the first round of resumed negotiations	No later than May 1 of the applicable calendar year
NDOL – if the local board fails to reach consensus with 1 or more required one-stop partners during first-round negotiations, NDOL provides follow-up technical assistance and requires the local board to resume negotiations for up to 15 calendar days	No longer than 15 days starting on May 1 of the applicable calendar year
Local board – notifies NDOL of the outcome of second-round negotiations and, if the impasse is not resolved or consensus is not reached, the local board must notify the state board and state-level entity(ies) responsible for administering the impacted applicable partner program(s)	No later than May 16 of the applicable calendar year
NDOL – if the local board fails to reach consensus with 1 or more required one-stop partners following second-round negotiations, NDOL provides additional technical assistance to the local board and requires the local board to resume negotiations for the third and final round of resumed negotiations, for up to 15 additional days	No longer than 15 days starting on May 16 of the applicable calendar year
Local board – notifies NDOL of the outcome of the third and final round of resumed negotiations	No later than June 1 of the applicable calendar year
NDOL – if the local board fails to reach consensus with 1 or more required one-stop partners following the third and final round of resumed negotiations, NDOL reports the failure to the state board and the Federal entity(ies) responsible for administering the impacted required one-stop partner programs	Within 15 days of receipt of notification of failure to execute MOUs by June 16 of the applicable calendar year

(2) Local funding mechanism negotiations: Failure to reach consensus

Pursuant to 20 CFR § 678.510 and TEGL 17-16, of a local board fails to reach consensus during local funding mechanism negotiations with one or more required one-stop partners, email notification must be made as described in Table 2. Email notifications must include, as attachments, the materials described above in Section I(c)(1) under item 2 (*Provision of local*

negotiation materials). NDOL will provide technical assistance to local boards as described in Table 2.

Table 2. Timelines when consensus is not reached on local funding mechanisms

Responsible party – event	Deadline
Local board – notifies NDOL that it has failed to reach consensus with 1 or more required one-stop partners during local funding mechanism negotiations	No later than April 1 of the applicable calendar year
NDOL – provides initial technical assistance to the local board and requires the local board to resume negotiations for up to 30 days	No longer than 30 days starting on April 1 of the applicable calendar year
Local board – notifies NDOL of the outcome of the first round of resumed negotiations	No later than May 1 of the applicable calendar year
NDOL – if the local board fails to reach consensus with 1 or more required one-stop partners during first-round negotiations, NDOL provides follow-up technical assistance and requires the local board to resume negotiations for up to 15 calendar days	No longer than 15 days starting on May 1 of the applicable calendar year
Local board – notifies NDOL of the outcome of second-round negotiations and, if the impasse is not resolved or consensus is not reached, the local board must notify the state board and state-level entity(ies) responsible for administering the impacted applicable partner program(s)	No later than May 16 of the applicable calendar year
NDOL – if the local board fails to reach consensus with 1 or more required one-stop partners following second-round negotiations, NDOL provides additional technical assistance to the local board and requires the local board to resume negotiations for the third and final round of resumed negotiations, for up to 15 additional days	No longer than 15 days starting on May 16 of the applicable calendar year
Local board – notifies NDOL of the outcome of the third and final round of resumed negotiations	No later than June 1 of the applicable calendar year
NDOL – if the local board fails to reach consensus with 1 or more required one-stop partners following the third and final round of resumed negotiations, NDOL reports the failure to the state board and the Federal entity(ies) responsible for administering the impacted required one-stop partner programs	Within 15 days of receipt of notification of failure to execute local funding mechanism under MOUs by June 16 of the applicable calendar year

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

2. One-stop Delivery System

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category One-stop Delivery System Effective August 15, 2025 Rescinds Local One-stop Delivery Systems and One-stop Centers, Change 1 (effective July 17, 2024)

Local One-stop Delivery Systems and One-stop Centers, Change 2

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Local one-stop delivery systems bring 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 from through one-stop delivery systems.[1] One-stop delivery system partners administer separately funded programs as a set of integrated streamlined services to customers.[2] WIOA Title I assigns responsibilities to ensure the establishment and maintenance of local one-stop delivery systems that enhance the range and quality of education and workforce development services accessible by job seekers, workers, and employers.[3]

[1] 20 CFR § 678.300(a)
[2] Ibid.
[3] 20 CFR § 679.300(b)

CHANGES

Under this policy, the following material changes have been made.

1. The introductory information in Section II(f) concerning reduction of administrative barriers has been removed in accordance with TEGL 10-23 Change 2. In addition, the remainder of Section II(f) has been removed as described below.
    a. Section II(f)(1) concerning disclosure of SSNs has been removed.
        i. Provisions relating to disclosure of SSNs are now addressed in NDOL's performance accountability policy.
    b. Section II(f)(2) on work authorization documentation has been removed pursuant to TEGL 10-23 Change 2.
    c. Section II(f)(3) relating to assisting customers with obtaining necessary documents has been removed.
        i. Provisions relating to Title IB program assistance to participants with obtaining essential documents are now addressed in NDOL's program eligibility policy.
    d. Section II(f)(4) relating to human-centered design framework has been removed as that framework is not a compliance recommendation or requirement pursuant to TEGL 10-23 Change 2.

ACTION

NDOL

This policy rescinds the NDOL policy titled *Local One-stop Delivery System and Centers, Change 1*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must ensure that they, as well as their administrative entities and Title IB service providers and staff, adhere to the requirements of this policy.

POLICY

This policy has two sections.

Section I. Local one-stop delivery systems 3
(a) Structure and design 3
(b) Access 5
(c) Required and additional one-stop partners 6
(d) Required one-stop partner participation in local one-stop delivery systems 6
(e) Required one-stop partner roles and responsibilities in AJCs 6
Section II. Local one-stop delivery system services 7
(a) Basic career services for job seekers, workers, and employers 7
(b) Individualized career services for job seekers and workers 8

(c) Training services for job seekers and workers 8
(d) Youth workforce investment activities.....8
(e) Career services for employers (business services) 9

Section I. Local one-stop delivery systems

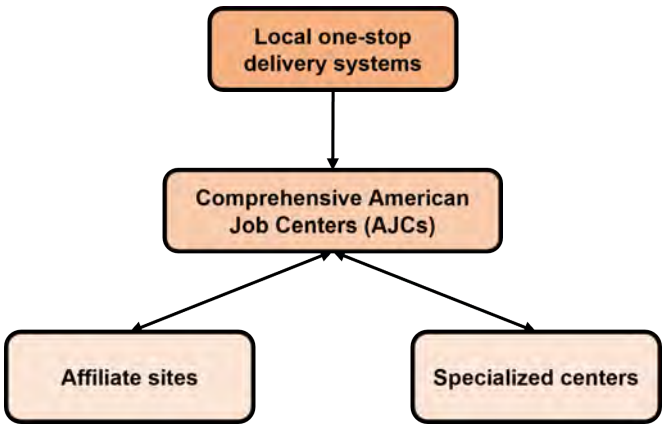
(a) Structure and design

Local one-stop delivery systems:[4]

1. must include at least one physical comprehensive one-stop center, meaning a comprehensive American Job Center (AJC); and
2. may have additional arrangements to supplement AJCs, which may include:
    a. affiliate sites where one or more one-stop partners make programs, services, and activities available;
    b. networks of one-stop partners, through which each partner provides one or more of the programs, services, and activities that are linked, either physically or technologically, to affiliated sites that assure customers are provided information on availability of career services, as well as other program services and activities, regardless of where customers initially enter local one-stop delivery systems; or
    c. specialized centers that address specific needs, including those of dislocated workers, youth, or key industry sectors or clusters in local one-stop delivery systems.

Diagram 1 illustrates the general structure of local one-stop delivery systems that include AJCs, affiliate sites, and specialized centers.

Diagram 1. General structure of local one-stop delivery systems



Design of local one-stop delivery systems must be described in memorandums of understanding (MOUs) executed between local boards and required one-stop partners that include funding

[4] 29 USC § 3151(e)(1)-(2); 20 CFR § 678.300(c)-(d)

agreements, as described in 20 CFR § 678.500,[5] as well as NDOL's policy on MOUs and funding agreements.

(1) Comprehensive American Job Centers (AJCs)

AJCs are physical locations where job seekers, workers, and employers can access programs, services, and activities from all required one-stop partners.[6] AJCs must provide access to:

1. basic and individualized career services (see Sections II(b) and II(c));
2. meaningful assistance with Unemployment Insurance claims (see Section II(b)(1));
3. training services (see Section II(d));
4. youth workforce investment activities (see Section II(e));
5. business services (see Section II(f));
6. programs and activities carried out by required one-stop partners;[7] and
7. workforce and labor market information for job seekers, workers, and employers.

AJCs must be physically and programmatically accessible to individuals with disabilities, as described in 29 USC § 3248, as well as 29 CFR Part 38.

(2) Affiliate sites

Affiliate sites are one-stop centers that make available one or more one-stop partner programs, services, and activities, subject to the following requirements and limitations.[8]

1. Affiliate sites do not need to provide access to every required one-stop partner program.
2. The frequency of the physical presence of program staff at affiliate sites is determined at the local level. Affiliate sites are one-stop delivery system access points *in addition to AJCs*.
3. If used by local areas as part of local one-stop delivery system strategies, affiliate sites must be implemented in a manner that supplements and enhances customer access to services provided through AJCs *but not in lieu of access to AJC services*.
4. Stand-alone Title III affiliate sites are prohibited.[9] If Title III services are provided at affiliate sites, there must be one or more *other partners* located at the sites, with a presence of combined staff at affiliate sites of more than 50 percent of the time when sites are open. The presence of Jobs for Veterans State Grant program staff (Local Veterans Employment Representatives and Disabled Veterans Outreach Program Specialists) and/or Unemployment Insurance program staff *does not count toward the mandatory 50-percent presence requirement*.[10]

Affiliate sites must be physically and programmatically accessible to individuals with disabilities, as described in 29 USC § 3248, as well as 29 CFR Part 38.

[5] 29 USC § 3151(c) and (h); 20 CFR § 678.300(f)
[6] 20 CFR § 678.305(a)-(b)
[7] 29 USC § 3151(e)(2)(C)
[8] 20 CFR § 678.310
[9] 20 CFR § 678.315
[10] Ibid.

(3) Specialized centers

Specialized centers are one-stop centers that address specific needs, including those of dislocated workers, youth, or key industry sectors or clusters.[11] As described above in Section I(a)(2) and 20 CFR § 678.315 concerning affiliate sites, specialized centers must include staff presence from other programs in addition to Title III, Jobs for Veterans State Grant, and Unemployment Insurance programs.[12]

Specialized centers must be physically and programmatically accessible to individuals with disabilities, as described in 29 USC § 3248, as well as 29 CFR Part 38.

(4) Networks of one-stop partners and specialized centers

Any network of one-stop partners or specialized centers, as described in 20 CFR § 678.300(d), must be connected to AJCs and any appropriate affiliate sites by having processes in place to make referrals to and within the network.[13]

(b) Access

Local one-stop delivery system customers must have access to AJC programs, services, and activities provided by required one-stop partners during regular business hours.[14] Local boards may establish service hours at other times outside of or other than regular business hours to accommodate the schedules of individuals who work during regular business hours.[15]

Access to required one-stop partner program services and activities means:[16]

- having at least one program staff member physically present at the one-stop center;
- having at least one staff member from other partner programs physically present at the one-stop center who are appropriately trained to provide information to customers about partner programs, services, and activities available through AJC partner programs; or
- direct linkage to program staff who provide meaningful information or services through electronic means at the AJC *within a reasonable time*, either by phone or through real-time web-based communications with program staff who can provide program information or services to customers, which cannot simply be the provision of phone numbers, website addresses, or general information, pamphlets, and materials.

Access to required one-stop partner programs and their services includes physical and programmatic accessibility for individuals with disabilities, as described in 29 USC § 3248, as well as 29 CFR Part 38.[17] Electronic service delivery systems must comply with the nondiscrimination and equal opportunity provisions of 29 USC § 3248, as well as 29 CFR Part 38.[18]

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[11] 20 CFR § 678.300(d)
[12] 20 CFR § 678.320
[13] Ibid.
[14] 20 CFR § 678.305(c)
[15] Hours of AJC access are evaluated for effectiveness during annual one-stop delivery system assessment and triennial one-stop center certification processes, as described under 20 CFR § 678.800(b) and NDOL's policy on one-stop delivery system assessment and one-stop center certification.
[16] 20 CFR §§ 678.300 and 678.305(d)
[17] Ibid.
[18] 20 CFR § 678.300(e)

(c) Required and additional one-stop partners

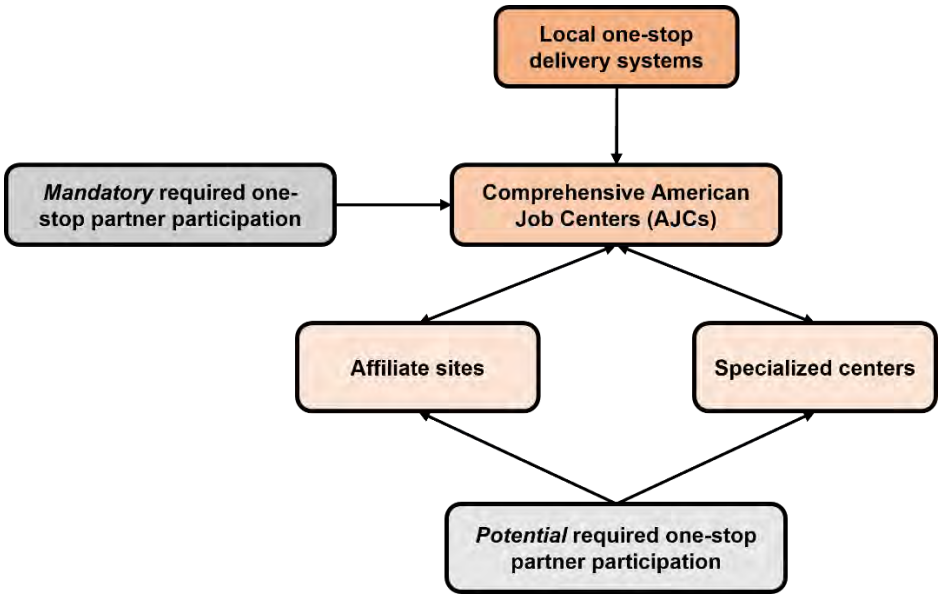
Refer to 20 CFR §§ 678.400 and 678.410, as well as NDOL's policy on MOUs and funding agreements, for lists of required one-stop partners and additional one-stop partners.

(d) Required one-stop partner participation in local one-stop delivery systems

Required one-stop partner programs must provide access to their programs and services through local AJCs and any applicable affiliate sites or specialized centers, either onsite or through electronic means, as described above in Section I(b). Provision of programs and services electronically *must* improve the efficiency, coordination, and quality of one-stop partner services and *must not* replace access to such services at an AJC or be a substitute to making services available at affiliate sites if the partner is participating in affiliate sites.

Diagram 2 illustrates mandatory and potential participation by required one-stop partners in local one-stop delivery systems. *Note that required one-stop partners are not obligated to participate in affiliate sites or specialized centers*.

Diagram 2. Mandatory and potential required one-stop partner participation in local one-stop delivery systems



(e) Required one-stop partner roles and responsibilities in AJCs

Required one-stop partners must:[19]

1. provide access to their respective programs or activities through AJCs, *in addition to any other locations where they elect to provide services*;
2. use a portion of funds made available to their programs, to the extent consistent with Federal law authorizing the respective programs and in compliance with Federal cost principles defined in 2 CFR Parts 200 and 2900, concerning:
    a. provision of career services;

[19] 20 CFR § 678.420

   b. working collaboratively with the State and local boards to establish and maintain local one-stop delivery systems, including jointly funding AJC infrastructure costs through partner contributions:[20]
      i. reasonable cost allocation methodologies by which infrastructure costs are charged to each respective partner based on proportionate use and relative benefit received;
      ii. Federal cost principles; and
      iii. any local area administrative cost requirements established under applicable Federal laws authorizing the partner programs;
3. use a portion of funds made available to their programs or fairly evaluated in-kind contributions, consistent with Federal law authorizing the programs, to fund additional costs relating to operation of local one-stop delivery systems, which:
   a. *must* include costs associated with the provision of applicable career services; and
   b. *may* include other costs, including costs of shared services such as initial intake, assessment of needs, appraisal of basic skills, referrals to other one-stop partners, and business services;[21]
4. enter into MOUs with local boards, which must include funding agreements, relating to the operation of AJCs, in accordance with 20 CFR § 678.500(b);[22]
5. participate in the operation of AJCs, consistent with the terms the MOUs and funding agreements, requirements of partner program authorizing laws, rules, regulations, and Federal cost principles, and all other applicable legal requirements;[23] and
6. provide representation on the state board and local boards, when required or as requested, and participate in board committees as needed.[24]

Section II. Local one-stop delivery system services

(a) Basic career services for job seekers, workers, and employers

Basic career services must be delivered collectively by required one-stop partners through AJCs (subject to legislative authorization, requirements, and limitations for each partner program) and are listed in 20 CFR § 678.430.[25] Further, basic career services, including meaningful assistance with unemployment insurance (UI) claims, must be universally available and accessible to all individuals and employers seeking services.[26] In other words, anyone *may* receive one or more basic career services based on individual needs, even if they are not participating in a program offered by AJC partner programs.

(1) Meaningful assistance

Local boards and administrative entities must ensure the availability of meaningful assistance to anyone seeking assistance with UI claims. There is no Federal mandate that meaningful

[20] 20 CFR § 678.700; 20 CFR § 678.760(a)-(b)
[21] 20 CFR § 678.760(a)-(b)
[22] 20 CFR § 678.420
[23] Ibid.
[24] Ibid.
[25] 29 USC § 3174(c)(2); 20 CFR § 678.425
[26] 20 CFR § 678.430; TEGL 19-16

assistance must be provided only by UI state merit staff. To clarify, meaningful assistance is provided:[27]

- by staff on-site who are well-trained on UI claims filing and the rights and responsibilities of claimants; or
- through direct linkage to UI staff by phone or other technology as long as the assistance is provided by trained and available staff *and within a reasonable timeframe*.

Costs associated with providing meaningful assistance may be paid for by Title I adult programs, Title I dislocated worker programs, Title III, UI, or some combination of these funding sources.[28]

(b) Individualized career services for job seekers and workers

Local boards and local administrative entities must ensure the availability of individualized career services for eligible individuals through AJCs, if determined appropriate in order for individuals to obtain or retain employment, which are listed in 20 CFR § 678.430(b).

- Availability of individualized career services required under local Title I adult and dislocated worker programs for eligible individuals is described in NDOL's adult and dislocated worker program policy.
- Types of career services available through other required one-stop partner programs, which are not described in this policy, are based on the authorizing legislation and implementing rules and regulations for those programs.

(c) Training services for job seekers and workers

Local boards and administrative entities must ensure the availability of training services for eligible individuals through AJCs, if determined to be appropriate in order for individuals to obtain or retain employment.[29]

- Availability of training services required under local Title I adult and dislocated worker programs for eligible individuals is described in NDOL's adult and dislocated worker programs policy.
- Types of training services available through other required one-stop partner programs, which are not described in this policy, are based on the authorizing legislation and implementing rules and regulations for those programs.

(d) Youth workforce investment activities

Local boards and administrative entities must ensure the availability of youth workforce investment activities authorized under WIOA Title I through AJCs.[30]

- Title I youth program services for eligible individuals are described in NDOL's youth program policy.

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[27] 20 CFR § 678.430(a)(10)
[28] 20 CFR § 678.430(a)(10)(ii); TEGL 19-16
[29] 20 CFR § 678.430(b)
[30] 29 USC § 3151(b)(1)

- Types of youth services available through other required one-stop partner programs, which are not described in this policy, are based on the authorizing legislation and implementing rules and regulations for those programs.

(e) Career services for employers (business services)

Local boards and administrative entities must ensure the availability of business services through AJCs.[31] Required and optional business services and related limitations are described under 20 CFR § 678.435 and 20 CFR § 678.440.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[31] 29 USC § 3174(c)(2)(A); 20 CFR § 678.435(a)

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category One-stop Delivery System Effective March 16, 2026 Rescinds One-stop Delivery System Assessment and One-stop Center Certification, Change 4 (May 3, 2023)

WIOA Title IB One-stop Delivery System Assessment and One-stop Center Certification

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

In accordance with 29 USC §§ 3111(d)(6) and 3151(g), the state board, in consultation with chief elected officials and local boards, established objective criteria and procedures for use by local boards when assessing effectiveness, physical and programmatic accessibility, and continuous improvement of local one-stop centers and one-stop delivery systems at least once every 3 years (i.e., triennially), in accordance with the Americans with Disabilities Act of 1990, as amended, as well as 29 USC § 3248 and its implementing regulation 29 CFR Part 38. And as required under 29 USC § 3122(d)(13) and 20 CFR § 679.370(p), local boards must annually assess physical and programmatic accessibility of all one-stop centers in their local areas, again in accordance with Americans with Disabilities Act of 1990, as amended, as well as 29 USC § 3248 and its implementing regulation 29 CFR Part 38.

ACTION

NDOL

This policy cancels NDOL policy titled *One-stop Delivery System Assessment and One-stop Center Certification, Change 4*. Questions and comments on this policy may be submitted in writing

to the policy mailbox at ndol.wioa_policy@nebraska.gov. Technical assistance on requirements of this policy is available upon request to ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must adhere to the requirements of this policy concerning triennial assessments and certifications and annual assessments.

POLICY

This policy has three sections.

Section I. Assessment and certification requirements 2
(a) Overview 2
(b) Effectiveness 3
(c) Physical and programmatic accessibility 3
(d) Continuous Improvement 3
(e) Local criteria 3
Section II. Assessment and certification processes and procedures 3
(a) Triennial assessments and certifications 3
(b) Recertification of relocated certified one-stop centers 4
(c) Annual assessments 4
Section III. Assessment and certification timelines for form submissions 4
(a) Triennial assessment and certification of AJCs, affiliated sites, and specialized centers 4
(b) Assessment and recertification of relocated certified one-stop centers 4
(c) Forms submissions 5

Section I. Assessment and certification requirements

(a) Overview

To be eligible to receive infrastructure funding described under 29 USC § 3151(h), local boards must triennially assess effectiveness, physical and programmatic accessibility, and continuous improvement of their local one-stop delivery systems, based on requirements established in this policy[1] *and* requirements of NDOL's policy on security and the one-stop delivery system.

1. As part of triennial assessment processes, local boards must assess and certify at least one comprehensive one-stop center in their local areas.[2]
2. If local boards designate affiliated sites or specialized centers for inclusion in local one-stop delivery systems *and* seek infrastructure funding support from participating one-stop partner programs, local boards must certify those sites and centers.[3]
3. In addition to triennial assessments, local boards must conduct annual assessments of physical and programmatic accessibility of all one-stop centers in their local areas[4] based

[1] 29 USC § 3151(g)(1); 20 CFR § 678.800(d)
[2] 29 USC §§ 3151(e)(2)(A), 3151(g)(1), and 3151(h)(1)(A)(i); 20 CFR § 678.800(d); TEGL 16-16
[3] 29 USC §§ 3151(e)(2)(B)-(D); 20 CFR § 678.300(d)
[4] 20 CFR § 679.370(p)

on requirements of this policy *and* requirements established in NDOL's policy on security and the one-stop delivery system.

Note. Local boards must have memorandums of understanding in place with all required and additional one-stop partners prior to commencement of all triennial assessment and certification processes, pursuant to 29 USC § 3151(a)(1) and 20 CFR § 678.500. (Refer to NDOL's policy on memorandums of understanding and funding agreements.)

(b) Effectiveness

Local board assessments of effectiveness of local one-stop delivery systems and one-stop centers must comply with 20 CFR § 678.800(b).

(c) Physical and programmatic accessibility

Local board assessments of physical and programmatic accessibility of local one-stop delivery systems and one-stop centers must comply with requirements of the Americans with Disabilities Act of 1990, as amended, as well as 29 USC § 3248 and its implementing regulation 29 CFR Part 38, including 29 CFR § 38.9(b) which addresses requirements for ensuring meaningful access for individuals who are limited English proficient (LEP).

(d) Continuous Improvement

Local board evaluations of continuous improvement of local one-stop delivery systems and one-stop centers must comply with 20 CFR § 678.800(c).

(e) Local criteria

Pursuant to 29 USC § 3151(g)(3), 20 CFR § 678.800(d), and TEGL 16-16, local boards may establish additional assessment criteria *or* set higher standards for service coordination, beyond those set by NDOL in this policy and NDOL's policy on security and the one-stop delivery system.

Section II. Assessment and certification processes and procedures

(a) Triennial assessments and certifications

Local board processes for assessment and certification of one-stop centers must adhere to the following requirements.

1. Processes for assessment and certification of one-stop centers must be established in writing by local boards prior to commencement of triennial assessment and certification.
2. Processes for assessment and certification of one-stop centers must:
    a. comply with requirements of this policy *and* NDOL's policy on security and the one-stop delivery system; and
    b. require use of NDOL's assessment and certification forms, which are provided separately by email to local boards and administrative entities.
3. Processes for establishing written continuity-of-service plans in the event of failure to certify an AJC must be established by local boards prior to commencement of triennial assessment and certification.

4. Processes for assessment and certification of one-stop centers must require submission of documentation to NDOL regarding outcomes of assessment and certification processes, in accordance with instructions provided in NDOL's assessment and certification forms.

Note. All triennial assessment and certification documentation is subject to record retention requirements described in NDOL's policy on records management.

(b) Recertification of relocated certified one-stop centers

If locations of certified one-stop centers change, the one-stop centers must be recertified within 90 days of opening of the new locations. Local boards must follow the requirements of this policy to recertify relocated certified one-stop centers.

Note. All recertification documentation is subject to record retention requirements described in NDOL's policy on records management.

(c) Annual assessments

Local boards are not required to notify NDOL of outcomes of annual assessments of physical and programmatic accessibility of local area one-stop centers. However, documentation of outcomes of annual assessments are subject to review by NDOL's State Monitor, NDOL's State EO Officer, US Department of Labor, and other applicable Federal agencies.

Note. All annual assessment documentation is subject to record retention requirements described in NDOL's policy on records management.

Section III. Assessment and certification timelines for form submissions

(a) Triennial assessment and certification of AJCs, affiliated sites, and specialized centers

Local boards must complete and submit NDOL's assessment and certification forms no later than July 1 of the certification period, as described in Table 1.

Table 1. Triennial assessment and certification forms submission timelines

Triennial certification period	Forms submission due date
PY26 – PY28	July 1, 2026
PY29 – PY31	July 1, 2029
PY32 – PY34	July 1, 2032

(b) Assessment and recertification of relocated certified one-stop centers

Local boards must assess and recertify relocated certified one-stop centers and submit NDOL's assessment and certification forms within 90 days of opening of new locations.

(c) Forms submissions

NDOL's assessment and certification forms must be submitted by email to the following according to timelines described above:

- NDOL Reemployment Services Division at ndol.wioa_policy@nebraska.gov; and
- NDOL State Monitor at ndol.state_monitor@nebraska.gov.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

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NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category One-stop Delivery System Effective September 8, 2025 Rescinds One-stop Operator Competitive Selection, Change 1 (effective May 3, 2023)

One-stop Operator (OSO) Competitive Selection, Change 2

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Local workforce development boards (local boards) must comply with the requirements of 20 CFR Part 678 Subpart D when selecting OSOs (OSOs), in addition to all other applicable Federal and State laws, rules, regulations, guidance, and policies.

CHANGES

The entirety of this policy has been reorganized and revised for clarity. Further, this policy has been simplified by removing paraphrased versions of Federal and State laws, rules, regulations, guidance, and policies and replacing those provisions with links to those laws, rules, regulations, and guidance.

ACTION

NDOL

This policy rescinds NDOL policy titled *OSO Competitive Selection, Change 1*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must insure that their OSOs are selected in accordance with the requirements of this policy, in addition to all other applicable Federal and State laws, rules, regulations, guidance, and policies.

POLICY

This policy defines requirements for competitive selection of OSOs by local boards and has four sections.

Section I. OSO selection and other procurement requirements....2
(a) OSO competitive selection requirements....2
Section II. Eligible entities....3
(a) Local boards serving as OSOs....3
Section III. OSO responsibilities and prohibited functions....3
Section IV. Essential OSO contract elements....3

Section I. OSO selection and other procurement requirements

(a) OSO competitive selection requirements

Local boards must use competitive processes in their selection of OSOs, in accordance with the principles of competitive procurement described under 2 CFR part 200, 2 CFR Part 2900, and TEGL 15-16, as well as local area procurement policies and procedures.[1] In addition, local boards must adhere to the requirements of 29 USC § 3151(d), 20 CFR § 678.605, and TEGL 15-16 when selecting OSOs. Local boards must also adhere to requirements of this policy and the requirements defined under NDOL's policy on procurement, as well as all other applicable Federal and State laws, rules, regulations, guidance, and policies, including but not limited to the following Federal laws, rules, regulations, and guidance:

1. 29 USC § 3111(g);
2. 29 USC § 3151(d)(4)(A);
3. 29 USC § 3122(e);
4. 2 CFR part 200, and 2 CFR Part 2900, including:
    a. 2 CFR § 200.214;
    b. 2 CFR § 200.318;
    c. 2 CFR § 200.319; and
    d. 2 CFR § 200.320;
5. 20 CFR § 678.605;
6. 20 CFR § 678.610;
7. 20 CFR § 679.430; and
8. Neb. Rev. Sta. 84-1407 to 84-1414.

[1] 29 USC § 3151(d); 20 CFR § 678.605; TEGL 15-16

Section II. Eligible entities

Pursuant to 20 CFR § 678.600 and TEGL 15-16, OSOs may be single entities (public, private, or nonprofit) or consortiums of entities that, at a minimum, include three or more required one-stop partners, as described in 20 CFR § 678.400. Entities serving as OSOs are subrecipients of Federal awards and are therefore required to adhere to the requirements of 2 CFR part 200 and 2 CFR Part 2900, in addition to all other applicable Federal and State laws, rules, regulations, guidance, and policies.

(a) Local boards serving as OSOs

While the entities referenced in 20 CFR § 678.600 are eligible to serve as OSOs, eligibility to be a OSO in a specific local area is affected by the nature of the procurement process, particularly as it relates to conflict of interest and avoiding "less-than arms-length" relationships.[2]

Local boards may compete for and be selected as OSOs, as long as appropriate firewalls and conflict of interest policies and procedures are in place and conform to the specifications of 20 CFR § 679.430 concerning internal controls and conflicts of interest. In situations where outcomes of OSO competitive selection processes are determined by local boards, when the local boards are competing as potential OSOs, the Governor and applicable local CEOs must agree to the selection of local boards as OSOs, as required by 29 USC § 3122(g)(2).

Section III. OSO responsibilities and prohibited functions

The role of OSOs must be clearly documented in all phases of the OSO procurement process and in legally binding agreements between local boards and their OSOs.[3] Local boards must ensure that OSOs, in fulfillment of their role, comply with requirements established under 20 CFR Part 678 Subpart D and TEGL 15-16, including requirements concerning prohibited functions of OSOs.

Section IV. Essential OSO contract elements

Written agreements between OSOs and local boards must include essential elements of legally executed and binding written agreements including the essential OSO contract elements, as described in TEGL 15-16.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[2] 20 CFR § 678.615(a); TEGL 15-16
[3] 20 CFR § 678.620; TEGL 15-16

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NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category One-stop Delivery System Effective December 8, 2025 Rescinds Priority of Service, Change 3 (May 14, 2024)

Priority of Service, Change 4

WIOA Title IB Adult, Dislocated Worker, and Youth Programs (Title I)
WIOA Title III Wagner-Peyser Employment Service (Wagner-Peyser)
Jobs for Veterans State Grant program (JVSG)
National Dislocated Worker Grant programs (NDWG)
Senior Community Service Employment Program (SCSEP)
Trade Adjustment Assistance program (TAA)

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in footnotes. NDOL policies cited in this policy are included in the policy manual.

BACKGROUND

Federal laws, rules, regulations, and guidance require that certain individuals receive priority of service under Title I, Wagner-Peyser, JVSG, NDWG, SCSEP, and TAA programs.

CHANGES

This policy has been revised for clarity by replacing:

- paraphrased content from Federal and State laws, rules, regulations, and guidance with links to those laws, rules, regulations, and guidance; and
- definitions under Sections I - VII with links to definitions for applicable key terms.

In addition, Section VIII (priority of service oversight and monitoring requirements) that appeared in the rescinded policy is not included in this policy. Priority of service oversight and monitoring

requirements are addressed in NDOL's policy on local chief elected officials, fiscal agents, and workforce development boards.

ACTION

NDOL

This policy rescinds the NDOL policy titled *Priority of Service Change 3*. Questions and comments regarding this policy may be submitted to ndol.wioa_policy@nebraska.gov.

Local boards

Each local board must establish new or review and update existing policies and procedures concerning implementation of priority of service for Title I, in compliance with applicable Federal laws, rules, regulations, and guidance, as well as Sections I and II of policy.[1]

NDOL-administered programs

NDOL Administrators of Wagner-Peyser, JVSG, NDWG, SCSEP, and TAA must establish procedures concerning implementation of priority of service for their respective programs in compliance with applicable Federal laws, rules, regulations, and guidance, as well as Sections I, III, IV, V, VI, and VII of this policy, as applicable.

POLICY

This policy has seven sections.

Section I. Priority of service 3
(a) Priority of service mandate 3
(b) Priority of service implementation 3
(c) Priority of service data collection and maintainenance 3
Section II. Title I programs 3
(a) Title I adult priority of service 3
(b) Title I dislocated worker priority of service 4
(c) Title I youth priority of service 5
Section III. Wagner-Peyser 5
Section IV. JVSG 5
Section V. NDWG 6
Section VI. SCSEP 6
Section VII. TAA 6

[1] 20 CFR § 680.600(b)

Section I. Priority of service

(a) Priority of service mandate

Priority of service requirements for covered persons are mandated under 38 USC § 4215. Priority of service requirements apply to qualified job training programs funded in whole or in part by Federal funds and includes any program or service defined under 38 USC § 4215(a)(2). In accordance with 38 USC § 4215(a)(3), priority of service means covered persons must be given priority over non-covered persons concerning receipt of employment, training, and placement services.

(b) Priority of service implementation

20 CFR Part 1010 describes requirements for implementation of priority of service by recipients and subrecipients of Federal funds for job training programs for covered persons. An agreement to implement priority of service is a condition for receipt of all Federally funded job training program funds, as described under 20 CFR § 1010.220, applicable USDOL guidance, and this policy. *Priority of service requirements cannot be waived.*[2]

(c) Priority of service data collection and maintainenance

20 CFR § 1010.330 defines requirements for collection and maintenance of data on covered persons and non-covered persons.

Section II. Title I programs

(a) Title I adult priority of service

(1) Implementation requirements

In addition to priority of service requirements described in Section I, local boards must ensure that at least 75 percent of adult participants receiving individualized career and training services through Title I adult programs are from at least one of the three adult priority groups: (1) recipients of public assistance; (2) low-income individuals; or (3) individuals who are basic skills deficient, including English language learners.[3] Priority of service for individualized career services and training services under Title I adult programs must be implemented in the following order:[4]

1. Veterans and eligible spouses who are:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic skills deficient;
2. non-covered persons who are:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic skills deficient;

[2] 20 CFR § 1010.250
[3] 29 USC § 3174(c)(3)(E); 20 CFR § 680.600(a); TEGL 07-20
[4] 29 USC § 3174(c)(3)(E); 20 CFR §§ 680.600(a) and 680.650; TEGLs 10-09, 19-16, and 07-20

3. Veterans and eligible spouses who are not:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic skills deficient;
4. priority populations established by the local board, consistent with subsection (3) below;
5. non-covered persons who are not:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic skills deficient.

(2) Income exclusion for veterans and eligible spouses

Under 38 USC § 4213, when past income is an eligibility determinant for qualified job training programs, any amounts received as military pay or allowances by any person who served on active duty and certain other specified benefits must be disregarded for veterans and eligible spouses for whom those amounts would normally be applied when making eligibility determinations.[5] Regardless of this exclusion, veterans and eligible spouses must still meet program eligibility criteria to receive priority services under Title I adult programs.[6]

(3) Local priority populations

Local boards may establish policies and processes that give priority to other individuals eligible to receive Title I individualized career services and training services, provided that the policies and processes are consistent with priority of service requirements for veterans and eligible spouses under 29 USC § 3174(c)(3)(E); 20 CFR §§ 680.600(c), 680.650, and 683.230; and TEGLs 19-16, and 07-20.

(b) Title I dislocated worker priority of service

(1) Implementation requirements

In addition to priority of service requirements described in Section I, individuals who meet dislocated worker program eligibility criteria defined in NDOL's program eligibility policy and are veterans or military spouses must be given priority over dislocated workers who are not veterans or military spouses.[7]

(2) Policy clarification on separating military service members

A basic requirement to qualify as a Title I dislocated worker is that a worker be *terminated*[8] or *laid off*.[9] It is USDOL policy that being discharged under honorable conditions, either voluntarily or involuntarily, terminates an employment relationship between the military service member and the military and, therefore, meets the termination criterion for the dislocated worker program.[10] Separating military service members must also satisfy other criteria for dislocated worker program

[5] 20 CFR §§ 683.230 and 680.650; TEGLs 19-16, and 07-20
[6] TEGL 07-20
[7] TEGL 22-04
[8] Refer to NDOL's policy on Title I program eligibility for the definition of *terminated*.
[9] Refer to NDOL's policy on Title I program eligibility for the definition of *laid off*.
[10] TEGL 22-04

eligibility, including the *unlikely to return to a previous industry or occupation*[11] criterion. Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating military service members who upon discharge meet eligibility criteria for dislocated worker programs are afforded priority over individuals who are not veterans.

(3) Policy clarifications on military spouses

(i) Cessation of employment

TEGLs 22-04 and 22-04 Change 1 provide policy clarifications concerning military spouses, cessation of employment, and Title I dislocated worker program eligibility.

(ii) Displaced homemakers

TEGL 22-04 provides clarification on military spouses and Title I dislocated worker program eligibility as displaced homemakers.[12]

(c) Title I youth priority of service

In addition to the priority of service requirements described in Section I, there are additional priority of service requirements that apply to Title I youth programs. As stated under 29 USC § 3164(a)(1), potential youth program participants must be low-income individuals. However, exceptions to this rule are described under 20 CFR §§ 681.250(c) and 681.310(b), TEGL 21-16, and NDOL's program eligibility policy.

Section III. Wagner-Peyser

In addition to the priority of service requirements described in Section I, Wagner-Peyser must prioritize delivery of career services for veterans and eligible spouses over non-covered persons.[13]

Section IV. JVSG

TEGL 03-24 and VPL 05-24 clarify statutory duties of JVSG staff, including priority of service and implementation requirements. Refer to NDOL's policy titled *Jobs for Veterans State Grant Program* for additional information.

[11] Refer to NDOL's policy on Title I program eligibility for the definition of *unlikely to return to a previous industry or occupation.*
[12] NDOL's policy on program eligibility includes complementary information on displaced homemakers and Title I dislocated worker programs.
[13] TEGL 10-09; VPL 07-09

Section V. NDWG

NDWG programs are qualified job training programs. Therefore, priority of service must be implemented under NDWG programs for covered persons who meet eligibility requirements described in and conditions of NDWG grant awards, in accordance with 38 USC § 4215.

Section VI. SCSEP

In addition to the priority of service requirements described in Section I, SCSEP staff must give priority to individuals with one or more of the following characteristics:[14]

1. are 65 years of age or older;
2. have a disability;
3. have limited English proficiency;
4. have low literacy skills;
5. reside in a rural area;
6. are veterans or eligible spouses, in accordance with 38 USC § 4215(a);
7. have low employment prospects;
8. have failed to find employment after using services provided under WIOA;
9. are homeless or at risk for homelessness; or
10. are formerly incarcerated or on supervision from release from prison or jail within five years of the date of initial eligibility determination.

For priority groups listed above, SCSEP staff must apply priority of service in the following order:[15]

1. persons who qualify as veterans or eligible spouses and who meet at least one of the other priority characteristics listed above; then
2. persons who qualify as a veteran or eligible spouse who do not meet any of the other priority characteristics listed above; then
3. persons who do not qualify as a veteran or eligible spouse but who meet at least one of the other priority characteristics listed above.

Section VII. TAA

TAA must give priority for approval and funding of TAA Program benefits to trade-affected workers meeting the definition of veteran or eligible spouse, including training benefits when approval of training criteria are met.[16]

[14] TEGL 17-20
[15] 20 CFR § 641.520(c)
[16] 20 CFR § 618.848

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category One-stop Delivery System Effective December 30, 2025 Rescinded Security and the One-stop Delivery System, Change 2

Security and the One-stop Delivery System, Change 3

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Security issues degrade physical and programmatic accessibility within local one-stop delivery systems, the overall effectiveness of the systems, and the ability of one-stop partner programs to provide meaningful services.

CHANGES

The entirety of this policy has been reorganized and revised for clarity. Further, this policy has been simplified by removing paraphrased versions of Federal and State laws, rules, regulations, guidance, and policies and replacing those provisions with links to those legislative sources. Also, APPENDIX I (example risk assessment tool) has been removed. The tool available is available upon email request as described in Section II(a).

ACTION

NDOL

This policy rescinds *Security and the One-stop Delivery System, Change 2*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must adhere to the requirements of this policy concerning security in their respective local one-stop delivery systems.

POLICY

This policy has two sections.

Section I. Local area security policies, processes, and procedures 2
Section II. Security framework 3
(a) Risk identification 3
(b) Risk mitigation 4
(c) Readiness 4
(d) Response and recovery 5

Section I. Local area security policies, processes, and procedures

Local boards must establish safety committees that are responsible for developing and implementing local security policies and processes,[1] as well as procedures,[2] modeled after the four-phase security framework described in Section II below. Local policies, processes, and procedures must comply with the requirements of this policy and must require:

1. establishment of security processes and procedures for security incident documentation (including creation and maintenance of security incident logs and incident resolution logs), notifications, and response and recovery activities;
2. mandatory annual training requirements for local area administrative entity, one-stop operator, and one-stop partner program staff on established policies, processes, and procedures;
3. mandatory annual surveys of local area administrative entity, one-stop operator, and one-stop partner program staff to determine (1) satisfaction with implementation of the policies, processes, and procedures and (2) effectiveness of mandatory training; surveys must provide an opportunity for staff to offer input and suggestions;
4. regular monitoring to determine compliance with policies, processes, and procedures among local area administrative entity, one-stop operator, and one-stop partner program staff;

[1] A process is a series of tasks and activities (i.e., procedures) that produce an outcome.
[2] A procedure is a set of instructions for completing a single task or activity within a process.

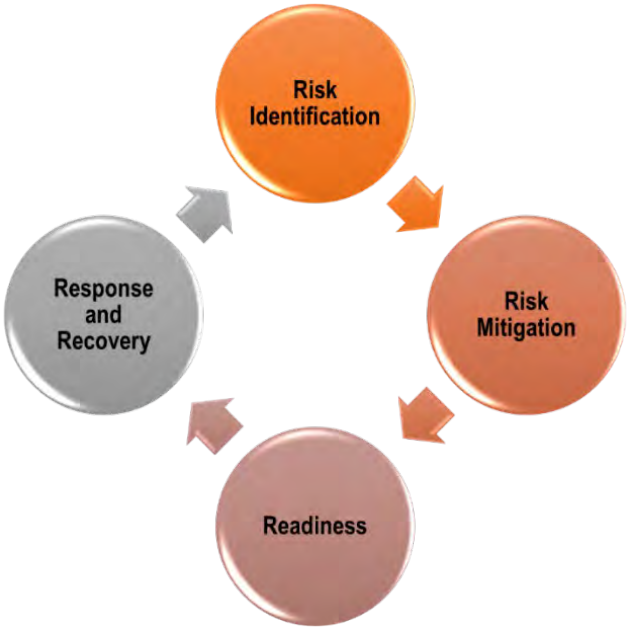
5. mandatory annual review and updating of the policies, processes, and procedures based on feedback from the annual surveys described above in item 3, as well as ad hoc feedback from local area administrative entity, one-stop operator, and one-stop partner program staff; and
6. updates to local boards by local board safety committees during local board public meetings regarding new and unresolved security incidents, subject to regulatory requirements pertaining to protection of personally identifiable information (PII), in accordance with applicable Federal laws, rules, regulations, and guidance and NDOL policies addressing PII.

Section II. Security framework

The purpose of the security framework (illustrated in Diagram 1) is to ensure local one-stop delivery systems and one-stop partners have the foundation necessary for development and implementation of effective security policies, processes, and procedures that proportionately and adequately:

1. identify security risks;
2. mitigate security risks;
3. establish security readiness; and
4. establish security incident response and recovery activities.

Diagram 1. Four-phase security framework for local one-stop delivery systems



(a) Risk identification

Identification of security risks cannot be achieved without conducting a risk assessment. Risk assessments are critical to the design and continuous improvement of security policies, processes, and procedures. Risks to one-stop delivery system customers, staff, and program participants may vary significantly throughout the statewide one-stop delivery system. An example

risk assessment tool is available upon request to the policy mailbox at ndol.wioa_policy@nebraska.gov. Local boards may elect to utilize alternative risk assessment tools, including tools that may be available through collaboration with local law enforcement entities and other entities.

(b) Risk mitigation

Once risks and corresponding risk levels are assessed, risk measures must be taken to mitigate the likelihood of security incidents and minimize the impact of security incidents. The selection of mitigation measures must be proportional to the likelihood and severity of risks. Local boards, safety committees, and administrative entities *must* regularly consult with representatives of all local area one-stop delivery system partners concerning risk mitigation. Mitigation measures may include, but are not limited to:

1. infrastructure hardening;
2. controlled facility access;
3. contracted security services;
4. early detection systems;
5. public alert systems;
6. digital or remote observation systems;
7. interior and exterior lighting;
8. signage and public notices;
9. evacuation plans and designated shelter areas; and
10. one-stop delivery system staff training.

The cost of security equipment and contracted services may be considered infrastructure costs, provided those costs are not already included in a facility lease covering the costs.[3] NDOL's policy on memorandums of understanding and funding agreements provides additional information on infrastructure costs.

(c) Readiness

Risk mitigation measures are effective only when properly planned, rehearsed, and maintained.

1. Local security policies, processes, and procedures must require regular and effective staff training and rehearsals.
2. Local area administrative entity, one-stop operator, and one-stop partner program staff must:
    a. be trained at least annually on local one-stop delivery system security policies, processes, and procedures; and
    b. participate in rehearsal of security response and recovery activities.
3. Local board safety committees must maintain documentation of annual training schedules and events, training agendas, and staff attendance rosters. Training recommendations include, but are not limited to:
    a. de-escalation training;
    b. lifesaving first-aid training; and
    c. active shooter training.
4. Local boards and safety committees must survey local area administrative entity, one-stop operator, and one-stop partner program staff on an annual basis to measure satisfaction

[3] 2 CFR § 200.457; 20 CFR § 678.760

with implementation of security policies, processes, and procedures and the effectiveness of security training. The surveys must provide an opportunity for staff to provide written input and suggestions to ensure continuous improvement.

(d) Response and recovery

(1) Types of security incidents

The following types of behaviors, threats, and actions are considered security incidents; however, there may be other types that contribute to security incidents.

(A) Behaviors

Individual instances of behavior, or patterns of behavior, may be considered security incidents and may include, but are not limited to:

1. reckless driving in one-stop center parking areas;
2. possession of weapons;
3. alcohol intoxication or possession of alcohol;
4. drug intoxication or possession of controlled substances;
5. viewing or possession of pornography;
6. lewd behavior, inappropriate bodily exposure, and nudity;
7. vulgar, discriminatory, or threatening language;
8. unwanted physical contact;
9. loitering; and
10. stalking.

(B) Threats

Individual instances of threats, or patterns of threats, may be considered security incidents and may include, but are not limited to, verbal and non-verbal intent to:

1. cause bodily harm to self or others;
2. damage or destroy property or equipment; and
3. commit theft.

(C) Actions

Individual instances of actions, or patterns of action, may be considered security incidents and may include, but are not limited to, actions that cause or result in:

1. bodily harm to self or others;
2. damage or destruction of property or equipment; and
3. theft.

(2) Required response and recovery actions

Security incidents *must* be documented through completion and submission of a security incident report form within 24 hours of the initial security event. NDOL provides the current form to local area administrative entities by email. The form includes detailed instructions for submission.

(3) Technical assistance

NDOL will provide technical assistance as necessary when security incidents call for state-level guidance. *Requests for state-level guidance concerning security incidents should be immediately submitted by email to ndol.wioa_policy@nebraska.gov*.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

3. Performance Accountability

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Performance Accountability Effective August 20, 2025 Rescinds Performance Accountability, Change 6 (effective December 9, 2024)

Performance Accountability, Change 7

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

The US Department of Labor (USDOL) has established a performance accountability system to assess the effectiveness of the workforce development programs it funds.

CHANGES

The following changes have been made..

- One citation referring to TEGL 10-23 has been removed because TEGL 10-23 has been rescinded.
- This policy has been reorganized and simplified by removing paraphrased versions of Federal and State laws, rules, regulations, guidance, and policies and replacing those provisions with links to those laws, rules, regulations, and guidance, and NDOL policies.

ACTION

NDOL

This policy rescinds NDOL's policy titled *Performance Accountability, Change 6*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must ensure that they and their administrative entities and Title IB service providers and staff adhere to the requirements of this policy, as well as all applicable Federal and State laws, rules, regulations, guidance, and policies.

POLICY

This policy has three sections.

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Section I. Performance accountability system

(a) Legislative requirements

USDOL has established a performance accountability system to assess the effectiveness of the workforce development programs it funds. Guidance concerning the USDOL performance accountability system is described in 29 USC § 3141 and 20 CFR Part 677, as well as other guidance cited in this policy. In addition, TEGLs 10-16 Change 3, 14-18, and 04-23 provide information on methodologies and operational requirements for calculating performance on primary indicators of performance.

(b) Applicability

Subsections (c) through (g) below provide information on coenrollment, exit and common exit, use of SSNs, supplemental wage information, and participant exclusion from performance calculations, as it relates to the following locally administered programs and programs administered by NDOL:

1. local Title IB adult, dislocated worker, and youth programs;
2. Title III Wagner-Peyser Employment Service;
3. Title ID national dislocated worker grants;
4. Jobs for Veterans State Grant program; and
5. Trade Adjustment Assistance program.

(c) Coenrollment

Coenrollment requirements established by USDOL are described in TEGLs 10-16 Change 3, 14-18, and 21-16, as well as UIPLs 8-18 and 7-19. In addition, NDOL requires that participants in the programs listed above in subsection (b) must be coenrolled whenever eligibility permits to ensure maximization of funding, service delivery, and coordination of services. Participants may be coenrolled in a variety of one-stop delivery system partner programs, including:

1. local Title IB adult, dislocated worker, and youth programs (Title IB);
2. Title IC Job Corps;
3. Title ID national dislocated worker grants (DWG);
4. Title ID National Farmworker Jobs Program provided by Proteus;
5. Title ID Native American employment and training programs;
6. Title ID YouthBuild;
7. Title II Adult Education and Family Literacy Act programs;
8. Title III Wagner-Peyser Employment Service (Title III);
9. Title IV vocational rehabilitation programs provided by:
    a. Nebraska Commission for the Blind and Visually Impaired; and
    b. Nebraska Vocational Rehabilitation Program;
10. Jobs for Veterans State Grant program (JVSG);
11. Senior Community Service Employment Program;
12. Supplemental Nutrition Assistance Program employment and training program (SNAP E&T);
13. Trade Adjustment Assistance program (TAA);
14. Temporary Assistance for Needy Families (TANF) employment and training program (Employment First); and
15. Unemployment Insurance.

(d) Exit and common exit

Exit and *common exit* are defined in 20 CFR § 677.150, TEGL 10-16 Change 3, and TEGL 14-18 Attachments 4 and 10. As permitted under 20 CFR § 677.150(c)(3), NDOL has implemented a common exit requirement which applies to participants coenrolled in:

1. Title IB;
2. Title III;
3. DWG;

4. JVSG; and
5. TAA.

This common exit requirement does not apply to participants who are coenrolled in partner programs that are not listed above.

(e) Use of SSNs

As described in TEGLs 26-16 Change 1 and 14-18, participant SSNs are collected to assist with assessment of program performance using quarterly wage data for the following performance indicators:

1. employment rate second quarter after program exit;
2. employment rate fourth quarter after program exit;
3. median earnings rate second quarter after program exit;
4. credential attainment rate; and
5. effectiveness in service employers (based on participant retention with the same employer second and fourth quarters after program exit).

Program eligibility is not contingent on the provision of an SSN, and program services must not be withheld when an individual is unwilling or unable to disclose an SSN.[1]

(f) Supplemental wage information

The most efficient method for determining participant employment status and earnings is use of automated quarterly wage data. However, automated quarterly wage data may not be available for all participants, such as those who are self-employed, unable, or unwilling to provide a social security number.[2] When automated quarterly wage data are not available, programs must collect supplemental wage information from other sources to determine employment and earnings status for performance reporting purposes, which must be well documented and maintained for monitoring and data validation purposes as required under NDOL's records management policy.

(1) Acceptable forms of supplemental wage information

Refer to TEGL 26-16 Change 1 for information on acceptable forms of supplemental wage information.

(2) Staff training

Program staff who are responsible for collecting supplemental wage information should be trained on procedures for gathering this information, including:[3]

1. when to begin supplemental wage information follow-up (i.e., after program exit and during follow-up services);
2. frequency of supplemental wage information follow-up (no less frequently than quarterly following program exit);

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[1] Sec. 7(a)(1) of the Privacy Act of 1974 [5 USC 552a note]
[2] TEGL 10-16 Change 3 and 14-18
[3] TEGL 26-16 Change 1; TEGL 14-18 Appendix VI. Additional information on supplemental wage data is available at https://www.workforcegps.org/events/2017/06/23/15/05/WIOA-Wednesday-on-Tuesday-Supplemental-Wage-Information.

3. what to say to participants or employers including:
    a. ways to encourage voluntary and truthful disclosure;
    b. descriptions of needed information;
    c. how to respond to questions related to supplemental wage information follow-up processes; and
    d. how to document the information received.

NDOL provides technical assistance to programs concerning collection of supplemental wage information upon request. Requests must be sent to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(g) Participant exclusion from performance calculations

As stated in TEGL 10-16 Change 3 and 14-18, participants may be excluded from performance calculations under limited circumstances. Table 1 describes those circumstances and applicable programs. *Participants cannot be excluded from participation after program exit.*

Table 1. Circumstances permitting exclusion from participation

Circumstance	Description	Applicable programs
Institutionalization	While receiving services as a participant, the individual must exit the program because the individual is incarcerated in a correctional institution or a resident of an institution or facility providing 24-hour support, such as a hospital or treatment center.	1. Title IB 2. Title III 3. JVSG 4. TAA 5. DWG
Health/medical	The participant must exit the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.	1. Title IB 2. Title III 3. JVSG 4. TAA 5. DWG
Death	The participant is deceased.	1. Title IB 2. Title III 3. JVSG 4. TAA 5. DWG
Reserve forces called to active duty	The participant must exit the program because the participant is a member of the National Guard or other reserve military unit of the Armed Forces and is called to active duty* for at least 90 days.	1. Title IB 2. Title III 3. JVSG 4. TAA 5. DWG
Foster care	The participant is in the foster care system, as defined in 45 CFR 1355.20(a), and must exit the program because the participant has moved out of the local workforce development area.	1. Title IB youth programs

* *Active duty* means full-time duty in the active military service of the United States [10 USC § 101(d)(1)]. *Active duty* includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. *Active duty* does not include full-time National Guard duty.

Section II. Annual Title IB performance assessments

(a) Definitions relating to performance assessments

The following definitions apply to Title IB performance assessments.[4]

1. *Actual levels of performance* are the outcomes reported by NDOL in the annual statewide performance report (ETA-9169) for Title IB program primary indicators of performance.
2. *Adjusted levels of performance* are levels of Title IB program performance determined by NDOL through adjustment of negotiated levels of performance at the end of each program year to reflect actual participant characteristics and actual economic conditions experienced in the local area using the local SAM (described below in subsection (b)).
3. *Adjustment factors* are the positive or negative differences applied to negotiated levels of performance to determine adjusted levels of performance following conclusion of program years, based on actual participant characteristics and actual economic conditions.
4. *Negotiated levels of performance* are levels of performance mutually agreed upon by local boards, local chief elected official (CEOs), and the Governor during biennial performance negotiations for each Title IB program. (The negotiations process is based on the four factors described in Section III(b) of this policy.)

(b) Local statistical adjustment model (local SAM)

NDOL's local SAM calculates *adjusted levels of performance* for Title IB programs based on:

1. Title IB program *negotiated levels of performance*;
2. Title IB program *actual levels of performance*;
3. actual Title IB program participant characteristics during the applicable program year;
4. actual Title IB local area economic conditions during the applicable program year; and
5. coefficients provided in USDOL annual state-level Title IB performance assessments which are used to determine *adjustment factors* when assessing local-level Title IB performance.

NDOL issues annual *adjusted levels of performance* reports to Title IB programs following (1) the conclusion of each program year and (2) NDOL's receipt of the USDOL annual state performance assessment of Nebraska's Title IB programs.[5] Data provided in the reports are used to assess program success or failure and the need for technical assistance or corrective actions following consecutive failures to meet adjusted levels of performance.[6]

(c) Assessing Title IB program performance success and failure

NDOL has established the following performance thresholds for determining Title IB program failure to meet *adjusted levels of performance,* in alignment with TEGL 11-19 Change 2.

- *Individual local single indicator score*. For any single adult, dislocated worker, or youth program, failure to meet an adjusted level of performance occurs when any individual local single indicator score falls below 50 percent of the adjusted level of performance for that single indicator during the previous two consecutive program years.

[4] 29 USC § 3141(d); TEGL 11-19 Change 2
20 CFR § 677.210(c)
[6] Ibid.

- *Overall local single indicator score*. For any single performance indicator across all Title IB programs, failure to meet adjusted levels of performance for the indicator occurs when the overall local single indicator score falls below 90 percent of the adjusted level of performance for that indicator during the previous two consecutive program years.
- *Overall local single program score*. For any single Title IB program, failure to meet overall adjusted levels of performance for the program occurs when the overall local single program score falls below 90 percent of the overall adjusted levels of performance for that single program during the previous two consecutive program years.

(d) Mandatory technical assistance

If Title IB programs fail to meet or exceed adjusted levels of performance *for any program year*, technical assistance must be provided by NDOL on behalf of the Governor or, upon the Governor's request, by the Secretary of Labor.[7] Technical assistance provided by NDOL or the Secretary of Labor may include:[8]

- assistance in the development of a performance improvement plan;
- development of a modified local or regional plan; or
- other actions designed to assist the local area with improving performance.

(e) Mandatory corrective action

If Title IB programs fail to meet adjusted levels of performance for three consecutive program years, the Governor must take corrective actions pursuant to 20 CFR § 677.220(b). Corrective actions must include development of a reorganization plan under which the Governor:

- requires the appointment and certification of a new local board, consistent with the criteria established under 20 CFR § 679.350;
- prohibits the use of eligible providers and one-stop partners that have been identified as achieving poor levels of performance; or
- takes such other significant actions as the Governor determines appropriate.

(f) Appealing reorganization plans

Local boards and CEOs subject to reorganization plans, pursuant to 29 USC § 3141(g)(2) and 20 CFR § 677.220(b), may appeal to the Governor during the 30-day period following receipt of notice of the reorganization plan and request that the reorganization plan be rescinded or revised.[9] Such appeals must be submitted by certified mail, return receipt requested, to:

- Governor, State of Nebraska, 1445 K Street, Lincoln, NE 68508;
- Commissioner of Labor, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508; and
- Director of Reemployment Services, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508.

The Governor must make final decisions within 30 days after receipt of such appeals. The Governor's decisions on such appeals become effective once issued and remain in effect, unless

[7] 20 CFR § 677.220(a)
[8] 20 CFR § 677.220(a)(2)
[9] 20 CFR § 677.225

the Secretary of Labor rescinds or revises the reorganization plan pursuant to 29 USC § 3141(g)(2)(C). Local boards and CEOs may appeal the Governor's decisions to the Secretary of Labor during the 30-day period following receipt of the Governor's decisions. Any appeal of such decisions must be:

1. appealed jointly by local boards and CEOs, as required under 20 CFR § 683.650; and
2. submitted by certified mail, return receipt requested, to:
    a. Secretary of Labor, US Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attention: ASET;
    b. Governor of the State of Nebraska, 1445 K Street, Lincoln, NE 68508; and
    c. Commissioner of Labor, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508; and
    d. Director of Reemployment Services, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508.

Upon receipt of such appeals from local boards and CEOs, the Secretary of Labor must make final decisions within 30 days. In making these decisions, the Secretary may consider any comments submitted by the Governor in response to the appeals.

Section III. Biennial Title IB performance negotiations

Local boards, CEOs, and the Governor must collectively negotiate performance levels for Title IB programs.[10] Title IB performance negotiations are conducted every other program year (biennially) by NDOL on behalf of the Governor. Following conclusion of biennial negotiations, NDOL must notify USDOL that Title IB program negotiations are complete and provide written documentation listing negotiated levels of performance for all Title IB programs (known as negotiation outcomes). NDOL's notification to USDOL concerning negotiation outcomes must be submitted no later than September 30 following conclusion of each biennial negotiation cycle. For example, NDOL must notify USDOL of negotiation outcomes for PY26/PY27 no later than September 30, 2026).

(a) Definitions relating to performance negotiations

The following definitions apply to biennial Title IB performance negotiations.

- *Estimated levels of performance* are levels of performance proposed by Title IB programs to NDOL during each biennial negotiation cycle.
- *Expected levels of performance* are levels of performance proposed by NDOL to Title IB programs during each biennial negotiation cycle.

(b) Negotiation factors

The following factors are considered by NDOL concerning biennial Title IB performance negotiations:

1. negotiated levels of performance (defined in Section II(a));
2. actual levels of performance (defined in Section II(a));

[10] 29 USC § 3141(c)

3. adjusted levels of performance (defined in Section II(a));
4. calculation of *expected levels of performance* based on:[11]
    a. negotiated levels of performance;
    b. actual levels of performance; and
    c. adjusted levels of performance;
5. how *expected levels of performance* will:
    a. promote continuous improvement based on primary performance indicators; and
    b. ensure optimal return on investment of Federal funds;
6. extent to which *expected levels of performance* will assist the state in meeting its USDOL negotiated levels of performance.

(c) Negotiation process

Biennial Title IB performance negotiations occur according to the following process.

1. In preparation for negotiations, NDOL provides an *estimated level of performance* tool to Title IB programs and requests they submit their estimated levels to NDOL prior to scheduled negotiations, based on data derived from the tool and any other data source the programs choose to use.
2. Prior to scheduling biennial performance negotiations, NDOL distributes *expected levels of performance* to Title IB programs and advises the programs that negotiations will be based on negotiation factors described above, *expected levels of performance*, and *estimated levels of performance*.
3. NDOL schedules negotiation calls with Title IB programs.
4. During negotiation calls:
    a. NDOL provides an overview of the negotiation process and explains how *expected levels of performance* were determined.
    b. Title IB programs provide feedback to NDOL on *expected levels of performance* and provide data to support their *estimated levels of performance*; then
    c. NDOL and Title IB programs negotiate and agree upon levels of performance.
5. Following conclusion of negotiations, NDOL issues written confirmation of negotiation outcomes to USDOL and Title IB programs.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[11] TEGL 11-19 Change 2

4. Administrative Requirements

NEBRASKA workforce development board

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NEBRASKA Good Life. Great Connections. DEPARTMENT OF LABOR

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective 07-27-2026 Rescinds WIOA Title IB Program Funding, Change 6 (effective October 23, 2025)

WIOA Title IB Program Funding, Change 7

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

NDOL has established this policy, in accordance with Federal law and rules, addressing the following matters pertaining to WIOA Title IB program funding:[1]

1. Allocation, obligation, disbursement, and availability of Title IB adult, dislocated worker, and youth program funds;
2. Transfer of adult and dislocated worker funds, including procedures and required criteria and factors;
3. Quarterly financial reporting requirements, including procedures and due dates;
4. Recapture and reallocation of unobligated funds; and
5. Return and reallocation of unexpended funds.

CHANGES

This policy implements the following changes to the rescinded policy.

- Section VIII has been added regarding the Stevens Amendment requirements.

[1] 29 USC §§ 3162, 3163, and 3172; 20 CFR §§ 683.110, 683.130, 683.140, and 683.300

ACTION

NDOL

This policy rescinds the NDOL policy titled *WIOA Title IB Program Funding, Change 6*. Questions and comments regarding this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local areas

Local boards, fiscal agents, and administrative entity staff must ensure they comply with the requirements of this policy, as well as related Federal and State laws, rules, regulations, and other guidance.

POLICY

This policy has eight sections and one appendix.

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(a) Adult and youth programs 3
(b) Dislocated worker program 3
(c) Minimum allocations 3
Section II. Obligation, disbursement, and availability of Title IB funds 3
(a) Availability of funds for obligation 3
(b) Availability of funds for disbursement 4
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(a) Submission requirements 5
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Section VI. Recapture and reallocation of unexpended/unobligated Title IB funds 7
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Section I. Allocation of Title IB funds

(a) Adult and youth programs

Allocation of adult and youth funds to local areas is based on the formulas described in 29 USC §§ 3163 and 3173 and 20 CFR § 683.120.

(b) Dislocated worker program

Allocation of dislocated worker funds to local areas is based on factors and weights determined appropriate by the Governor, in accordance with 29 USC § 3173(b)(2)(B), which are listed in Table 1.

Table 1. Dislocated worker allocation factors and weights[2]

Factor	Weight
1. Insured unemployment data	15%
2. Unemployment concentrations	15%
3. Plant closings and mass layoff data	20%
4. Declining industries data	5%
5. Farmer-rancher economic hardship data	5%
6. Long-term unemployment data	20%
7. Dislocated worker program enrollment data	20%
Total	100%

Calculation of dislocated worker program allocations is performed in two steps.

1. NDOL determines the percentage of the State's allotment of dislocated worker funds to be assigned to each allocation factor described in Table 1 (assigned percentage).
2. NDOL determines the amount of the assigned percentage based on allocation factors described in Table 1 as they apply to local areas (allocation percentage).

(c) Minimum allocations

Local area Title IB adult, dislocated worker, and youth programs must not receive an allocation percentage for a fiscal year that is less than 90 percent of the average allocation percentage for the programs for the preceding two fiscal years, in accordance with 20 CFR § 683.125.

Section II. Obligation, disbursement, and availability of Title IB funds

(a) Availability of funds for obligation

Adult and dislocated worker funds are available for obligation beginning July 1 of the applicable program year.[3] Youth funds may be made available for obligation beginning April 1 for the program year that begins on the following July 1.

[2] Refer to APPENDIX I for definitions of the factors.
[3] 20 CFR § 683.100

(b) Availability of funds for disbursement

Availability of Title IB funds for disbursement to local areas is described below, subject to conditions established by the US Department of Labor.

- Adult and dislocated worker program year funds (base funds) are typically available for disbursement on July 1.
- Adult and dislocated worker fiscal year funds (advance funds) are typically available for disbursement on October 1.
- Youth funds are typically available for disbursement to local areas on July 1.

Conditions. Title IB program funds are available for disbursement by NDOL to local areas on the latter of the following events:[4]

- 30 days after the funds are made available by USDOL to NDOL; or
- 7 days after the date of approval of local plans or local plan modifications, as applicable.

To request disbursement of Title IB funds from NDOL, local area fiscal agents must submit invoices *no more or less frequently than once per calendar month*. Disbursement requests must be submitted to NDOL Accounts Payable at ndol.accountspayable@nebraska.gov using NDOL's approved invoice template.[5]

1. All invoices must be securely transmitted using encrypted email to ensure the protection of potential PII.
2. All invoices must be accompanied by supporting documentation for:
    a. expenses previously incurred and paid; and
    b. expenses that will be incurred and paid in the week following the request for disbursement.
3. Separate invoices must be submitted for expenses to be paid from differing funding sources (program year funds [base funds] and fiscal year funds [advance funds]).

Local areas must use funds available from program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before invoicing NDOL for disbursements.[6]

(c) Availability of funds during the period of performance

Subject to the requirements described in Sections VI and VII, allocated Title IB funds are available for expenditure by local boards during the first program year and one succeeding program year.[7] This two-year period is known as the *period of performance*. During the period of performance, funds with the shortest period of availability must be expended first (i.e., first in first out), unless otherwise authorized in the applicable grant agreement issued to NDOL by a Federal Contracting Officer.

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[4] 29 USC § 3242; 20 CFR § 683.120

[5] This requirement does not apply to the Greater Nebraska Workforce Development Area because requests for disbursements to Greater Nebraska are processed and documented within NDOL financial management information systems.

[6] 2 CFR § 200.305

[7] 20 CFR § 683.110

Section III. WIOA pay-for-performance contract strategy

Title IB funds may be reserved and used to implement local area WIOA pay-for-performance contract strategies in accordance with 20 CFR Part 683 Subpart E.

Section IV. Transfer of Title IB adult and dislocated worker program funds

Local boards may transfer up to 100 percent of program year allocations between adult and dislocated worker programs,[8] in accordance with Federal and State laws, rules, regulations, guidance, and this policy. Local boards must obtain written approval from NDOL before any transfer will be made.[9] NDOL's written approval will be based on requirements and factors described below in subsections (a) and (b).

(a) Submission requirements

Transfer request forms[10] must be signed digitally and submitted by email *by chairs of local boards* according to the instructions in the form and must be accompanied by all required supporting documentation described in the form.

(b) Transfer request determinations

In addition to submitted transfer request forms and supporting documentation, NDOL may take into account any other factors it deems relevant to transfer requests, including monitoring reports issued by the NDOL State Monitoring Unit.

Absent extenuating circumstances, determinations on transfer requests will be issued in writing to local board chairs by an NDOL Reemployment Services Division representative *within 30 calendar days of NDOL's receipt of complete, compliant, and signed transfer request forms*.

- Submitted transfer requests that are incomplete or conflict with Federal, State, or local laws, rules, regulations, guidance, or this policy will not be approved; in which case, an NDOL Reemployment Services Division representative will advise the applicable local board chairs accordingly.
- If outdated or modified versions of the current transfer request form are submitted, resubmission will be required using NDOL's current form.

Section V. Title IB quarterly financial reporting requirements, procedures, and due dates

(a) General requirements

Local area fiscal agents must submit quarterly financial reports and acceptable supporting documentation according to the requirements, procedures, and due dates described below.

[8] 20 CFR § 683.130
[9] Ibid.
[10] NDOL provides the current transfer request form to local boards and administrative entities by email.

(b) Content requirements

Fiscal agents must submit quarterly financial reports using NDOL's quarterly report forms,[11] along with acceptable supporting documentation.[12] Quarterly financial reports must include financial data and supporting documentation detailing local area obligations, program income, indirect costs, expenditures (including training expenditures), and disbursements. Refer to Table 2 below.

Table 2. Financial data and supporting documentation required for Title IB quarterly reporting

Reporting category	Required data	Acceptable supporting documentation
Obligations[13]	a listing of all newly incurred and ongoing obligations	completed obligations report
Program income[14]	total amount of program income earned during the reporting quarter	written documentation clearly detailing the sources and amounts of program income
Indirect costs	total amount of indirect costs incurred during the reporting quarter based on local board approved indirect cost rate	supporting documentation not required
Expenditures	total amount of expenditures made during the reporting quarter, including training expenditures	copies of invoices or other evidence of expenditures

(c) Submission of quarterly financial reports and due dates

Fiscal agents must submit quarterly financial reports by email to:

- Accounts Payable at ndol.accountspayable@nebraska.gov; and
- State Monitoring Unit at ndol.state_monitor@nebraska.gov.

Quarterly reports must be submitted *no later than* 30 calendar days after the end of each performance quarter. Due dates for submission of quarterly reports are listed in Table 3.

Table 3. Due dates for quarterly financial reports

Reporting quarter	Due date
Quarter 1 (July 1 – September 30)	October 30
Quarter 2 (October 1 – December 31)	January 30
Quarter 3 (January 1 – March 31)	April 30
Quarter 4 (April 1 – June 30)	July 30

[11] Quarterly reporting forms are available by email request to ndol.accountspayable@nebraska.gov.
[12] Processes for submitting acceptable supporting documentation for quarterly reporting requirements are determined by NDOL Finance Division. Email ndol.accountspayable@nebraska.gov for technical assistance.
[13] 20 CFR § 675.300
[14] 2 CFR § 1200.80; 20 CFR § 683.300

(d) Records retention requirements

Each local board must ensure that all quarterly reports submitted to NDOL are retained locally, as required under the State's policy on records management. Record retention requirements under the NDOL records management policy apply equally to the supporting documentation on which local area quarterly financial reports are based.

Section VI. Recapture and reallocation of unexpended/unobligated Title IB funds

(a) Unexpended/unobligated funds

At least 80 percent of the funds allocated to a local area for a program year for each of the adult, dislocated worker, and youth programs should be expended/obligated by the end of the first year program year of a period of performance.[15] If more than 20 percent of the funds remain unexpended/unobligated at the conclusion of the first program year of the period of performance, NDOL may *recapture* the amount that exceeds 20 percent. (Recaptured amounts are separately determined for each program.) Calculation of the 20 percent amount must adjust for:

- funds reserved by the local board for administrative costs (up to 10 percent); and
- any transfer of funds between the local area adult and dislocated worker programs.

NDOL may reallocate recapture amounts to other local areas for the same programs from which the funds were recaptured, following consultation with the state board.[16] To be eligible for reallocation of unobligated funds, local areas must have expended or obligated at least 80 percent of prior program year allocations for applicable programs, less any amount reserved for the costs of administration (up to 10 percent).[17] Local area eligibility to receive reallocated funds must be separately determined for each applicable program. Local areas that receive reallocated funds must fully expend the funds by June 30 of the program year during which the reallocated funds are received.

(b) Pay-for-performance exception

Funds obligated by local boards to carry out WIOA pay-for-performance contract strategies, in accordance 20 CFR 683 Subpart E, remain available until expended.[18]

Performance-based incentive contracts are not covered under 20 CFR 683 Subpart E and are, therefore, subject to return and reallocation requirements described in Section VII below.

Section VII. Return and reallocation of unexpended Title IB funds

Funds not expended by local boards during periods of performance must be returned to NDOL.[19] Returned funds may be used by NDOL during the following program year for expenditure on statewide projects or reallocation to eligible local boards. Eligible local boards are those that have fully expended their allocated funds for the same program within the same period of performance.

[15] 20 CFR § 683.140
[16] Ibid.
[17] Ibid.
[18] 29 USC § 3249; 20 CFR § 683.110
[19] 20 CFR § 683.110

Eligible local boards that receive reallocated unexpended funds must fully expend those funds by June 30 of the program year the funds are received.

Section VIII. Stevens Amendment Requirements

Recipients and subrecipients of WIOA Title I funds must comply with the Stevens Amendment disclosure requirements applicable to U.S. Department of Labor appropriations. Public communications and materials describing federally funded programs or activities must disclose the total program or project cost, the amount and percentage financed with U.S. Department of Labor funds and the amount and percentage financed by non-governmental sources, if any. See USDOL ETA's FAQ document for more information.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

APPENDIX I. Definitions

Definitions in this appendix are provided as supplemental information that supports the provisions of the policy. Terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and not as stand-alone information independent of that context.

1. Declining industries data

Declining industries data refers to data that identifies reductions in the number of jobs within given industries.[20]

2. Dislocated worker program enrollment data

Dislocated worker program enrollment data means data collected in NEworks regarding local area enrollments in local dislocated worker programs.

3. Farmer-rancher economic hardship data

Farmer-rancher economic hardship data refers to data that identifies the number of:[21]

- Chapter 12 farm bankruptcies in a local area; and
- farmers and ranchers in a local area whose net earnings are equal to or less than 70 percent of the Lower Living Standard Income Level.

4. Insured unemployment data

The term insured unemployment data refers to data that identifies the relative average number of unemployed individuals who reside in the local area compared to the total average number of unemployed individuals in Nebraska.[22]

5. Long-term unemployed data

Long-term unemployed[23] data refers to data that identifies the number of individuals in a local area who have been looking for work for 27 weeks or longer according to NDOL unemployment insurance records.

6. Plant closings and mass layoff data

Plant closings and mass layoff data means data that is manually collected by NDOL through Rapid Response activities.

7. Unemployment concentrations data

Unemployment concentrations data means data that identifies the average unemployment rate in each county as compared with the average unemployment rate for Nebraska.

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[20] NDOL Finance Division obtains this data from NDOL LMI Division.
[21] Ibid.
[22] Ibid.
[23] TEGL 19-16

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective January 16, 2026 Rescinds Procurement, Change 1 (May 3, 2023)

WIOA Title IB Procurement

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

2 CFR Part 200 Subpart D—Procurement Standards defines procurement requirements, standards, and methods for WIOA Title IB programs.

ACTION

NDOL

This policy rescinds *Procurement Change 1*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must establish local area procurement policies, processes, and procedures for procurement of property and services required to carry out WIOA Title IB programs. Local policies, processes, and procedures must comply with the requirements of this policy.

POLICY

This policy has one section.

Section I. Local board procurement policies, processes, and procedures

(a) Requirements

Pursuant to 2 CFR § 200.318(a), local boards in their roles as subrecipients must establish local area policies, processes,[1] and procedures[2] for procurement of property and services required to carry out WIOA Title IB programs. Local policies, processes, and procedures must comply with:[3]

- 2 CFR Part 200 Subpart D – Procurement Standards; and
- applicable Federal, State, and local laws, rules, regulations, guidance, and policies, including NDOL policies, concerning procurement relating to Title IB programs.

Refer to NDOL's youth program policy for additional information on requirements for selection and procurement of Title IB youth service providers. Also, refer to NDOL's policy on one-stop operator competitive selection for additional information on requirements for procurement of Title IB one-stop operators.

(b) Leveraged resources

Local boards *are not* required to use program funds for procurement of Title IB program services. Local boards may leverage partner resources to provide some or all services. If Title IB program services are not funded with Title IB program funds, local boards or local Title IB program service providers must establish written agreements with leveraged partners to ensure that:[4]

- applicable Title IB services will be offered; and
- those services are closely connected to and coordinated with Title IB programs.

DISCLAIMER

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

[1] A process is a series of tasks and activities (i.e., procedures) that produce an outcome.
[2] A procedure is a set of instructions for completing a single task or activity within a process.
[3] 2 CFR § 200.318
[4] 20 CFR § 681.470

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective March 17, 2026 Rescinds Internal Controls and Conflicts of Interest, Change 1 (May 3, 2023)

Internal Controls and Conflict-of-interest Standards

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

As recipients and subrecipients of Federal financial assistance, non-Federal entities must establish internal control structures and written standards of conduct covering conflicts of interest, in accordance with applicable Federal and State laws, rules, regulations guidance, and policies, as well as applicable NDOL policies.

ACTION

NDOL

This policy cancels NDOL policy titled *Internal Controls and Conflicts of Interest, Change 1*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov. Technical assistance on this policy is available upon request to ndol.wioa_policy@nebraska.gov.

NDOL administered programs

The following NDOL-administered programs must adhere to the requirements of this policy:

1. WIOA Title IB adult, dislocated worker, and youth programs;
2. WIOA Title ID National Dislocated Worker Grant programs;
3. WIOA Title III Wagner-Peyser Employment Service;
4. Jobs for Veterans State Grant program;
5. Senior Community Service Employment Program; and
6. Trade Adjustment Assistance program.

Local boards and chief elected officials

Local boards and chief elected officials must establish internal control structures and written standards of conduct covering local boards and WIOA Title IB adult, dislocated worker, and youth programs, in accordance with the requirements of this policy.

POLICY

This policy has two sections.

Section I. Federal requirements for internal controls and conflict-of interest standards 2
(a) Overview 2
(b) Internal controls 3
(c) Conflict-of interest standards 3
Section II.NDOL requirements for internal controls and conflict-of interest standards 3
(a) Internal controls and conflicts of interest standards: Provision of one-stop delivery system services 3
(b) Internal controls and conflicts of interest standards: Monitoring and oversight 4

Section I. Federal requirements for internal controls and conflict-of interest standards

(a) Overview

As stated above, non-Federal entities as recipients and subrecipients of Federal financial assistance must establish internal control structures and written standards of conduct covering conflicts of interest, in accordance with applicable Federal and State laws, rules, regulations guidance, and policies, as well as applicable NDOL policies. Internal controls and conflict-of interest standards overlap in their purposes, which are to safeguard and further the objectives of subawards. In the context of this policy, NDOL-administered programs and local boards and CEOs are considered non-Federal entities and, therefore, must have established internal control structures and written standards of conduct covering conflicts of interest.

(b) Internal controls

Internal control structures must be established in accordance with 2 CFR §§ 200.303, 200.320(a)(1)(iii), 200.320(a)(2)(ii), 200.430(g)(1)(i), 200.430(g)(2)(vii)(C); 20 CFR § 683.220;[1] TEGLs 10-09, 15-16, 21-16, 07-18 Change 1, 23-19 Change 3, and 03-23.

(c) Conflict-of interest standards

Written standards of conduct covering conflicts of interest must be established, in accordance with 29 USC § 3122(d)(8); 2 CFR §§ 200.112, 200.113, and 200.318(c); and 20 CFR § 683.220(c)(5)(i)-(ii).

Section II. NDOL requirements for internal controls and conflict-of interest standards

(a) Internal controls and conflicts of interest standards: Provision of one-stop delivery system services

NDOL prohibits staff from enrolling, case managing, or otherwise directly working with family members who are seeking one-stop delivery system services. When family members of staff are seeking services, those services must be provided by other staff to prevent inherent, real, and apparent conflicts of interest. This prohibition applies to staff providing services under:

1. WIOA Title IB adult, dislocated worker, and youth programs;
2. WIOA Title ID National Dislocated Worker Grant (NDWB) programs;
3. WIOA Title III Wagner-Peyser Employment Service;
4. Jobs for Veterans State Grant (JVSG) program;
5. Senior Community Service Employment Program (SCSEP); and
6. Trade Adjustment Assistance (TAA) program.

NDOL defines the term *family member* as any:

1. grandparents and step-grandparents;
2. parents and step-parents;
3. siblings and step-siblings;
4. spouses;
5. children, step-children, adopted children, and foster children;
6. siblings of spouses;
7. spouses of siblings; and
8. nieces and nephews.

[1] The "Internal Control-Integrated Framework" referenced in 20 CFR § 683.220(a) is accessible at https://www.coso.org/guidance-on-ic.

(b) Internal controls and conflicts of interest standards: Monitoring and oversight

To prevent inherent, real, and apparent conflicts of interest during conduct of local oversight and monitoring of Title I programs and the local one-stop delivery system, NDOL requires that local boards and CEOs require that their local area monitors function independently. Functioning independently means local area monitors report directly to and are solely accountable to local boards concerning conduct of local area oversight and monitoring activities.

NDOL prohibits local area organizational structures that require local monitors to function under and/or report to local area administrative entities or local area service providers. This prohibition is necessary as such organizational structures constitute inherent, apparent, or real conflicts of interest for monitors because monitors cannot effectively monitor an entity of which they are part. This prohibition does not, however, restrict local area personnel practices and procedures relating to compensation due to local area monitors, including payroll and leave benefits pursuant to their roles as monitors.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective December 30, 2025 Rescinds Records Management, Change 8

Records Management, Change 9

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Federal laws, rules, regulations, and guidance require that recipients and subrecipients of Federal awards and subawards keep and provide access to records associated with programs funded by the Federal awards and subawards.

CHANGES

The entirety of this policy has been reorganized and revised for clarity. Further, this policy has been simplified by removing paraphrased versions of Federal and State laws, rules, regulations, guidance, and policies and replacing those provisions with links to those legislative sources. In addition, APPENDIX I (definitions) has been removed. Defined terms are now linked to their sources within the policy.

TEGLs 23-19 Change 1 and Change 2 were rescinded on December 1, 2025. TEGL 23-19 Change 3 Attachment II now defines types of acceptable source documentation. This policy has been revised accordingly.

ACTION

NDOL

This policy rescinds *Records Management, Change 8*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must comply with requirements of Federal laws, rules, regulations, and guidance; terms and conditions of subawards; this policy; and other NDOL policies relating to Title I records and access to those records.

NDOL-administered programs

NDOL-administered programs listed below must comply with requirements of Federal laws, rules, regulations, and guidance; terms and conditions of grant agreements; this policy; and other NDOL policies relating to records and access to those records:

1. Jobs for Veterans State Grant program (JVSG);
2. Senior Community Service Employment Program (SCSEP);
3. Title III Wagner-Peyser Employment Service (Title III);
4. Trade Adjustment Assistance Program (TAA); and
5. from time to time, discretionary grant programs funded by USDOL, including National Dislocated Work Grant (NDWG) programs.

POLICY

This policy includes five sections.

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Section I. Records and performance reporting

(a) NDOL

NDOL has established policies, processes, and procedures in accordance with guidelines issued by the Secretary of Labor to ensure information contained in performance reports is valid and reliable, in accordance with 29 USC §§ 3141(d)(2)-(5), 3245(a)(1)-(3), and 3245(c)-(f) and 2 CFR § 200.302(a). NDOL collects data and submits reports to the US Department of Labor (USDOL) regarding operations, program activities, and program expenditures of Title I, Title III, JVSG, TAA, and applicable Federally funded discretionary grant programs, including NDWG programs.

(b) Local boards

As subrecipients of Title I funding, local boards must, at a minimum, comply with requirements of 29 USC §§ 3141(d)(3), 3245(c)-(d)(1), and 3245(e)(1); other applicable Federal laws, rules, regulations, and guidance; terms and conditions of subawards; this policy; and other NDOL policies relating to collection of Title I records and access to those records, including requirements regarding submission of quarterly financial reports as described below in subsection (1). Further, local boards must ensure that local area staff, including Title I service provider staff, access NEworks[1] and NEworks Document Manager (NDM)[2] in compliance with this policy and NDOL's business rules for NEworks access. Refer to Section II(b) for information relating to NEworks and NDM access.

(1) Quarterly financial reporting

Local boards must ensure their fiscal agents submit quarterly financial reports using NDOL's quarterly report form,[3] along with acceptable supporting documentation. Quarterly financial reports must include financial data and supporting documentation detailing local area obligations, program income, indirect costs, and expenditures.[4] Quarterly reports must be submitted by email *no later than* 30 days after the end of each performance quarter to:

- NDOL Accounts Payable at ndol.accountspayable@nebraska.gov; and
- NDOL State Monitor at ndol.state_monitor@nebraska.gov.

Table 1. Due dates for quarterly financial reports

Reporting quarter	Due date
Quarter 1 (July 1 – September 30)	October 30
Quarter 2 (October 1 – December 31)	January 30
Quarter 3 (January 1 – March 31)	April 30
Quarter 4 (April 1 – June 30)	July 30

[1] *NEworks* is NDOL's management information system of record for Federal reporting pertaining to Title I programs and NDOL administered programs.
[2] *NDM* is a tool within *NEworks* utilized to store programmatic source documentation.
[3] Quarterly reporting forms are available upon request to ndol.accountspayable@nebraska.gov.
[4] Processes for submitting acceptable supporting documentation for quarterly financial reporting are determined by NDOL Finance Division. Email ndol.accountspayable@nebraska.gov for technical assistance.

(c) NDOL-administered programs

NDOL-administered programs must comply with the requirements of 29 USC § 3245(c)-(d)(1), other applicable Federal laws, rules, regulations, and guidance; terms and conditions of grant agreements; this policy; and other NDOL policies relating to records and access to those records. In addition, administrators of NDOL-administered programs must ensure that their respective program staff access NEworks and NDM in compliance with this policy and NDOL's business rules for NEworks access.

Section II. Required records management systems and access

(a) Management information systems of record

NEworks is NDOL's management information system of record for Federal reporting for Title I programs and NDOL-administered programs. In addition, NDM is NDOL's designated source documentation management information system. Title I programs and NDOL-administered programs must use NEworks and NDM to record and document all program activities and service delivery, except as otherwise required by Federal partners.

(b) Accessing NEworks and NDM

To prevent unauthorized access and potential data breaches and to ensure NDOL's compliance with regulatory data protection requirements, NEworks and NDM must be accessed from approved IP addresses or IP subnets[5] managed by local area administrative entities (known as the *NDOL approved IP list*). Attempts to access NEworks and NDM from unapproved IP addresses and IP subnets will result in blocked access.

Local boards are responsible for notifying NDOL when additional IP addresses or IP subnets should be *added to* and *removed from* the *NDOL approved IP list*. Notifications must:

- be submitted *by local area administrative entity staff* to ndol.neworkshelp@nebraska.gov; and
- identify which IP addresses and IP subnets should be *added to* or *removed from* the *NDOL approved list*.

[5] A subnet, or subnetwork, is a segmented piece of a larger network. More specifically, subnets are a logical partition of an Internet Protocol (IP) network broken into multiple, smaller network segments. Subnets are often used to divide clients logically or by location to help the network traffic flow better. Each subnet has an assigned range of possible IP addresses. Organizations use a subnet to subdivide large networks into smaller, more efficient subnetworks. [TechTarget. "What is a subnet?" https://www.techtarget.com/searchnetworking/definition/subnet [accessed February 20, 2025]]

Section III. Records corrections

Program staff may correct record errors in NEworks during the 30-day period starting on the date of entry in NEworks. After the 30-day period expires, record correction requests must be submitted, subject to the following restrictions and requirements.

1. Correction requests must not be submitted in order to enhance program performance or distort actual events.
2. NDOL's Reemployment Services Division Quality Control Unit (QCU) Administrator is responsible for review and approval of submitted correction requests.
3. Submitted record correction requests must clearly reference acceptable source documentation in NDM that substantiates requested corrections.
4. Correction requests will not be approved if source documentation is not:
    a. accessible to the QCU Administrator; or
    b. acceptable in accordance with TEGL 23-19 Change 3, Attachment II.

Section IV. Records retention and records access

(a) Federal requirements

Federal record retention requirements are described under 2 CFR Part 200 Subpart D, including 2 CFR § 200.334 which defines retention periods for Federal award records, and therefore subaward records. In addition, 2 CFR § 200.337 defines rights of access to records relating to Federal awards, and therefore subawards.

(b) State, regional, and local requirements

Greater Lincoln and Greater Omaha local Title I programs *may be subject* to additional record retention requirements based on applicable state, regional, or local laws. Greater Lincoln and Greater Omaha administrative entity staff must determine if their respective local areas are subject to additional record retention requirements for their respective Title I programs.

Greater Nebraska Title I programs and NDOL-administered programs *are subject* to additional records retention requirements under the Nebraska Records Management Act.[6] Greater Nebraska administrative entity staff and administrators of NDOL-administered programs must refer to the records retention and disposition schedules established by the Nebraska Secretary of State to determine additional record retention requirements for their respective programs.[7]

[6] Nebraska Records Management Act is accessible at https://sos.nebraska.gov/records-management/records-management-act.
[7] Retention schedules for NDOL are accessible at https://sos.nebraska.gov/records-management/department-labor-schedule-45.

Section V. Quality control and data validation

(a) State level system-automated quality control processes

NDOL verifies state level data quality quarterly and annually through large-scale system-automated processes within NEworks pertaining to performance reporting for Title I, Title III, JVSG, TAA, and current NDWG programs.

1. NDOL's NEworks vendor provides a PIRL[8] file to NDOL on a daily basis through secure file transfer.
2. The PIRL is uploaded to WIPS[9] during quarterly and annual reporting cycles. The PIRL passes through edit check protocols that scan all individual and programmatic data elements. Edit check protocols search for date range errors and inconsistencies, anomalies, and waterfall errors (i.e., if element a = 1 then element b cannot = 2).
3. Once quarterly and annual PIRL files successfully clear edit check protocols, PIRL reports are certified by the QCU.
4. Similar edit check processes for wage data occur simultaneously in SWIS[10] during quarterly and annual reporting cycles established by USDOL.

(b) Title I and Title III quality control requirements and procedures

NDOL has established quality control requirements and procedures for Title I and Title III programs.

1. Quality control activities must be conducted annually by Title I and Title III programs for quarters 1 through 3 of each program year following conclusion of quarter 3, based on the schedule provided in Table 1.
2. QCU generates lists of randomly selected participant cases[11] from Title I and Title III program populations[12] for quarters 1 through 3 of each program year using the NEworks random sampling function described in subsection (d) below.
3. QCU provides random sample lists, based on required case sample sizes (defined in Table 3 below) to local Title I administrative entities and the Title III administrator within 15 calendar days of the conclusion of quarter 3 of each program year.
4. During performance of annual quality control activities, all participant cases listed in random sample lists must be evaluated by Title I and Title III programs to compare recorded NEworks activities and case notes to documentation available in NDM to determine if acceptable source documentation is present. TEGL 23-19 Change 3, Attachment II identifies multiple types of acceptable source documentation. If multiple types of source documentation are present in NDM for NEworks activities and case notes

[8] PIRL refers to a Participant Individual Record Layout, a format for reporting program performance data to USDOL.
[9] WIPS refers to the Workforce Integrated Performance System, the system by which states report on performance of Federally funded workforce programs.
[10] SWIS refers to the State Wage Interchange System, the system used to facilitate the interstate exchange of Wage Data between participating state agencies.
[11] *Participant case* refers to the set of records documenting services provided to a program participant enrolled in a particular program who was active or exited a program during the applicable data validation timeframe.
[12] *Program population* refers to the total number of participants who were active or exited a program during an established data validation timeframe

and those source documents conflict, the most authoritative source must be used to determine if NEworks activities and case notes are accurate.

5. Following completion of annual quality control activities, the following actions must be taken by Title I and Title III programs.
    a. Record correction requests must be submitted, as described in Section III above, whenever quality control activities reveal that NEworks activities and case notes:
        i. do not include or align with source documentation stored in NDM; and
        ii. source documentation stored in NDM does not comply with types of acceptable source documentation described in TEGL 23-19 Change 3, Attachment II.
    b. Quality control reports must be generated through NEworks that:
        i. indicate numbers of participant cases evaluated based on the random sample participant lists provided by QCU;
        ii. identify anomalies that may cause inaccurate reporting;
        iii. identify trends in common data accuracy issues;
        iv. identify participant cases with data accuracy issues; and
        v. identify corrective actions that were or will be taken based on the results of annual quality control activities.
    c. Quality control reports must be submitted to the State Monitor at ndol.state_monitor@nebraska.gov based on the schedule provided in Table 1.

Table 1. Annual schedule for Title I and Title III quality control activities and reporting

Quality control period	Start date of quality control activities	End date of quality control activities	Quality control report due date
July 1 – March 30	April 15	June 30	July 1

(c) Title I and Title III data validation requirements and activities

NDOL has established data validation requirements and procedures for Title I and Title III programs.

1. Data validation activities must be conducted annually by the State Monitor following conclusion of each program year based on the schedule provided in Table 2.
2. QCU generates lists of randomly selected participant cases from Title I and Title III participant populations for the completed program year using the NEworks random sampling function described in Section V(d) below.
3. QCU provides random sample lists to the State Monitor within 15 calendar days of the conclusion of each program year.
4. During annual data validation activities, all participant cases listed in Title I and Title III random sample lists must be evaluated to compare recorded NEworks activities and case notes to documentation available in NDM to determine if acceptable source documentation is present. TEGL 23-19 Change 3, Attachment II identifies multiple types of acceptable source documentation. If multiple types of source documentation are present in NDM for NEworks activities and case notes and those source documents conflict, the most authoritative source must be used to determine if NEworks activities and case notes are accurate.

5. Following completion of annual data validation activities, the following actions must be taken by the State Monitor.
    a. Data validation reports must be generated through NEworks that:
        i. indicate numbers of participant cases evaluated based on the random sample participant lists provided by the QCU;
        ii. identify anomalies that may cause inaccurate reporting;
        iii. identify trends in common data accuracy issues; and
        iv. identify participant cases with data accuracy issues;
    b. Resulting data validation reports must be submitted to the QCU Administrator at ndol.wioa_policy@nebraska.gov based on the schedule provided in Table 2.
6. The QCU Administrator will evaluate data validation reports and implement necessary corrective actions, in collaboration with the State Monitor and State Policy Unit (SPU).

Table 2. Annual schedule for Title I and Title III data validation activities and reporting

Validation period	Start date of validation	End date of validation	Validation report due date
July 1 – June 30	July 15	September 30	October 1

(d) Random record sampling

QCU generates lists of randomly selected participant cases[13] for Title I and Title III program populations using the NEworks random sampling function. The random sampling function selects participant cases based on program population size, confidence level percentages, confidence intervals, and required case sample sizes described in Table 3.

Table 3. Required participant case sample size based on program population

Program population[14]	Confidence level[15]	Confidence interval[16]	Required case sample size
1 – 99	95	15	30
100 – 199	95	15	35
200 – 299	95	15	37
300 – 399	95	15	39
400 – 499	95	15	39
500 – 599	95	15	40
600 – 699	95	15	40
700 – 799	95	15	41

[13] *Participant cases* refers to the set of records documenting services provided to program participants enrolled in particular programs who were active or exited a program during the applicable data validation timeframe.
[14] *Program population* refers to the total number of participants who were active or exited a program during an established data validation timeframe
[15] *Confidence level* refers to the percentage of probability or certainty that the confidence interval would contain the true program population parameter when you draw a random sample many times. [Joseph F. Healey, Statistics: A Tool for Social Research (California: Thomson Wadsworth, 2005), 544]
[16] *Confidence interval* refers to a range of values that you can be confident contains the true mean of the program population size. [Joseph F. Healey, Statistics: A Tool for Social Research (California: Thomson Wadsworth, 2005), 544]

Program population[14]	Confidence level[15]	Confidence interval[16]	Required case sample size
800 – 899	95	15	41
900 – 999	95	15	41
1000 – 1999	95	15	42
2000 – 4999	95	15	42
5000 – 9999	95	15	43
10000 – 14999	95	15	43
15000 - 19999	95	15	43
20000 – 24999	95	15	43
25000 – 29999	95	15	43
30000 +	95	15	43

(e) Conflicts of interest and quality control activities

NDOL prohibits local area organizational practices that allow or require Title I service provider staff to conduct Title I quality control activities. NDOL also prohibits practices that allow or require Title III staff to conduct quality control activities for their respective participant cases. Both prohibitions are necessary, as these practices constitute real or apparent conflicts of interest. To avoid real or apparent conflicts of interest, Title I service provider staff and Title III program staff cannot:

- conduct quality control activities for programs of which they are part; or
- evaluate participant cases for participants they may have served.

Refer to NDOL's policy on internal controls and conflicts of interest for additional information on other circumstances that constitute real or apparent conflicts of interest.

(f) Technical assistance and training

QCU provides monthly statewide technical assistance and training on topics relating the use of NEworks and NDM, including quality control and data validation functions and practices. Requests for additional technical assistance or training on use of NEworks and NDM may be submitted simultaneously to NEworks Help Desk at ndol.neworkshelp@nebraska.gov and SPU at ndol.wioa_policy@nebraska.gov. In addition, the State Monitor provides technical assistance and training on required quality control activities upon request, in collaboration with the QCU Administrator and SPU.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective December 17, 2025 Rescinds State Monitoring Program—WIOA Title I, Change 2 (effective May 3, 2023)

State Monitoring Program—WIOA Title I, Change 3

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in footnotes. NDOL policies cited in this policy are included in the policy manual.

BACKGROUND

The Governor is required to monitor activities of Nebraska's Title I subrecipients annually, to ensure that Title I subawards are used for authorized purposes in compliance with Federal laws, rules, regulations, and guidance; terms and conditions of subawards; and NDOL policies.

CHANGES

The entirety of this policy has been reorganized and revised for clarity. Further, this policy has been simplified by removing paraphrased versions of Federal and State laws, rules, regulations, guidance, and policies and replacing those provisions with links to that legislation.

ACTION

This policy rescinds the NDOL policy titled *State Monitoring Program – WIOA Title I, Change 2*. Questions and comments on this policy may be submitted to the policy mailbox at ndol.wioa_policy@nebraska.gov.

POLICY

This policy has two sections.

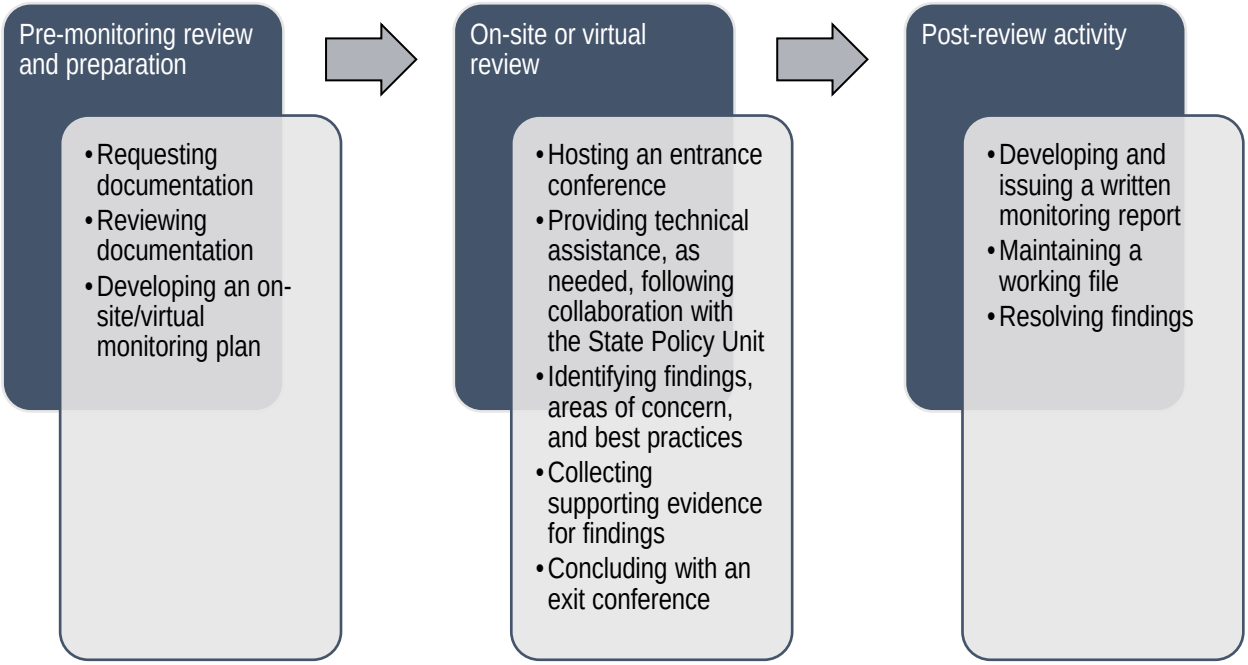
Section I. State Monitoring Program 2
(a) Overview 2
(b) Scope 3
(c) Schedules and timelines 4
Section II. Substantial violations of 2 CFR Part 200 4
(a) Corrective action and sanctions 4
(b) Repayment of misexpended funds 4
(c) Appeals and administrative adjudication 4

Section I. State Monitoring Program

(a) Overview

On behalf of the Governor, NDOL is responsible for monitoring of Nebraska's Title I subrecipients to verify Title I subrecipient compliance with WIOA and its implementing rules, regulations, and guidance; terms and conditions of subawards; and NDOL policies.[1] Monitoring of Title I subrecipients is conducted annually by NDOL's State Monitor but may also occur through ad hoc monitoring events and single audits. The State Monitor conducts all monitoring activities in accordance with NDOL's monitoring guide. Diagram 1 below illustrates the monitoring process generally followed by the State Monitor.

Diagram 1. Components of the monitoring process



[1] 29 USC § 3244(a)(4); 2 CFR §§ 200.303(c), 200.329(a), and 200.332(e)

(b) Scope

Annual monitoring involves evaluation based on three core monitoring activities. Summaries of the activities are provided below. As mentioned above, the State Monitor may schedule ad hoc monitoring events and single audits, in addition to annual monitoring. If the State Monitor plans to conduct ad hoc monitoring events or single audits, an announcement will be sent by the State Monitor. Similar to annual monitoring events, ad hoc monitoring and single audits are conducted in accordance with NDOL's monitoring guide.

Core activity 1. Service design and delivery

Core activity 1 focuses on service design and delivery that guides and supports subrecipient strategies for accomplishing goals of subawards and includes five objectives for evaluation of compliance and effectiveness of subrecipient service design and delivery:

1. planning and program design;
2. implementation;
3. products and deliverables;
4. business services and employer engagement; and
5. participant services.

Core activity 2. Grant operations

Core activity 2 focuses on evaluation of grant operations that support successful administration of subawards and includes nine objectives for evaluation of compliance and effectiveness of grant operations:

1. project management;
2. budget;
3. property management;
4. procurement and contract administration;
5. performance management;
6. subrecipient management and oversight;
7. records management;
8. personnel; and
9. civil rights, complaints, grievances, and incident reporting.

Core activity 3. Financial management

Core activity 3 focuses on financial management systems and funds used by subrecipients to administer subawards and includes eight objectives for evaluation of compliance and effectiveness of financial management:

1. internal controls;
2. accounting system and financial reporting;
3. payment and cash management;
4. matching and leveraged funds and resources;
5. program income;
6. allowable costs and cost classification;
7. cost allocation/indirect costs; and
8. audits and audit resolution.

(c) Schedules and timelines

The State Monitor publishes annual Title I monitoring schedules.[2] Prior to commencement of each annual monitoring event, the State Monitor provides announcement letters to subrecipients that include:

1. descriptions of the focus of reviews;
2. identification of review periods;
3. lists of requested subrecipient documents and materials to be reviewed by the State Monitor and due dates for submission of requested documents and materials; and
4. planned dates for:
    a. entrance and exit conferences;
    b. review of participant records; and
    c. release of monitoring reports (typically within 45 days of exit conferences, absent extenuating circumstances).

Schedules and timelines may be adjusted to accommodate the business purposes of NDOL and the State Monitor.

Section II. Substantial violations of 2 CFR Part 200

(a) Corrective action and sanctions

As required under 29 USC § 3244(a)(3), Title I subrecipients must comply with administrative requirements provided under 2 CFR Part 200 (also known as Uniform Guidance). If the State Monitor identifies any substantial violation of 2 CFR Part 200 regarding use of Title I funds by subrecipients during monitoring or other means, such as ad hoc monitoring and single audits, the Governor must require corrective actions to secure compliance with the requirements of 2 CFR Part 200.[3] If subrecipients fail to take corrective actions as required, the Governor must take actions required under 29 USC §§ 3244(a)(5)(A) and 3244(b)(1).

(b) Repayment of misexpended funds

If the Secretary of the US Department of Labor (the Secretary) requires the State to repay funds to the US Department of Labor (USDOL) based on a determination that Nebraska Title I subrecipients misexpended funds in contradiction to requirements of WIOA Title I, NDOL will deduct amounts equal to misexpenditures from subsequent Title I program year allocations.[4] Deductions will apply to subrecipient funds reserved for administrative costs of the involved Title I programs.[5]

(c) Appeals and administrative adjudication

If a Title I subrecipient has been found in substantial violation of 2 CFR Part 200 regarding use of Title I funds *and* notified of a sanction issued by the Governor, the subrecipient may appeal the

[2] Annual Title I monitoring schedules are accessible at Plans, Manuals, and Reports, under *WIOA Monitoring and Oversight* section.
[3] 29 USC § 3244(a)(5)(A); 20 CFR § 683.410(b)(4)
[4] 29 USC § 3244(c)(3)-(4); 20 CFR § 683.410(b)(5)
[5] Ibid.

sanction to the Secretary.[6] The Governor's sanction will not become effective until the time for appeal has expired *or* the Secretary has issued a decision.[7]

(1) Appeal procedure

Subrecipient appeals must be filed no later than 30 calendar days after receipt of written notification of local plan revocation or imposed reorganization.[8] The appeals must be submitted by certified mail, return receipt requested, to:[9]

1. Secretary, US Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attention: ASET;
2. Office of the Governor, PO Box 94848, Lincoln, NE 68509-4848;
3. Commissioner of Labor, Nebraska Department of Labor, PO Box 94600, Lincoln, NE 68509-4600; and
4. Director, Reemployment Services Division, Nebraska Department of Labor, PO Box 94600, Lincoln, NE 68509-4600.

The Secretary will notify subrecipients and the Governor in writing of the Secretary's decision within 45 calendar days after receipt of appeals.[10] In making this decision, the Secretary may consider any comments submitted by the Governor in response to appeals.[11]

(2) Administrative adjudication

If Title I subrecipients are dissatisfied with the Secretary's final determination, subrecipients may appeal to the US Department of Labor Office of Administrative Law Judges withing 21 days of receipt of the determination by requesting a hearing.[12] Requests for hearings must (1) specifically identify issues or findings in the Secretary's final decisions upon which review is requested and (2) be submitted by certified mail, return receipt requested to:[13]

1. Chief Administrative Law Judge, US Department of Labor, Office of Administrative Law Judges, 200 Constitution Ave. NW, Room S-4325, Washington, DC 20210;
2. Secretary, US Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attention: ASET;
3. Commissioner of Labor, Nebraska Department of Labor, PO Box 94600, Lincoln, NE 68509-4600; and
4. Director, Reemployment Services Division, Nebraska Department of Labor, PO Box 94600, Lincoln, NE 68509-4600.

Subrecipient failure to request a hearing within 21 calendar days of receipt of the Secretary's final decision constitutes subrecipient waiver of its right to administrative adjudication.[14] Further, issues or findings identified in the Secretary's final decision that are not specified in the subrecipient's

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[6] 29 USC § 3244(b)(2)(A); 20 CFR § 683.650(a)
[7] Ibid.
[8] 20 CFR § 683.650(a)
[9] 20 CFR § 683.650(d)
[10] 29 USC § 3244(b)(2)(B); 20 CFR § 683.650(e)
[11] 20 CFR § 683.650(e)
[12] 29 USC § 3246(a); 20 CFR § 683.800(a) and (c)
[13] 29 USC § 3246(b)
[14] 20 CFR § 683.800(b)

request for review *or* the Secretary's entire final decision when no hearing has been requested within the 21-day period are considered resolved and not subject to further review.[15]

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[15] 20 CFR § 683.800(c)

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective January 13, 2026 Rescinds Audit and Audit Resolution, Change 2 (May 3, 2023)

Audit and Audit Resolution, Change 3

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

20 CFR § 683.210 requires that all recipients of WIOA Title I and Wagner-Peyser Act funds that expend more than the minimum amounts specified in 2 CFR Part 200 Subpart F in Federal awards during their fiscal year must have a program specific or single audit conducted in accordance with Subpart F

CHANGES

This policy has been revised for clarity by replacing:

- paraphrased content from Federal and State laws, rules, regulations, and guidance with links to those laws, rules, regulations, and guidance; and
- APPENDIX I (definitions) and II (Title I program activities) provided under Change 2 have been removed to align with revisions made to the body of the policy.

ACTION

NDOL

This policy rescinds *Audit and Audit Resolution, Change 2*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must ensure their local areas comply with all requirements of this policy, as well as related Federal and State laws, rules, regulations, and guidance.

State Monitor

The State Monitor is responsible for evaluating local area compliance with this policy.

POLICY

This policy has one section.

Audits and audit resolution

20 CFR § 683.210 requires that all recipients of WIOA Title I and Wagner-Peyser Act funds that expend more than the applicable minimum amounts specified in 2 CFR Part 200 Subpart F in Federal awards during their fiscal year must have a program-specific or single audit conducted in accordance with Subpart F. In addition, Subpart F requires that subrecipients and pass-through entities adhere to audit requirements established in the Subpart. An auditee may simultaneously be a recipient, a subrecipient, and a contractor.[1] An auditor may be a public accountant, Federal, State, local government, or Indian Tribe audit organization that meets the general standards specified for external auditors in generally accepted government auditing standards (GAGAS[2]). (The term "auditor" does not include internal auditors of nonprofit organizations.)

1. *Standards and scope of audit*. 2 CFR § 200.514 defines standards and scope of audits.
2. *Audit reporting and audit findings*. 2 CFR §§ 200.515 and 200.516 address auditor reports and audit findings.
3. *Retention and access to audit documentation*. 2 CFR § 200.517 covers requirements for retention and access to audit documentation.
4. *Detailed information on audits and audit resolution*. Refer to 2 CFR Part 200 Subpart F for detailed information on audits, as well as audit resolution.

[1] 2 CFR § 200.501(g)

[2] GAGAS refers to Generally Accepted Government Auditing Standards, also known as the Yellow Book, and means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits. The Yellow Book is accessible at https://www.gao.gov/yellowbook

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective January 13, 2026 Rescinds Grant Closeout Change 2 (May 3, 2023)

Grant Closeout, Change 2

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

As a recipient of Federal awards, NDOL is required to institute a closeout process after the end of performance to ensure a timely closeout concerning its subrecipients.

CHANGES

This policy has been revised for clarity by replacing:

- paraphrased content from Federal and State laws, rules, regulations, and guidance with links to those laws, rules, regulations, and guidance; and
- APPENDIX I (definitions) under Change 1 has been removed. Definitions relating to the body of this policy are now linked.

ACTION

NDOL

This policy rescinds *Grant Closeout Change 1*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards, as subrecipients and pass-through entities, must ensure their compliance with Federal laws, rules, regulations, and guidance to ensure grant closeout requirements met.

POLICY

This policy has two sections.

Section I. Closeout requirements 2
Section II. Post-closeout adjustments and continuing responsibilities 2

Section I. Closeout requirements

Pursuant to and in accordance with 2 CFR § 200.344, NDOL, as a pass-through entity, closes out Federal awards to local areas when it has been determined that all applicable administrative actions and all required work of the Federal award has been completed by its subrecipients. When the subrecipient fails to complete the necessary administrative actions or the required work for an award, NDOL must proceed with closeout based on the information available.

Section II. Post-closeout adjustments and continuing responsibilities

Post-closeout adjustments and continuing responsibilities are described under 2 CFR § 200.345.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

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Spanish
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Chinese - Traditional
重要須知！本文件包含**重要資訊**，事關您的權利、責任，和／或福利。請您務必理解本文件所含資訊，而我們也將使用您偏好的語言，無償為您提供資訊。**請致電 (402) 471-9000** 洽詢翻譯及理解本文件資訊方面的協助。

Vietnamese
LƯU Ý QUAN TRỌNG! Tài liệu này chứa **thông tin quan trọng** về quyền hạn, trách nhiệm và/hoặc quyền lợi của quý vị. Việc hiểu rõ thông tin trong tài liệu này là rất quan trọng, và chúng tôi sẽ cung cấp miễn phí cho quý vị thông tin này bằng ngôn ngữ mà quý vị ưa dùng. **Hãy gọi (402) 471-9000** để được hỗ trợ về việc thông dịch và hiểu thông tin trong tài liệu này.

Tagalog
MAHALAGA! Naglalaman ang dokumentong ito ng **mahalagang impormasyon** tungkol sa iyong mga karapatan, responsibilidad at/o benepisyo. Napakahalaga na nauunawaan mo ang impormasyong nakapaloob sa dokumentong ito, at ibibigay namin nang libre ang impormasyon sa pinili mong wika. **Tumawag sa (402) 471-9000** upang humingi ng tulong sa pagsasaling-wika at pag-unawa sa impormasyong nasa dokumentong ito.

French
IMPORTANT! Le présent document contient **des informations importantes** sur vos droits, vos responsabilités et/ou vos avantages. Il est essentiel que vous compreniez les informations figurant dans ce document, et nous vous fournirons gratuitement les informations dans la langue de votre choix. **Appelez au (402) 471-9000** pour obtenir de l'aide pour la traduction et la compréhension des informations contenues dans le présent document.

Haitian Creole
ENPÒTAN! Dokiman sa a gen **enfòmasyon enpòtan** ladan konsènan dwa, responsablite ak/oswa avantaj ou yo. Li ap vrèman enpòtan pou ou konprann enfòmasyon yo ki nan dokiman sa a, epi n ap ba ou enfòmasyon sa yo nan lang ou prefere a gratis. **Rele (402) 471-9000** pou jwenn asistans pou tradui ak pou konprann enfòmasyon ki nan dokiman sa a.

Portuguese
IMPORTANTE! Este documento contém **informações importantes** sobre os seus direitos, responsabilidades e/ou benefícios. É essencial que compreenda as informações constantes neste documento, as quais disponibilizaremos, gratuitamente, na língua à sua escolha. **Contacte o número (402) 471-9000** para solicitar ajuda para traduzir e compreender as informações contidas neste documento.

Arabic
مهم! يحتوي هذا المستند على **معلومات مهمة** حول حقوقك ومسؤولياتك و/أو فوائدك. من الأهمية بمكان أن تفهم المعلومات الواردة في هذا المستند، وسنوفر لك المعلومات بلغتك المفضلة دون تكلفة. **اتصل على الرقم 9000-471 (402)** للحصول على مساعدة في ترجمة المعلومات الواردة في هذا المستند وفهمها.

Russian
ВАЖНО! В настоящем документе содержится **важная информация** о ваших правах, обязанностях и/или преимуществах. Крайне важно, чтобы вы поняли информацию, содержащуюся в данном документе, а мы бесплатно предоставим вам эту информацию на выбранном вами языке. **Позвоните по телефону (402) 471-9000** для получения помощи в переводе и понимании информации, содержащейся в данном документе.

Korean
중요! 본 문서는 귀하의 권리, 책임 및/또는 이익에 관한 **중요한 정보**를 포함하고 있습니다. 귀하가 본 문서에 있는 정보를 이해하는 것은 대단히 중요하며, 귀하가 원하는 언어로 정보를 제공받으실 수 있습니다. **(402) 471-9000로 전화**하여 본 문서에 있는 정보의 번역 및 이해를 위해 도움받으시길 바랍니다.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective 05/04/2026 Rescinds Nondiscrimination and Equal Opportunity, Change 4 (May 3, 2023)

WIOA Title I Nondiscrimination and Equal Opportunity

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Recipients of financial assistance under Title I of WIOA must ensure nondiscrimination and equal opportunity in their provision of WIOA Title I services.[1] Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, are governed by regulations implementing 29 USC § 3248 and 29 CFR Part 38 and are administered and enforced by the US Department of Labor Civil Rights Center (CRC).[2]

ACTION

NDOL

This policy rescinds *Nondiscrimination and Equal Opportunity, Change 3*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov. Technical assistance on this policy is available upon request to ndol.wioa_policy@nebraska.gov.

[1] 20 CFR § 683.285(a)(1)
[2] 20 CFR § 683.285(a)(2); 29 CFR § 38.20

As a recipient of financial assistance under Title I of WIOA, NDOL must adhere to requirements of Federal laws, rules, regulations, guidance, and policies governing implementation of 29 USC § 3248 and 29 CFR Part 38.

Local boards

Local boards and CEOs, as recipients of financial assistance under Title I of WIOA, must ensure that they and their administrative entities and Title I service providers adhere to requirements of Federal laws, rules, regulations, guidance, and policies governing implementation of 29 USC § 3248 and 29 CFR Part 38, as well as this policy and other NDOL policies relating to nondiscrimination and equal opportunity.

POLICY

This policy has three sections.

Section I. Ensuring nondiscrimination and equal opportunity 2
(a) Applicability 2
(b) Prohibitions 2
Section II. Responsibilities, requirements, and procedures 3
(a) Responsibilities 3
(b) Requirements 4
(c) Complaint processing procedures 5
Section III. Failure to comply 8

Section I. Ensuring nondiscrimination and equal opportunity

(a) Applicability

29 CFR § 38.2 defines the applicability of requirements of 29 CFR Part 38 to recipients and programs. In their implementation of WIOA Title I financially assisted programs or activities, recipients must comply with nondiscrimination and equal opportunity requirements established under 29 USC § 3248 and 29 CFR Part 38, including Federal laws and regulations listed in 29 CFR § 38.3(d). Recipient obligations to comply with nondiscrimination and equal opportunity provisions of 29 USC § 3248 and 29 CFR Part 38 are not excused or reduced by effects described under 29 CFR § 38.24.

(b) Prohibitions

As stated in 29 CFR § 38.5, no individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program or activity. 29 USC § 3248 and 29 CFR Part 38 establish Title I prohibitions against discrimination.

1. 29 USC § 3248(a)(2) prohibits exclusion of individuals from Title I participation because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief.
2. 29 USC § 3248(a)(3) prohibits employment of Title I program participants to carry out construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship, except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants.
3. 29 USC § 3248(a)(4) prohibits discrimination against an individual who is a participant in a program or activity that receives funds under 29 USC § 3162 or 29 USC § 3163, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a Title I program participant.
4. 29 USC § 3248(a)(5) prohibits discrimination against certain noncitizens and their participation in programs and activities or receiving funds under Title I. Participation in programs and activities shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the US Attorney General to work in the United States.
5. 29 CFR § 38.19 prohibits intimidation and retaliation against any individuals in relation to complaints filed relating to violations of 29 USC § 3248 and 29 CFR Part 38.

Refer to 29 CFR §§ 38.6 – 38.12 and TEGL 05-23 for additional information on prohibitions.

Section II. Responsibilities, requirements, and procedures

(a) Responsibilities

(1) Designation of State-level EO Officer

Pursuant to 29 CFR § 38.28(a), Justin Schroeder has been designated as the State-level EO Officer and may be contacted by mail or phone at:

Justin Schroeder
Deputy Commissioner
Nebraska Department of Labor
550 South 16th Street
PO Box 94600
Lincoln, NE 68509-4600
402.471.3712
TDD 800.833.7352

(2) Designation of Local-level EO Officers

Except for small recipients and service providers, local boards and CEOs must designate local-level EO Officers, in accordance with 29 CFR §§ 38.28(b) and 38.29, and 38.30.

(3) Nondiscrimination and equal opportunity access for individuals with disabilities

29 USC § 3248 and 29 CFR Part 38 require, among other things, that local area one-stop delivery systems ensure nondiscrimination and equal opportunity access for individuals with disabilities in accordance with the following:[3]

- 29 CFR § 38.13 (responsibilities regarding physical and programmatic accessibility);
- 29 CFR § 38.14 (responsibilities regarding reasonable accommodations and reasonable modifications for individuals with disabilities); and
- 29 CFR § 38.15 (responsibilities for communications with individuals with disabilities).

(b) Requirements

(1) Assurances

Pursuant to 29 CFR §§ 38.25 and 38.26, recipients of financial assistance under Title I of WIOA must provide written assurances that they will adhere to and comply with the requirements of 29 USC § 3248 and 29 CFR Part 38.

(2) Equal Opportunity Notice

As required under 29 CFR § 38.34, recipients of financial assistance under Title I of WIOA must provide initial and continuing notice that they do not discriminate on any prohibited basis. The notice must be provided to the individuals and entities listed at 29 CFR § 38.34(a), contain the wording specified in 29 CFR § 38.35, and published in accordance with 29 CFR § 38.36.

As required under 29 CFR § 38.34(b), recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals as described in 29 CFR § 38.9.

Recipients are responsible for meeting the notice requirements provided in 29 CFR §§ 38.34 and 38.35 with respect to service providers, as required under 29 CFR § 38.37.

(3) Publications, broadcasts, and other communications

Recipients of financial assistance under Title I of WIOA must adhere to requirements of 29 CFR § 38.38 regarding their publications, broadcasts, and other communications.

(4) Communication of notice in orientations

All presentations to orient new participants, new employees, and/or the general public must comply with the requirements of 29 CFR § 38.39 and must be communicated in appropriate languages, as required in 29 CFR § 38.9, and in formats accessible for individuals with disabilities as required and specified in 29 CFR § 38.15.

[3] TEN 24-18

(5) Affirmative outreach

Recipients of financial assistance under Title I of WIOA must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities through affirmative outreach, in accordance with 29 CFR § 38.40.

(6) Collection and maintenance of EO data and other information

Recipients of financial assistance under Title I of WIOA must collect data and maintain records the CRC Director finds necessary to determine whether recipients have complied or are complying with the nondiscrimination and equal opportunity provisions of 29 USC § 3248 and 29 CFR Part 38. Collection and maintenance of EO data and other information must comply with the requirements of 29 CFR Part 38 Subpart B.

(7) Information to be provided to CRC by recipients

29 CFR § 38.42 describes information to be provided to the CRC by recipients.

(8) Required maintenance of records by recipients

Recipients of financial assistance under Title I of WIOA must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year, as required under and in accordance with 29 CFR § 38.43. Additional record retention requirements based on State law are defined in NDOL's records management policy.

(9) CRC access to information and information sources

Recipients of financial assistance under Title I of WIOA must permit access by the CRC Director or the Director's designee in accordance with 29 CFR § 38.44.

(10) Confidentiality responsibilities of grant applicants, recipients, and the US Department of Labor

Pursuant to 29 CFR § 38.45, grant applicants, recipients, and the US Department of Labor must keep confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to or assists in an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed must be protected from retaliation.

(11) Implementation of nondiscrimination and equal opportunity requirements

NDOL must implement nondiscrimination and equal opportunity requirements in accordance with 29 CFR Part 38 Subpart C.

(c) Complaint processing procedures

(1) Complaint filing

Complaint filing procedures are described in 29 CFR § 38.69.

(2) Required contents of complaints

29 CFR § 38.70 defines required contents of complaints.

(3) Right to representation

In accordance with 29 CFR § 38.71, both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

(4) Required elements of complaint processing procedures for recipients

29 CFR § 38.72 describes required elements of complaint processing procedures for recipients, including NDOL, local boards, and CEOs.

(5) Responsibility for development and publishing complaint processing procedures for service providers

In accordance with 29 CFR § 38.73, local boards and CEOs, as provided in NDOL's state nondiscrimination plan, must develop and publish, on behalf of its service providers, the complaint processing procedures. The service providers must follow those procedures.

(6) Recipient's obligations when it determines it has no jurisdiction over a complaint

Pursuant to 29 CFR § 38.74, when recipients determine that they do not have jurisdiction over a complaint, they must notify the complainant, in writing within 5 business days of making such determination. The Notice of Lack of Jurisdiction must include:

- a statement of the reasons for that determination; and
- notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the notice.

(7) If complainant is dissatisfied after receiving a Notice of Final Action

In accordance with 29 CFR § 38.75, if recipients issue a Notice of Final Action before the 90-day period ends, but the complainant is dissatisfied with the recipient's decision on the complaint, the complainant or the complainant's representative may file a complaint with the CRC Director within 30 days after the date on which the complainant receives the notice.

(8) If a recipient fails to issue a Notice of Final Action within 90 days after complaint was filed

As stated in 29 CFR § 38.76, if by the end of 90 days from the date on which complainant filed the complaint, the recipient has failed to issue a Notice of Final Action, the complainant or the complainant's representative may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period. The CRC Director may extend 30-day time limit for filing a complaint, pursuant to 29 CFR § 38.77.

(9) Determinations regarding acceptance of complaints

Pursuant to 29 CFR § 38.78, the CRC Director must determine whether the CRC will accept a particular complaint for resolution. If a complaint does not contain enough information to identify the respondent or the basis of the alleged discrimination, the timeliness of the complaint, or the

apparent merit of the complaint, the CRC Director must try to get the needed information from the complainant, in accordance with 29 CFR § 38.79. If CRC does not have jurisdiction over a complaint, the CRC Director must:

- notify the complainant in writing and explain why the complaint falls outside the coverage of 29 USC § 3248 and 29 CFR Part 38; and
- where possible, transfer the complaint to an appropriate Federal, State or local authority.

The CRC Director refers complaints to other agencies in accordance with 29 CFR § 38.81.

If a complaint will not be accepted, the CRC Director must notify the complainant, in writing, about that fact, and provide the complainant the Director's reasons for making that determination, in accordance with 29 CFR § 38.82.

As required in 29 CFR § 38.83, if the CRC Director accepts the complaint for resolution, the Director must notify in writing the complainant, the respondent, and the grantmaking agency. The notice must:

- state that the complaint will be accepted;
- identify the issues over which the CRC has accepted jurisdiction; and
- explain the reasons why any issues were rejected.

Pursuant to 29 CFR § 38.84, both the complainant and the respondent, or their representative, may contact the CRC for information about the complaint. The CRC Director will determine what information, if any, about the complaint will be released.

(10) Alternative dispute resolution

As provided under 29 CFR § 38.85, the CRC Director may offer the option of alternative dispute resolution (ADR) of the complaint filed with CRC. In such circumstances, the following rules apply.

1. ADR is voluntary; consent must be given by the complainant and respondent before the ADR process will proceed.
2. The ADR will be conducted under the guidance of the CRC Director.
3. ADR may take place at any time after a complaint has been filed under 29 CFR § 38.69, as deemed appropriate by the CRC Director.
4. The CRC will not suspend its investigation and complaint processes during ADR.

(11) Notice at conclusion of complaint investigation

At the conclusion of the investigation of the complaint, the CRC Director must take the following actions, in accordance with 29 CFR § 38.86:

- determine whether there is reasonable cause to believe that the respondent has violated 29 USC § 3248 and 29 CFR Part 38; and
- notify the complainant, the respondent, and the grantmaking agency, in writing, of that determination.

(12) Enforcement when voluntary compliance cannot be secured

When the recipient fails or refuses to take the corrective action listed in an initial determination[4] following a complaint investigation or compliance review, the CRC Director may take the actions described in 29 CFR § 38.95.

Section III. Failure to comply

In accordance with 29 USC § 3248(b), whenever the Secretary of Labor finds that a state or other recipient of financial assistance under Title I of WIOA has failed to comply with the requirements of 29 USC § 3248 and 29 CFR Part 38, the Secretary must notify the State or recipient and must request that compliance takes place. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may refer the matter to the US Attorney General with a recommendation that an appropriate civil action be instituted or take such other action as may be provided by law. Once a referral is received or if the US Attorney General has reason to believe that the State or recipient of WIOA Title I financial assistance is engaged in a pattern or practice of discrimination, the US Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.[5]

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[4] 29 CFR §§ 38.66(b), 38.87, 38.89, 38.90, 38.91(a), 38.91(b), 38.94, and 38.96(c)
[5] 29 USC § 3248(c)

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Administrative Requirements Effective October 23, 2025 Rescinds Grievances and Complaints – WIOA Title I, Change 1 (effective May 3, 2023)

Non-criminal Grievances and Complaints and Criminal Complaints

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Local areas must establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of the requirements of WIOA Title I accordance with 20 CFR § 683.600. Further, all recipients and subrecipients of Federal assistance provided by the US Department of Labor Employment and Training Administration (ETA) must immediately report instances of suspected or known fraud, program abuse, or criminal misconduct involving recipients, subrecipients, or contracts under Federal awards from ETA to the Office of Inspector General (OIG) and ETA according to the requirements outlined in TEGL 15-23.

ACTION

NDOL

This policy rescinds *Grievances and Complaints – WIOA Title I, Change 1*. Questions and comments regarding this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local areas

Local boards, fiscal agents, and administrative entity staff must ensure they comply with the requirements of Sections I and II of this policy, in addition to applicable Federal and State laws, rules, regulations, and other guidance.

NDOL-administered programs funding by ETA

NDOL-administered programs funded by ETA must ensure they comply with the requirements of Section II this policy, in addition to applicable Federal and State laws, rules, regulations, and other guidance.

POLICY

This policy has two sections.

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(a) Local Title I non-criminal grievances and complaint procedures 2
(b) NDOL appeal procedures for Title I non-criminal grievances and complaints 3
(c) Federal appeal procedures for Title I non-criminal grievances and complaints 3
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Section I. Title I non-criminal grievances and complaints

(a) Local Title I non-criminal grievances and complaint procedures

Local boards must establish local area non-criminal grievance and complaint procedures in accordance with 20 CFR § 683.600.

Title I non-criminal grievances and complaints alleging violations of the requirements of WIOA Title I must be first addressed through local area procedures.[1] If non-criminal grievances or complaints are initially filed with NDOL:[2]

- applicable local administrative entity staff will be notified by email within five business days of NDOL's receipt of the grievances or complaints; and
- individuals submitting the grievances or complaints will be provided contact information for applicable local administrative entity staff within five business days, either by email or in writing, and advise that grievances and complaints must be first filed with the applicable local area according to local area procedures.

[1] 20 CFR § 683.600(c)
[2] 20 CFR § 683.600(d)

(b) NDOL appeal procedures for Title I non-criminal grievances and complaints

Appeals on Title I non-criminal grievances and complaints may be submitted to NDOL by complainants if:

- local area decisions aren't provided within 60 calendar days of filing of non-criminal grievances or complaints according to local area procedures; or
- parties to non-criminal grievances or complaints are dissatisfied with local decisions.

To file appeals with NDOL concerning Title I non-criminal grievances or complaints, written requests for an informal resolution and hearing must be submitted to:

Commissioner of Labor
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

Director of Reemployment Services Division
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

Written requests for an informal resolution and hearing must include descriptions of Title I non-criminal grievances or complaints filed with local areas and reasons for appealing to NDOL. Absent extenuating circumstances, the Commissioner will assign hearing officers and hearings will take place within 30 calendar days of the Commissioner's receipt of the written requests. Hearing officers will issue a decision within 30 calendar days of hearings, to the extent possible. Remedies that may be imposed by local areas and NDOL concerning Title I non-criminal grievances and complaints procedures are limited to those defined under 29 USC § 3241(c)(3).

(c) Federal appeal procedures for Title I non-criminal grievances and complaints

Appeals may be submitted to the Secretary of Labor (the Secretary) regarding Title I non-criminal grievances or complaints under two circumstances, as described under 20 CFR § 683.610.

1. If no decision on an appeal is made by NDOL within 60 calendar days of filing an appeal with NDOL according to the procedures described above in Section I(b), complainants may appeal to the Secretary. When appealing to the Secretary based on the lack of a decision within 60 calendar days of filing a Title I grievance or complaint with NDOL, *the appeal to the Secretary must be filed within 120 calendar days of the date the appeal was filed with NDOL*.
2. If a party to a Title I grievance or complaint is dissatisfied with NDOL's decision on an appeal, complainants may appeal to the Secretary. When appealing to the Secretary based on dissatisfaction with NDOL's decision, *the appeal to the Secretary must be filed within 60 calendar days of the complaints receipt of NDOL's decision on the appeal*.
3. Appeals to the Secretary must be in accordance with 20 CFR § 683.610(c).

Except for discrimination complaints brought under 29 USC § 3244(f), 29 USC § 3248, or 29 CFR Part 38, which will be referred to the Director of the Civil Rights Center,[3] Title I non-criminal grievances and complaints submitted directly to the Secretary will be referred back to appropriate local area for resolution.[4] Refer to NDOL's policy on non-discrimination and equal opportunity for information on discrimination complaints.

[3] 20 CFR § 683.600(d)
[4] Ibid.

Section II. Criminal complaints

Recipients and subrecipients of Federal funding from ETA must adhere to the requirements of 20 CFR § 683.620 and TEGL 15-23 regarding immediate reporting of instances of suspected or known cases of criminal and other illegal or improper activities involving recipients of Federal funds from ETA.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

5. Adult, Dislocated Worker, and Youth

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Adult, Dislocated Worker, and Youth Effective April 17, 2026 Rescinds Program Eligibility for Adults, Dislocated Workers, and Youth, Change 7 (August 15, 2025)

WIOA Title IB Program Eligibility for Adults, Dislocated Workers, and Youth

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

WIOA Title IB adult, dislocated worker, and youth programs are designed to help job seekers and workers access employment, education, training, and supportive services to succeed in the labor market. Eligibility criteria for the programs are defined under Federal laws, rules, regulations, and guidance.

CHANGES

This policy does not include material changes in contrast to the rescinded policy.

- Paraphrased language included in the rescinded policy has been replaced in this policy with links to Federal laws, rules, regulations, and guidance.
- Some provisions in this policy have been revised or restated for clarity.
- APPENDIX I (definitions) in the rescinded policy has been replaced with three definition appendices organized by Title IB program.

ACTION

NDOL

This policy rescinds *Program Eligibility for Adults, and Dislocated Workers, and Youth, Change 7*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov. Technical assistance on this policy is available upon request to ndol.wioa_policy@nebraska.gov.

Local boards

When implementing Title IB adult, dislocated worker, and youth programs, local boards must ensure that they, their administrative entities, and their Title IB service providers and staff adhere to the requirements of applicable Federal and State laws, rules, regulations, guidance, and policies; this policy; and other applicable NDOL policies.

POLICY

This policy two sections and three appendices.

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Section II. Title IB program eligibility requirements....3
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Section I. Selective Service System requirements for Title IB program participants

To be eligible for Title IB adult, dislocated worker, and youth programs, individuals who are age 18 or older *and* subject to the registration requirements of the Military Selective Service Act (50 USC § 453) must comply with those requirements, in accordance with 29 USC § 3249(h). Information about Selective Service System registration requirements is accessible at https://www.sss.gov/register/who-needs-to-register/.

Section II. Title IB program eligibility requirements

(a) Adult program

To be eligible for career and training services as Title IB adult program participants, individuals must be aged 18 or older, as described in 29 USC § 3102(2), and must have registered with the Selective Service System, as applicable and as described above in Section I.

Definitions relating to adult program eligibility are provided in APPENDIX II.

(b) Dislocated worker program

To be eligible for career and training services as Title IB dislocated worker program participants, individuals must meet at least one of definitions of "dislocated worker" or "displaced homemaker" provided in 29 USC § 3102(15)-(16) and must have registered with the Selective Service System, as applicable and as described above in Section I.

Refer to NDOL's policy on priority of service for policy clarifications on Title IB dislocated worker program eligibility for:

- separating military service members;
- military spouses and cessation of employment; and
- military spouses as displaced homemakers.

Definitions relating to dislocated worker program eligibility are provided in APPENDIX II.

(c) Youth program

To be eligible for youth program services as Title IB youth program participants, individuals must meet one or more of the applicable program eligibility criteria for in-school youth (ISY) or out-of-school youth (OSY), as required under 29 USC § 3164(a)(1)(A).

Definitions relating to youth program eligibility are provided in APPENDIX III.

(d) Acceptable source documentation for eligibility determinations

Types of acceptable source documentation for Title IB adult, dislocated worker, and youth program eligibility determinations are defined in TEGL 23-19 Change 3 Attachment II. Refer to NDOL's current policy on records management for additional information on acceptable source documentation.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

APPENDIX I. Title IB adult program definitions

Definitions in this appendix are provided as supplemental information that supports the provisions of the policy and should be read and understood in the context in which they may be used in applicable Federal and State laws, rules, regulations, guidance, and policies.

1. basic skills deficient

Basic skills deficient is defined under 29 USC § 3102(5).

2. English language learner

English language learner is defined under 29 USC § 3272(7).

3. low-income individual

Low-income individual is an individual who meets one or more of the criteria listed 29 USC § 3102(36)(A). *Low-income individual* determinations must comply with income exclusions established under 29 USC § 3241(a)(2); 38 USC § 4213; 42 USC § 1751 et seq.; and 20 CFR § 681.280. There are no other income exclusions.

4. Veteran

Veteran is defined under 38 USC § 101(2) and 20 CFR § 1010.110.

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APPENDIX II. Title IB dislocated worker program definitions

Definitions in this appendix are provided as supplemental information that supports the provisions of the policy and should be read and understood in the context in which they may be used in applicable Federal and State laws, rules, regulations, guidance, and policies.

1. attachment to the workforce

Attachment to the workforce is defined by NDOL, as permitted under 20 CFR § 680.130(b), and means an individual has been employed in a single occupation at least 20 or more hours per week for at least 6 of the most recent 36 months. The six months need not be consecutive. An employee of a temporary employment agency must have worked on the same assignment for the same number of weekly hours and duration stated above, in order to demonstrate attachment to the workforce.

2. deployment

Deployment is defined under 10 USC § 991(b).

3. general announcement

General announcement is defined by NDOL, as permitted under 20 CFR § 680.130(b)(1), and means an announcement to the public by an employer or employer representative. The general announcement must be made to the public, not just the employees of the employer.

4. laid off or layoff

Laid off or *layoff* is defined by NDOL, as permitted under 20 CFR § 680.130(b), and means an employment relationship has been or will be suspended by an employer without cause for more than 180 calendar days. Determinations on cause for layoff are made by NDOL's Unemployment Compensation Determinations Unit regarding circumstances surrounding reasons for separation from employment.

5. mass layoff

Mass layoff is defined by NDOL, as permitted under 20 CFR § 682.305, and means a layoff that has occurred when:

- at least 25 workers have been laid off *or* 25 percent of the employer workers, whichever amount is smaller; or
- a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the announced layoff.[1]

6. notice of termination or layoff from employment

Notice of termination or *layoff from employment* is defined by NDOL, as permitted under 20 CFR § 680.130(b), and means a written notification from the employer naming one or more individuals and indicating that employment will cease or has ceased for the individuals on a specific date.

[1] Refer to 20 CFR Part 639 for information on the WARN Act.

7. temporary recall

Temporary recall is defined by NDOL, as permitted under 20 CFR § 680.130(b), and means a request from an employer to a former worker, who has either received a notice of termination or been terminated from employment, to return to work for 180 or less calendar days, even if the employer still intends to terminate the worker.

8. terminated

Terminated is defined by NDOL, as permitted under 20 CFR § 680.130(b), and means employment is a permanent situation in which the employer lays off an individual without cause and does not plan to rehire the individual. Any documented non-seasonal layoff projected to last 180 or more calendar days constitutes termination of employment. The following circumstances are not considered termination of employment:

1. seasonal unemployment;
2. an end to an assignment through a temporary employment agency;
3. a notice of termination that includes a certain or tentative recall date within 180 calendar days of the initial layoff date; or
4. retirement or other voluntary separation from the workforce.

9. underemployed

Underemployed is defined in Sec. 11 of TEGL 19-16.

10. unemployed as a result of general economic conditions in the community in which the individual resides

Pursuant to 20 CFR § 680.130(b)(2), NDOL requires that local boards define *unemployed as a result of general economic conditions in the community in which the individual resides*, which must be reasonable and based on verifiable data.

11. unemployed as a result of a natural disaster

Unemployed as a result of a natural disaster is defined by NDOL, as permitted under 20 CFR § 680.130(b), and means unemployment caused by major adverse events resulting from natural processes of the Earth or forces other than the acts of human beings, including environmental conditions, such as:

1. floods;
2. droughts;
3. tornadoes;
4. earthquakes; and
5. other natural events beyond an individual's control.

The list provided above is not all inclusive of major adverse events that may be considered natural disasters.

12. unlikely to return to a previous occupation or industry

Pursuant to 20 CFR § 680.130(b)(3), NDOL defines *unlikely to return to a previous occupation or industry*. An individual is *unlikely to return to a previous occupation or industry* if job opportunities in the occupation or industry are significantly diminished for an individual based on one or more of the following four criteria, subject to the clarification provided below relating to separating service members and military spouses:

1. official assessments of market demand for products or services in the occupation or industry;
2. local labor market conditions for the industry or occupation;
3. evolution of skill requirements in the occupation or industry and whether an individual's skills have kept pace over time based on a current skills assessment; or
4. impact of technology or trade on the industry or occupation.

Pursuant to 20 CFR § 680.660 and NDOL's policy on priority of service, separating service members and military spouses experiencing cessation of employment, including those considered to be displaced homemakers, meet the standard of *unlikely to return to a previous industry or occupation*.

13. Veteran

The definition of Veteran is provided in APPENDIX I.

APPENDIX III.Title IB youth program definitions

Definitions in this appendix are provided as supplemental information that supports the provisions of the policy and should be read and understood in the context in which they may be used in applicable Federal and State laws, rules, regulations, guidance, and policies.

1. compulsory school attendance

State requirements concerning *compulsory school attendance* are defined under Neb. Rev. Stat. § 79-201.

2. attending secondary school

Attending secondary school is defined under Neb. Rev. Stat. § 79-201, which aligns with exceptions for youth with disabilities as described under TEGL 21-16.

Note. TEGL 21-16 states that when an individual is enrolled in the youth program during the summer and is in between secondary school years, the individual is considered to be an ISY as long as they are enrolled to continue secondary school in the fall.

3. attending postsecondary school

Attending postsecondary school is defined under TEGL 21-16.

Notes.

- TEGL 21-16 states that if an individual is enrolled only in non-credit-bearing postsecondary classes, then the individual is not considered to be attending postsecondary school. Refer to the definition of postsecondary institution for additional information.
- TEGL 21-16 states that when an individual is enrolled in the youth program between high school graduation and postsecondary education, the individual is considered an ISY if they are registered for postsecondary education, even if they have not yet begun classes at the time of youth program enrollment.

4. School dropout

School dropout is defined under 29 USC § 3102(54) and TEGL 21-16.

5. high poverty area

High poverty area is defined under 20 CFR § 681.260.

A list of Nebraska's high-poverty area census tracts is provided by NDOL every five years, through NDOL notices, pursuant to 20 CFR § 681.260.

6. low-income individual

Low-income individual is defined in APPENDIX I. 29 USC § 3164(a)(3), 20 CFR § 681.250(c), and TEGL 21-16 describe exceptions to the low-income requirement for youth program participants.

7. offender

Offender is defined under 29 USC § 3102(38).

8. pregnant or parenting

Pregnant or parenting individual is defined in TEGL 21-16.

9. postsecondary institution

Postsecondary institution is defined under 34 CFR § 106.2.

10. requires additional assistance to complete an education program or to secure or hold employment

Concerning ISY eligibility, local boards must define criteria in local policy for determining *requires additional assistance to complete an education program or to secure or hold employment*.[2]

11. requires additional assistance to enter or complete an education program or to secure or hold employment

Concerning OSY eligibility, local boards must define criteria in local policy for determining *requires additional assistance to enter or complete an education program or to secure or hold employment.*[3]

12. school

Pursuant to Neb. Rev. Stat. §§ 79-201, 79-202, 79-319, and 79-1601, *school* is defined under Nebraska state law which defines school as a school approved by the Nebraska State Board of Education, including:

1. accredited public and private secondary schools;
2. accredited denominational and parochial secondary schools;
3. schools that elect not to meet accreditation requirements, including home schools; and
4. alternative schools, classes, or education programs established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students.

Pursuant to 20 CFR § 681.230 for purposes of determining Title IB youth program eligibility, USDOL does not consider providers of WIOA Title IC YouthBuild programs, WIOA Title ID Job Corps programs, adult education programs under WIOA Title II, high school equivalency programs, or dropout re-engagement programs to be schools.[4] In addition, individuals attending high school equivalency programs funded by public K12 school systems who are classified by the school systems as still enrolled in school are the exception; they are considered ISY.[5]

[2] 20 CFR § 681.310
[3] 20 CFR § 681.300
[4] 20 CFR § 681.230
[5] Ibid.

13. Veteran

The definition of Veteran is provided in APPENDIX I.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Adult, Dislocated Worker, and Youth Effective November 14, 2025 Rescinds WIOA Title IB Adult and Dislocated Worker Programs (December 11, 2023)

WIOA Title IB Adult and Dislocated Worker Programs, Change 1

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in footnotes. NDOL policies cited in this policy are included in the policy manual.

BACKGROUND

WIOA Title IB adult and dislocated worker programs must make available and provide career services, training services, supportive services, and follow-up services to adult and dislocated worker program participants.[1]

CHANGES

This policy has been reorganized and revised for clarity. Further, this policy has been simplified by removing paraphrased versions of Federal and State laws, rules, regulations, guidance, and policies and replacing those provisions with links to those laws, rules, regulations, and guidance. APPENDIX I (definitions) has been removed. Definitions for applicable key terms are accessible in Federal and State laws, rules, regulations, guidance, and policies cited in this policy.

[1] 29 USC § 3174(c)

ACTION

NDOL

This policy rescinds the NDOL policy titled *WIOA Title IB Adult and Dislocated Worker Programs*. Questions and comments regarding this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must ensure that career services, training services, and follow-up services for adults and dislocated workers are available and accessible through American Job Centers in their respective local areas, in accordance with Federal and State laws, rules, regulations, and guidance applicable to implementation of WIOA Title IB adult and dislocated worker programs, as well as this policy and other applicable NDOL policies.

POLICY

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Section I. Career services

(a) General requirements

29 USC §§ 3174(b)(1) and 3174(c)(1)(A), 20 CFR Part 680 Subpart A, and TEGL 19-16 define requirements for use of WIOA Title IB funds allocated to local areas for adults and dislocated workers, which must be used to provide career services and training services.

Career services must be provided through local one-stop delivery systems.[2] Career services may be provided directly by one-stop operators or through contracts with service providers that are approved by local boards. In addition, local boards may be providers of career services but only when approved by applicable local area chief elected officials *and* the Governor, in accordance with 29 USC § 3122(g)(2) and 20 CFR § 679.410.

(b) Basic career services

At a minimum, all basic career services described at 29 USC § 3174(c)(2)(A)(i)-(xi), 20 CFR § 678.430(a), and TEGL 19-16 must be provided through local area one-stop delivery systems.[3] Basic career services must be universally available to and accessible by all customers, including adults and dislocated workers.[4]

Basic career services must be made available to all one-stop delivery system customers, including adults and dislocated workers, in accordance with requirements established in NDOL's policy on priority of service.

(c) Individualized career services

Individualized career services described under 29 USC § 3174(c)(2)(A)(xii) and 20 CFR § 678.430(b) must be made available to adults and dislocated workers, if determined appropriate, in order for individuals to obtain or retain employment.[5]

Individualized career services must be made available and provided to adults and dislocated workers according to requirements established in NDOL's policies concerning priority of service and waitlists for Title IB programs.[6]

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[2] 20 CFR § 680.160
[3] 20 CFR § 680.150(a)
[4] NDOL's policy on one-stop delivery systems and one-stop centers provides additional information on basic career services requirements, including meaningful assistance.
[5] 20 CFR § 680.150(b)
[6] Refer to NDOL's policy titled *Local Chief Elected Officials, Fiscal Agents, and Workforce Development Boards* for information on waitlists and Title IB programs.

(d) Local board policies on career services

Pursuant to 20 CFR Part 680 Subpart A, NDOL requires local boards to establish new or revised policies, processes, and procedures for their adult and dislocated worker programs concerning provision of career services in accordance with applicable Federal and State laws, rules, regulations, and guidance, this policy, and other applicable NDOL policies.

Section II. Training services

(a) General requirements

29 USC § 3174(c)(3), 20 CFR Part 680 Subpart B and Subpart C, and TEGL 19-16 define requirements for use of WIOA Title IB funds to provide training services for adults and dislocated workers.

Training services must be made available and provided to eligible adults and dislocated workers according to requirements established in NDOL's policies on priority of service and waitlists for Title IB programs.[7]

(b) Training services eligibility

29 USC § 3174(c)(3)(A), 20 CFR § 680.210, and TEGL 19-16 define eligibility requirements for training services. As stated in 20 CFR § 680.220(b) and TEGL 19-16, there is no requirement that career services be provided as a condition to receive training services. However, in accordance with 20 CFR § 680.220(b), when career services are not provided before training services are provided, adult and dislocated worker case managers must document circumstances that justify determinations to provide training services without first providing an interview, evaluation, or assessment *and* career planning services informed by local labor market information and training provider performance information.

Adult and dislocated worker income is not a factor when determining eligibility for training services funded by Title IB adult and dislocated worker programs, except in relation to priority of service for adults as described in NDOL's priority of service policy.

(c) Training services funding

Training services for eligible adults and dislocated workers are typically provided by eligible training providers (ETPs) who receive payment for their services through individual training accounts (ITAs).[8] ITAs are payment agreements with ETPs established on behalf of Title IB program participants to purchase training services from ETP programs selected by participants in consultation with case managers and following discussion of program quality and performance information for programs listed on NDOL's eligible training provider list (ETPL).[9] In accordance with 29 USC § 3174(c)(3)(G)(ii) and 20 CFR §§ 680.320, 680.340, and 680.530, local boards may use contracts for training services instead of ITAs.

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[7] Refer to NDOL's policy titled *Local Chief Elected Officials, Fiscal Agents, and Workforce Development Boards* for information on waitlists and Title IB programs.
[8] 20 CFR § 680.300
[9] Ibid.

(d) ITA limitations

Local boards may establish limitations on ITAs in accordance with 20 CFR § 680.310. However, local boards must not establish ITA limitations, such as restricting the availability of ITAs for specific occupations, that undermine requirements that training services be provided in a manner that maximizes consumer choice in the selection of a training provider,[10] as required pursuant to 29 USC §§ 3122(d)(10)(E) and 3174(c)(3)(F)-(G), 20 CFR § 680.340, and TEGL 19-16, as well as this policy and other NDOL policies addressing consumer choice requirements.

ITA limitations must be described in local plans and plan modifications and local board policies.[11]

(e) Consumer choice

Training services, whether provided under ITAs or contracts, must be provided in a manner that maximizes informed consumer choice in selecting an eligible provider.[12]

(f) Payments to ETPs and contracted training providers

Payments to ETPs based on ITAs may be made in a variety of ways.[13] Regardless of methods of payment for ITAs, all local area payments for occupational skills training must be made in a timely manner. In the event that Title I participants drop out of or fail to complete training services authorized under ITAs, Title IB programs must pay for actual services provided to individuals covered by ITAs, including all training materials provided to participants. Payments to contracted training providers are subject to the same obligation to pay for actual services and materials provided to participating adults and dislocated workers.

Local area practices that result in non-payment to ETPs and contracted training providers for actual training services and training materials provided are not permitted.

(g) Local board policies on training services

In addition to processes and procedures established under local plans and plan modifications on provision of training services, local boards must establish new or revised policies, processes, and procedures concerning provision of training services in compliance with Federal and State laws rules, regulations, and guidance, as well as this policy and other applicable NDOL policies. At a minimum, local board policies on the provision of training services must:[14]

1. identify processes and procedures for determining adult and dislocated worker eligibility for training services;
2. define requirements pertaining to ITA limitations, payments, and alternatives to ITAs (i.e., contracts);
3. prohibit practices that result in non-payment to ETPs and contracted training providers for actual training services and training materials; and

[10] 20 CFR § 680.310(c)
[11] Ibid.
[12] 20 CFR § 680.340(a)
[13] 20 CFR § 680.300
[14] TEGL 19-16

4. require adult and dislocated worker program staff adhere to requirements pertaining to training services established in this policy and local board policies, processes and procedures on training services.

Section III. Supportive services

(a) General requirements

20 CFR Part 680 Subpart G defines requirements for provision of supportive services to adults and dislocated workers. Types of supportive services are described under 20 CFR § 680.900.

(b) Needs-related payments

Needs-related payments are defined at 20 CFR § 680.930 and are a supportive service authorized under 29 USC § 3174(d)(3). Unlike other supportive services, adults and dislocated workers must be enrolled in training to qualify for needs-related payments.[15] Eligibility requirements for needs-related payments for adult and dislocated workers are defined in 20 CFR §§ 680.940 and 680.950 respectively.

(c) Local board policies on supportive services

Local boards, in consultation with one-stop partners and other community service providers, must establish new or revised supportive services policies that ensure resource and service coordination in their local areas.[16] Local policies and procedures on supportive services must comply with the requirements of 20 CFR Part 680 Subpart G.

Section IV. Follow-up services

(a) General requirements

Follow-up services must be available for up to 12 months to adults and dislocated workers who are placed in unsubsidized employment, beginning on the first day of unsubsidized employment,[17] unless participants decline follow-up services or cannot be located or contacted.

Types of follow-up services must be based on the needs of adults and dislocated workers following placement in unsubsidized employment and may differ in order to assist with retention of unsubsidized employment. Examples of follow-up services for adults and dislocated workers include:

1. counseling about the workplace, including counseling pertaining to maintenance or advancement in unsubsidized employment, consistent with individual strengths, resources, priorities, concerns, abilities, capabilities, and interests;
2. counseling on resolving work-related issues following placement in unsubsidized employment;

[15] TEGL 19-16
[16] 20 CFR § 680.900
[17] 20 CFR § 678.430(c); TEGL 19-16

3. provision of referrals to other programs, services, and community resources to support retention in unsubsidized employment; and
4. provision of other forms of support pertaining to needs directly relating to retention in unsubsidized employment, such as assistance with costs of tools and uniforms and other types of services described above in Section III, excluding needs-related payments.

During follow-up, case managers should obtain information and acceptable source documentation when necessary to support performance reporting for adult and dislocated worker program outcomes. Refer to NDOL's policy on performance accountability for information on adult and dislocated worker program performance indicators.

(b) Follow-up services documentation

In accordance with 29 USC § 3245(a), case managers must document provision of follow-up services and attempts to provide follow-up services in NEworks as described below.

1. Activity codes for actual follow-up services provided must be recorded.
2. Case notes for actual follow-up services provided must be recorded.
3. Acceptable source documentation for actual follow-up services provided must be uploaded.
4. When participants decline follow-up services or cannot be located or contacted:
    a. case notes documenting the decline must be recorded;
    b. supporting documentation must be uploaded whenever available; and
    c. attempts to provide follow-up services must continue during the mandatory 12-month follow-up period and be documented, preferably monthly but no less frequently than quarterly, unless the participants have declined follow-up services.

In addition to the requirements listed above, documentation of follow-up services must comply with Section VII of this policy.

(c) Follow-up services and supportive services[18]

Follow-up services are provided after participants are placed in unsubsidized employment and no longer need participant-level services. In other words, follow-up services are designed to help adult and dislocated workers retain unsubsidized employment, earn wage gains, or advance within their occupation or career pathway. Supportive services may be provided *only* to participants who are receiving participant-level services (i.e., career and training services) to enable individuals to participate in and receive adult and dislocated worker program services prior to exiting.

While the nature of these services may appear to be the same, there are differences relating to recording and reporting of follow-up and supportive services. For example, transportation-related services like a bus pass can be a supportive service and follow-up service but must be recorded and documented differently.

- Bus passes provided to enable individuals to participate in career or training services must be recorded and documented as supportive services.

[18] Gerardo Lara, email to USDOL Region V states pertaining to follow-up services [accessed September 28, 2023]

- Bus passes provided as follow-up services to enable individuals to travel to and from to worksites to assist them with retention of unsubsidized employment must be recorded and documented as follow-up services.

(d) Local policies on follow-up services

Local boards must establish new or revised policies, processes, and procedures for adult and dislocated worker follow-up services that address the requirements of Section V(a)-(c) above, including:

- required and permitted types of follow-up services;
- duration and scope of follow-up services; and
- requirements that adult and dislocated worker program staff adhere to established policies, processes, and procedures pertaining to follow-up services.

Section V. Coordination of services

(a) General requirements

Local boards must ensure that local Title IB program operators identify and track funding streams that pay the costs of services provided to individuals who are participating in Title IB programs *and* are concurrently coenrolled.[19] This is necessary to ensure deduplication of services, in accordance with 20 CFR §§ 680.230, 680.900, and 681.430.

(b) Local board policies on coordination of services

Local boards must establish new or revised policies, processes, and procedures for adult and dislocated worker programs that ensure coordination of services in their local areas.

Section VI. Privacy

Local boards must ensure that adult and dislocated worker programs and staff adhere to the confidentiality requirements of the Family Educational Rights and Privacy Act, established under Section 444 of the General Education Provisions Act, including requirements regarding circumstances requiring written consent for disclosure of personally identifiable information from education records.[20] Further, local boards must ensure that adult and dislocated worker programs and staff adhere to requirements established in applicable NDOL policies concerning protection of personally identifiable information.

[19] Refer to NDOL's performance accountability policy for information on coenrollment requirements.
[20] 20 USC § 1232g; 34 CFR Part 99

(a) Local policies on privacy and personally identifiable information (PII)

Local boards must establish new or revised policies, processes, and procedures for adult and dislocated worker programs that require compliance with requirements of:

- the Family Educational Rights and Privacy Act, established under Section 444 of the General Education Provisions Act;
- other Federal and State laws, rules, regulations, and guidance applicable to protection of personally identifiable information; and
- this policy and other applicable NDOL policies addressing protection of personally identifiable information.

Section VII. Adult and dislocated worker program recordkeeping and reporting

(a) General requirements

In accordance with 29 USC § 3245(a), all adult and dislocated worker participant case files must include accurate, concise, and timely documentation of services provided by Title IB case managers, including activities recorded in NEworks, supporting case notes, and acceptable source documentation. This documentation is not only mandatory pursuant to 29 USC § 3245(a) but is essential to accurate performance reporting. Refer to NDOL's performance accountability policy for additional information on performance reporting.

(b) Local board policies on adult and dislocated worker program recordkeeping and reporting

Local boards must establish new or revised policies, processes, and procedures for adult and dislocated worker programs that require compliant recordkeeping and reporting in accordance with 29 USC § 3245(a), other applicable Federal and State laws, rules, regulations, and guidance, this policy, and other applicable NDOL policies.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NEBRASKA workforce development board

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NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Adult, Dislocated Worker, and Youth Effective Sep 25, 2026 Rescinds Youth Program, Change 4 (effective Jul 1, 2025)

Youth Program, Change 5

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

WIOA Title I youth programs must provide high-quality services for all eligible youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, culminating with a good job along a career pathway, enrollment in postsecondary education, or participation in Registered Apprenticeship programs.[1]

CHANGES

Under this policy, the following changes have been made.

1. Refernce for TEGL 9-22 has been removed.
2. Reference to TEGL No. 21-16, Change 1 has been added.

[1] TEGL 8-15

ACTION

State

This policy rescinds *Youth Program, Change 4*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards

Local boards must ensure local area compliance with Sections I, II, and III of this policy.

POLICY

This policy identifies requirements for selection and procurement of youth service providers, youth program design, and youth program services that must be made available through local WIOA Title IB youth programs. This policy has three sections and one appendix.

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Section I. Service provider selection and procurement

(a) Subawards or contracts to youth service providers

Subawards or contracts to youth service providers to carry out some or all of local area youth workforce investment activities must comply with requirements of 29 USC § 3153(a), 2 CFR Parts 200 and 2900, 20 CFR § 681.400, as well as all other relevant Federal, State, and local laws rules, regulations, and guidance concerning procurement practices.

(b) Direct provision of youth program services

Pursuant to 20 CFR § 681.400(a) and TEGL 21-16, local boards may determine that local area grant recipients (i.e., CEOs) or designated fiscal agents may directly provide some or all youth workforce investment activities, in which case competitive procurement requirements do not apply.

(c) Pay-for-performance contract strategies for youth program services

As permitted under 20 CFR § 681.420(i), local boards may implement WIOA pay-for-performance contract strategies for youth program services in accordance with 20 CFR Part 683 Subpart E.

Section II. Program design

(a) Framework

Local boards must design frameworks for their local WIOA Title IB youth programs, in compliance with requirements of 29 USC § 3164(c), 20 CFR § 681.420, and TEGL 21-16. It is important to note that 20 CFR § 681.420(g) requires local boards to provide opportunities for parents, participants, and other members of the community with experience working with youth to be involved in the design and implementation of local Title IB youth programs, in accordance with 20 CFR § 681.650.

(b) Privacy and confidentiality

Local boards must adhere to requirements of 29 USC § 3341; 20 CFR § 683.220; 34 CFR Part 99; as well as all other applicable Federal and State laws, rules, regulations, regulations, and guidance concerning privacy and confidentiality protections for Title IB program participants.

(c) Occupational skills training funding

Under 20 CFR § 680.230(a), the availability of Title IB funding of occupational skills training for youth program participants is limited to participants who:

- are unable to obtain grant assistance from other sources to pay for costs of training; or
- require assistance beyond that available under grant assistance from other sources to pay for the costs of training.

(d) Coenrollment

As required under NDOL's performance accountability policy:

- Title IB program participants must be coenrolled in partner programs whenever eligibility permits; and

- ISY ages 18 through 21 must be coenrolled in Title IB adult or dislocated worker programs *before* ITA funds can be used for occupational skills training provided by an eligible training provider on Nebraska's Eligible Training Provider List.[2]

(e) Coordination of services

Local boards must ensure that their local Title IB program operators identify and track funding streams that pay the costs of services provided to individuals who are participating in Title IB programs *and* are concurrently coenrolled. This is necessary to ensure deduplication of services, in accordance with 20 CFR § 681.430(b). Further, local Title IB youth programs and training providers must coordinate funds available to pay for training, especially in relation to Pell Grants. Refer to 20 CFR § 680.230 for guidance on coordination of Title IB funding of training services, including coordination with Pell Grant funding.

(f) Duration of services

Local Title IB youth programs must provide services to youth participants as long as necessary to ensure successful preparation to enter postsecondary education and/or unsubsidized employment, as required under 20 CFR § 681.450.

(g) Expenditures

Local boards must ensure that their respective Title IB youth program service providers adhere to expenditure requirements established under 29 USC § 3164(c)(4); 20 CFR Part 681 Subpart C; TEGLs 8-15, 21-16, and 21-16, Change 1; as well as all other applicable Federal and State laws, rules, regulations, and guidance applicable, especially those concerning:

1. use of funds for individuals prior to youth program participation;
2. OSY expenditure requirements;
3. work-experience priority; and
4. participant work-experience compensation requirements (described in greater detail in subsection (1) below).

(1) Participant work-experience compensation

When compensating youth participants with wages or stipends for work experience, youth service providers and employers of record are expected to adhere to Internal Revenue Service (IRS) guidelines.[3] Understanding the difference between a stipend and wage has specific implications in relation to IRS deductions.

The classification of a participant, specifically the employer/employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. Other related factors which impact payments in the form of wages or stipends associated with work experience are that they are counted as earnings when a participant is currently collecting Unemployment Insurance (UI). The income from these wages or stipends may affect the amount and duration of a participant's UI

[2] Nebraska's Eligible Training Provider List is accessible through the NEworks homepage by clicking on *Training Services* in the "Job Seekers" column, then clicking on *ETPL Approved Programs* on the next page.
[3] Resources pertaining to IRS guidelines and participant compensation are available on the WorkforceGPS Our Journey Together: Work Experience Activities Brief page which is accessible at https://youth.workforcegps.org/resources/2018/10/30/15/56/Work-Experience-Activities.

claim in the same manner as regular wages. Compensation may include the following, as described in the following subsections:

1. wages;
2. stipends;
3. incentive payments; and
4. withholdings.

(A) Wages

A wage is generally a payment for services rendered where an employer/employee relationship exists. This form of compensation is usually paid through a payroll system and subject to taxes applicable to the employer of record and participants. Paying a wage usually indicates that a local youth program views the youth as an employee or a trainee. Paid work experiences and internships may fall under the Fair Labor Standards Act (FLSA). FLSA requires that individuals be compensated under the law for the services they perform for an employer. To determine whether a paid work experience or internship falls under FLSA, contact USDOL's Wage and Hour Division located at 222 South 15th Street, Suite 504A, Omaha, NE 68102, phone 402.221.4682 or 866.487.9243.

(B) Stipends

A stipend is an allowable payment for participation in activities such as work experience or classroom activities, including work readiness or employability skills training. Local youth programs must have written policies and procedures guiding the payment of classroom-based stipends, according to on local program design and participant needs. Local policies on stipends must ensure that payments align with the requirements of 2 CFR Part 200.

(C) Incentive payments

Incentive payments to youth participants are permitted for recognition and achievements directly tied to training activities and work experiences. The local youth program must establish written policies and procedures governing the award of incentives and must ensure that incentive payments are:

1. tied to the goals of the program;
2. outlined in writing before the commencement of the stipend program;
3. aligned with the program's organizational policies; and
4. made in compliance with the requirements of 2 CFR Part 200.

It is also allowable to provide incentives post-exit or during follow-up if the local board has established written to address the purpose of offering such incentives, specifically to induce behavior toward achievement of a specific goal. In order for a post-exit or follow-up incentive to be effective, participants must (1) be aware of the existence of such incentive and (2) understand the terms and standards of the incentive to improve the likelihood of success and lead to a successful outcome or achievement of grant performance measures.

(D) Withholdings

The classification of participants, specifically the employer/employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. When determining whether

to pay taxes on wages, stipends, and incentives, youth service providers and employers of record are expected to adhere to IRS guidelines.[4] IRS publication 525 provides information on taxable and non-taxable income.

(h) Youth service provider lists

Pursuant to TEGL 21-16, NDOL is required to publish a list of Nebraska's local Title IB youth service providers for each program year. NDOL publishes local youth service provider lists annually. The following requirements and timelines apply to submission of local Title IB youth service provider lists.

1. Local boards (or their designees) must submit to ndol.wioa_policy@nebraska.gov lists of their local Title IB youth service providers ***no later June 1 for each upcoming program year***.
2. Title IB youth service provider lists must:
    a. be prepared using the youth service provider list form provided by NDOL; and
    b. submitted to ndol.wioa_policy@nebraska.gov.
3. If local board Title IB youth service providers change during a given program year, local boards must submit revised youth service provider lists within 30 days of changes.

Section III. Required Title IB youth program elements

Local boards must ensure that their respective Title IB youth programs make available all youth program elements to all eligible youth participants, pursuant to and in accordance with 29 USC 3164(c)(2), 20 CFR Part 681 Subpart C, TEGLs 21-16 and 21-16, Change 1

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[4] Resources on wages pertaining to participant compensation are available on the WorkforceGPS Our Journey Together: Work Experience Activities Brief page, which is accessible at https://youth.workforcegps.org/resources/2018/10/30/15/56/Work-Experience-Activities

APPENDIX I. Definitions

Terms and phrases defined in this appendix should be read and understood in the context in which they are used in the policy and not as stand-alone information independent of that context.

1. Community-based organization is defined under 29 USC § 3102.
2. In-demand industry sector or occupation is defined under 29 USC § 3102.
3. Individuals with barriers to employment is defined under 29 USC § 3102.
4. Institution of higher education is defined under 20 USC § 1001(a) and 29 USC § 3102.
5. Objective assessment is defined under 29 USC § 3164(c)(1) and 20 CFR § 681.420(a)(1).

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Adult, Dislocated Worker, and Youth Effective August 5, 2025 Rescinds Eligible Training Providers (effective August 20, 2024)

Eligible Training Provider List, Change 1

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

In accordance with 29 USC § 3152 and 20 CFR Part 680 Subpart D, NDOL has established Nebraska's statewide Eligible Training Provider List (the ETPL).[1] The ETPL is a list of eligible training providers and Registered Apprenticeship Programs (RAPs) that may receive reimbursement for provision of training services to eligible WIOA Title IB adult, dislocated worker, and youth program participants.

CHANGES

This policy has been reorganized and revised for clarity and understandability. Also, Section II has been revised concerning processes for addition, maintenance, and removal of RAPs on the ETPL.

[1] The ETPL is accessible on NEworks. On the NEworks homepage under the *Job Seekers* column, click on *Training Services*, then click on *ETPL Approved Programs* on the next page.

ACTION

NDOL

This policy rescinds *Eligible Training Provider List*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Training providers

Section I describes training provider and training program eligibility criteria, processes, performance reporting requirements, and eligibility denial and termination requirements.

Registered Apprenticeship Programs (RAPs)

Processes for addition, maintenance, and removal of RAPs on the ETPL are addressed in Section II of this policy.

Local boards

Local boards must ensure that they, as well as their administrative entities and Title IB service providers and staff, adhere to the requirements of this policy, including Sections I(d)(4), I(e), and IV(b).

POLICY

This policy includes five sections.

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Section I. Training providers and training programs

(a) Eligibility criteria

Training provider and training program eligibility for ETPL inclusion is determined based on characteristics of the providers and programs, as described below in subsections (1) and (2).

(1) Training providers

Pursuant to 29 USC § 3152(a)-(b), 20 CFR Part 680 Subpart D, TEGL 8-19, and other applicable Federal and State laws, rules, regulations, guidance, and policies cited below, training providers must meet the following eligibility criteria to be considered for ETPL inclusion.

1. Training providers must provide information about their organizations and primary representatives.
2. Training providers must be accredited, licensed, or authorized by applicable governing authorities to provide training services to Nebraska residents. For example:
    a. Governing authorities for four-year universities and colleges and community colleges are their respective accrediting higher education authorities.
    b. Governing authorities for private postsecondary career schools may include but not be limited to:
        i. Nebraska Department of Education in relation to private postsecondary career schools:[2]
            (a) operating in Nebraska; or
            (b) operating outside of Nebraska but providing training services to Nebraska residents;
        ii. Nebraska Department of Motor Vehicles and Federal Motor Carrier Safety Administration (FMCSA) in relation to FMCSA Entry Level Driver Training (ELDT).[3]
    c. If training providers contract with third parties to provide training services for a training program *and* those third parties are the entities that award the resulting credentials, the third parties must be accredited, licensed, or authorized by applicable governing authorities to provide training services to Nebraska residents.[4]
3. Training providers that operate as private postsecondary career schools must have been in operation for at least 12 months, at the time of application, as accredited, licensed, or authorized providers of training services to Nebraska residents.[5]
    a. Supporting documentation is required.
4. Training providers must provide information about their participation or non-participation in the Federal Pell Grant Program.
5. Training providers must not be debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities pursuant to 2 CFR Part 180.

[2] Nebraska Administrative Code, Title 29, Chapter 41
[3] FMCSA provides information on ELDT regulations at https://www.fmcsa.dot.gov/registration/commercial-drivers-license/entry-level-driver-training-eldt. FMCSA also provides a searchable list of ELDT driver training programs at https://tpr.fmcsa.dot.gov/.
[4] 29 USC § 3152(b)(1)(E)
[5] This is a requirement established by NDOL, as permitted under 29 USC § 3152(b)(1)(J).

6. Training providers must:
    a. comply with the requirements of 29 USC § 3248, 29 CFR Part 38, and the Americans with Disabilities Act, as amended;
    b. provide physical and programmatic accessibility to their training programs for:
        i. individuals who are employed; and
        ii. individuals with barriers to employment, including individuals with disabilities;
    c. submit program performance data:
        i. initially to NDOL as described in Section I(b)(1); and
        ii. annually to NDOL as described in Section I(b)(2).
7. Training providers must provide all additional information and documentation requested by NDOL pertaining to training provider and training program eligibility.
8. In addition to eligibility requirements described above, NDOL may consider other factors described in 29 USC § 3152(b) and 20 CFR § 680.460(f) when determining training provider eligibility.

(2) Training programs

In accordance with 29 USC § 3152, 20 CFR § 680.450(e), and TEGL 8-19, training programs must meet one or more of the following eligibility criteria described below to be considered for ETPL inclusion.

1. Training programs must provide courses or classes that lead to one or more of the following outcomes:
    a. industry recognized certificates or certifications;
    b. licenses recognized by the Federal government, the State, or other states;
    c. associate or baccalaureate degrees;
    d. postsecondary certificates or diplomas;
    e. high school diplomas or GEDs *earned in conjunction with occupational skills training*; or
    f. employment.
2. Training providers must submit complete ETPL program applications in NEworks that include:[6]
    a. thorough program descriptions;
    b. information about business partnerships pertaining to training programs;
    c. current cost information for training programs;
    d. identification of all locations where training programs are offered;
    e. information concerning alignment of training programs with in-demand occupations in Nebraska;[7] and
    f. other information required in the NEworks ETPL program application.
3. Training program applications will not be considered if they result in multiple outcomes (certificates of completion, diplomas, associate degrees, etc.).
    a. Separate program applications must be submitted for each potential outcome, in accordance with TEGL 3-18.
4. Training providers must provide training program performance information as described in Section I(c) of this policy.

[6] TEGL 08-19
[7] Data on in-demand occupations in Nebraska are accessible at https://neworks.nebraska.gov/vosnet/gsipub/documentView.aspx?enc=oduMpwMRTIQnt7W7WO2/Ew==.

5. Training providers must provide all additional information and documentation requested by NDOL pertaining to training program eligibility.
6. In addition to eligibility requirements described above, NDOL may consider other factors described in 29 USC § 3152(b) when determining training program eligibility.

Initial eligibility may be granted for up to one year, in accordance with 29 USC § 3152(b)(4)(B), 20 CFR § 680.450(g), and TEGL 8-19.

Continued eligibility may be granted for up to two years, in accordance with 20 CFR 680.460 and TEGL 8-19.

(3) Ineligible training programs

Work-based training services described under 20 CFR § 680.530(a) are not included in the ETPL. Further, training programs associated solely with occupations resulting in commission-only earnings are not eligible for inclusion in the ETPL. This is a requirement established by NDOL, as permitted under 29 USC § 3152(b)(1)(J).

(b) Eligibility processes

(1) Initial eligibility: Training providers and training programs

1. Training providers
    a. Training providers interested in ETPL inclusion must first register for a "provider account" on NEworks and provide information as described in Section I(a)(1).
        i. A video on how to register for provider accounts is available upon request by emailing ndol.etpl@nebraska.gov.
    b. Initial eligibility determinations for training providers:
        i. are based on information provided within their NEworks provider accounts and other information requested by the ETPL Unit, in accordance with Section I(a)(1); and
        ii. begin once the ETPL Unit receives all required information described in Section I(a)(1) of this policy.
    c. Absent extenuating circumstances, the ETPL Unit issues eligibility determinations to new training providers by email within 15 calendar days of its receipt of all required information.
2. Training programs
    a. If new training providers have been determined eligible for ETPL inclusion, they must then submit training program applications for eligibility determination.
        i. A video on how to submit training program applications is available upon request by emailing ndol.etpl@nebraska.gov.
    b. Initial eligibility determinations for new training programs:
        i. are based on information provided within NEworks training program applications and other information requested by the ETPL Unit, in accordance with Sections I(a)(2) and I(c)(1); and
        ii. begin once the ETPL Unit receives all required information described in Sections I(a)(2) and I(c)(1) of this policy.
    c. Absent extenuating circumstances, the ETPL Unit issues eligibility determinations for training programs by email within 30 calendar days of its receipt of all required information.

(2) Continued eligibility: Training providers and training programs

During the 30-day period preceding the expiration date of eligibility for training programs, training providers must:

- update their NEworks provider accounts, as necessary; and
- resubmit training program applications for programs with expiring ETPL eligibility.

While determining continued eligibility for training programs, the ETPL Unit also evaluates training providers for continued eligibility to ensure both training providers and training programs continue to meet all eligibility requirements described in Sections I(a)(1), I(a)(2), and I(c)(2) of this policy.

Absent extenuating circumstances, NDOL issues continued eligibility determinations for training providers and training programs within 30 calendar days of its receipt of all required information.

(c) Eligibility performance reporting requirements

(1) Performance reporting: *Initial eligibility*

As stated in Sections I(a)(2) and I(c)(1) of this policy, training providers applying for initial eligibility for new training programs must submit initial training program performance data for their programs to the ETPL mailbox (ndol.etpl@nebraska.gov), in accordance with Section I(b)(1) of this policy. Types of acceptable performance data for training program initial eligibility purposes may include, but are not limited to:[8]

- academic research suggesting the selected training strategy for the programs is effective in relation to the minimum performance standards described in Section I(c)(2)(A) of this policy; or
- other data relating to employment, earnings, or credential attainment among students in the applicable program.

Failure to submit required initial training program performance data will result in delayed or denied initial eligibility.

(2) Performance reporting: *Continued eligibility*

To obtain or maintain continued eligibility for ETPL inclusion, in accordance with 20 CFR § 680.460 and Section I(b)(2) of this policy, training providers must submit training program performance data to NDOL for each reporting period no later than August 31 of each calendar year using the training program performance reporting tool provided by NDOL through NEworks. ("Reporting period" means the 12-month period beginning on July 1 of a calendar year and ending on June 30 of the following calendar year.)

(A) Training program performance reporting tool

NDOL's performance reporting tool is provided as an .xlsx file to be downloaded by training providers from NEworks, populated with training program performance data, and then uploaded to NEworks. Using the tool, the following data must be reported for *all students* enrolled in or

[8] 20 CFR §§ 680.460(h)(1) and 680.490; TEGL 8-19, Attachment III

exiting training programs during reporting periods. ("Enrollment" status for training programs is determined by each training provider in accordance with their organizational standards.)

1. *Social Security Numbers (SSNs).* SSNs must be provided for all students.
    a. Missing SSNs will result in error messages and upload failures.
    b. If SSNs are not available, *unique nine-digit all-numeric* student identifiers must be used.
    c. Note. Use of invalid SSNs and unique student identifiers will negatively affect training program performance outcomes. (Minimum performance standards for training programs are described below in subsection (C).)
2. *Start date.* Training program start dates must be provided for all students.
    a. Start dates must be provided in MM/DD/YYYY format and cannot be future dates.
    b. Missing or invalid start dates will result in error messages and upload failures.
3. *Status.* Training program status must be provided for all students (selection options: enrolled, completed, withdrew, transferred).
    a. If status is not selected, status will default to *enrolled*.
4. *Exit date.* Training program exit dates must be provided for all students (selection options: completed, withdrew, transferred).
    a. Exit dates must be provided in MM/DD/YYYY format and cannot be future dates or earlier than start dates.
    b. Missing or invalid exit dates will result in error messages and upload failures.
5. *Credential status.* Credential status must be provided for all students (selection options: yes, no, unknown).

(B) Training program performance calculations

Training program performance is calculated for each reporting period based on seven factors:

1. total number of students enrolled (reported to NDOL by training providers);
2. total number of students exited (reported to NDOL by training providers);
3. total number of program completers (reported to NDOL by training providers);
4. credential rate (reported to NDOL by training providers);
5. employment rate 6 months after program exit (determined through NDOL wage matching systems);
6. employment rate 12 months after program exit (determined through NDOL wage matching systems); and
7. median earnings 6 months after program exit (determined through NDOL wage matching systems).

(C) Training program minimum performance standards

Training programs must meet the following minimum performance standards for all students for each reporting period:

1. 50 percent or more of all students who enrolled in and exited programs attained a credential;
2. 50 percent or more of all students who enrolled in and exited programs are employed 6 months after program exit;
3. 50 percent or more of all students who enrolled in and exited programs are employed 12 months after program exit; and

4. median earnings 6 months after program exit for all students who enrolled in and exited programs are at least $6,240.

Training programs that fail to meet minimum performance standards for three consecutive reporting periods will be denied continued eligibility. However, prior to denying continued eligibility, the ETPL Unit will provide technical assistance to training providers to ensure training programs are not removed from the ETPL erroneously due to:

- performance reporting errors;
- effects of small cohort sizes; and
- other extenuating circumstances.

(3) Performance reporting: Federal

NDOL is required under 29 USC § 3141(d) to report training program performance outcomes annually to the US Department of Labor (USDOL) by October 1 of each calendar year (or the next business day if October 1 falls on a weekend or holiday). Training program performance data is reported in aggregate. Student-level data *does not* appear in training program performance reports submitted by NDOL to USDOL, in compliance with requirements established under 24 CFR Part 99 (the Family Educational Rights and Privacy Act, aka FERPA) and other applicable Federal and State laws, rules, regulations, guidance, and policies, including NDOL policies concerning protection of personally identifiable information.

(d) Eligibility denial or termination

NDOL is solely responsible for making determinations on denial or termination of ETPL eligibility and does so based on:[9]

1. 29 USC Chapter 32, including 29 USC § 3248, and its implementing rules, regulations, and guidance; other applicable Federal and State laws, regulations, rules, guidance, and policies; and this policy;
2. eligibility documentation; and
3. if applicable, compliant supplemental criteria, information, and performance requirements established by local boards under local policies.

(1) Reasons for denial or termination

Training provider and/or training program inclusion in the ETPL must be denied or terminated under certain conditions, pursuant to 29 USC § 3152(f) and 20 CFR § 680.480.

1. NDOL must deny or terminate ETPL inclusion when training providers and/or training programs do not meet eligibility requirements described in Section I of this policy.
2. NDOL must terminate eligibility of training providers for a period of not less than two years *and* require repayment of WIOA Title IB funds they received during any period of noncompliance based on the following substantial violations:[10]
    a. intentionally supplying inaccurate information *or* individuals providing information on behalf of training providers intentionally supplying inaccurate information;

[9] 20 CFR § 680.480
[10] Ibid.

   b. substantially violating any applicable provision of 29 USC Chapter 32 Subchapter 1, including 29 USC § 3248, 29 CFR Part 38, and the Americans with Disabilities Act, as amended;[11] or
   c. refusing to submit timely and accurate training program performance data as required under Section I(c) of this policy.
3. NDOL must terminate the eligibility of training providers for other substantial violations relating to:
   a. applicable provisions of 29 USC Chapter 32 and its implementing rules, regulations, and guidance;
   b. other applicable Federal and State laws, rules, regulations, guidance, and policies;
   c. this policy; and
   d. if applicable, compliant supplemental criteria, information and performance requirements established by local boards under local policies.

Remedies and penalties prescribed under applicable provisions of 29 USC Chapter 32 and its implementing rules, regulations, and guidance; other applicable Federal and State laws, rules, regulations, guidance, and policies; and this policy supplement but do not supplant other civil and criminal remedies and penalties available under other provisions of law, pursuant to 29 USC § 3152(f)(2).

(2) Processes for training provider or training program denial or termination based on ineligibility

If the ETPL Unit determines training providers or training programs are not eligible for ETPL inclusion based on condition 1 as described above in Section I(d)(1), the ETPL Unit notifies training providers by email that eligibility has been denied or terminated based on ineligibility *and* provides reasons for denial or termination and copies of applicable NDOL policies.

Training providers may appeal decisions to deny or terminate ETPL participation, in accordance with Section III of this policy.

(3) Processes for training provider removal based on substantial violations

Pursuant to 20 CFR §§ 680.460(l) and 680.480, the Commissioner of Labor, NDOL Office of the General Counsel, and NDOL Reemployment Services Division Director (collectively, the Review Panel) investigate allegations of substantial violations based on conditions 2 and 3 described in Section I(d)(1) above by:

- reviewing all available documentation addressing allegations of substantial violations, as well as applicable Federal and State laws, rules, regulations, guidance, and policies; and applicable NDOL policies; and
- interviewing program staff and complainants involved, whenever possible.

If the Review Panel determines allegations of substantial violations are valid, NDOL issues written notice to training providers of its intent to remove them from the ETPL *and* impose time-based and financial sanctions, as described in Section I(d)(1) in relation to substantial violations. NDOL also provides copies of applicable NDOL policies and supporting documentation provided to

[11] When determining substantial violations, NDOL must take into account exceptional circumstances beyond training provider or RAP sponsor control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues, in accordance with 20 CFR § 680.460(l)(1).

NDOL in relation to the Review Panel's investigation and advises training providers of their right to appeal, as described below in Section III.

(4) Denial or termination of training providers and training programs by local boards

Local boards may deny or terminate training provider and training program eligibility in their local areas as described in Section IV(b)(1) of this policy. However, as stated in Section IV(b)(1) of this policy, local boards *are prohibited* from imposing additional requirements upon RAPs beyond those established under 29 USC Chapter 32 Subchapter 1 and its implementing laws, rules, regulations, guidance, and policies, including 20 CFR § 680.150(a); and Section II of this policy.

If local boards deny or terminate local ETPL eligibility for training providers or training programs, training providers may appeal the denial or termination according to the process described in Section III of this policy.

(e) Participants enrolled in training programs and RAPs that have been removed from the ETPL

If training programs or RAPs are removed from the ETPL due to *substantial violations* as described in Sections I(d)(1) and II(c)(2), Title IB program participants *cannot* use their established individual training accounts (ITAs) to continue participation in the removed programs. If impacted participants wish to continue receiving Title IB training services, local Title IB program case managers must *immediately* assist participants with transition to other training programs or RAPs selected by the impacted participants.

If training programs or RAPs are removed from the ETPL for reasons *other than substantial violations* (including voluntary withdrawal from ETPL inclusion), Title IB participants who are participating in the removed training programs or RAPs *may* complete training through those programs using established ITAs. However, the established ITAs cannot be modified or extended as they relate to the removed training programs or RAPs. If impacted participants wish to transition to other training programs or RAPs listed on the ETPL, Title IB program case managers must *immediately* assist the participants with transition to other ETPL programs selected by the participants.

The ETPL Unit notifies local boards and administrative entities by email whenever training programs or RAPs are removed from the ETPL and provides appropriate guidance to local boards and administrative entities.

Section II. Registered Apprenticeship Programs (RAPs)

RAPs are structured training models that combine on-the-job learning (i.e., on-the-job training) with related technical instruction (i.e., occupational skills training) to develop skilled workers.[12] RAPs *always* offer career pathways in in-demand occupations that allow individuals to gain practical experience, receive mentorship, and earn nationally recognized credentials, all while being paid.[13]

[12] TEGLs 13-16, 13-16 Change 1, 08-19, and 08-19 Change 1
[13] TEGL 8-19 Change 1

(a) In-state RAPs

RAPs registered by the USDOL Office of Apprenticeship in Omaha are automatically eligible for placement on the ETPL.[14] The ETPL Unit conducts outreach to RAPs registered by the Omaha Office in real time, rather than conducting semi-annual outreach as described in TEGLs 13-16 Change 1 and 08-19 Change 1, through coordination with the State Director of the Omaha Office, Specifically, the State Director includes the ETPL Unit on emails when issuing new or revised RAP standards to sponsors. Following receipt of standards, the ETPL Unit conducts outreach by email to each RAP sponsor and provides technical assistance to the sponsor by promoting and providing information on the benefits of ETPL placement.

(b) National RAPs

A RAP registered by the National USDOL Office of Apprenticeship is automatically eligible for placement on the ETPL, provided the National RAP: [15]

- has an operational presence in Nebraska; or
- provides on-line instruction that is available to Nebraska residents.

Unlike the process for in-state RAPs described in subsection (a) above, a representative from a National RAP *or* a representative from the USDOL Office of Apprenticeship may initiate contact with the ETPL Unit concerning placement of the National RAP on the ETPL.[16] If a National RAP contacts the ETPL Unit directly about placement on the ETPL, the ETPL Unit contacts the State Director of the Omaha Office and requests confirmation of registration. If the State Director is unable to confirm registration, the ETPL Unit contacts the USDOL Office of Apprenticeship Multi-State Navigator and requests confirmation.

Once registration status is confirmed *and* the ETPL Unit receives confirmation that the National RAP has an operational presence in Nebraska *or* provides on-line instruction that is available to Nebraska residents, the ETPL Unit provides an information sheet to the sponsor for completion. The information sheet asks for the following information necessary to add the National RAP to the ETPL:

1. RAP ZA number
2. name of RAP sponsor and sponsor contact information, physical address, and FEIN
3. occupations included in the RAP
4. RAPIDS and ONET-SOC codes for RAP occupation(s)
5. number of active apprentices
6. description of methods and lengths of instruction for each of the included occupations:
    a. *method* refers to whether the program is time-based, competency-based or hybrid, *and* whether the program is in-person, virtual, or uses blended methods (i.e., combination of in-person and virtual)
    b. *length of instruction* refers to the number of hours required to complete the RAP, which may be expressed as a range
7. name, contact information, and physical address of related technical instruction provider(s) if different from the program sponsor

[14] 20 CFR § 680.470; TEGLs 13-16, 13-16 Change 1, 08-19, and 08-19 Change 1
[15] TEGL 8-19 Change 1
[16] TEGL 8-19 Change 1

(c) Addition, maintenance, and removal of RAPs

(1) Addition and maintenance

The ETPL Unit is solely responsible for the addition and maintenance of all RAPs on the ETPL.[17] RAPs remain on the ETPL:[18]

- as long as they remain registered with the USDOL Office of Apprenticeship *and* confirm at least biennially by email that they want their RAPs to remain on the ETPL (ETPL Unit initiates the confirmation process);
- until RAP sponsors contact the ETPL Unit by email at ndol.etpl@nebraska.gov and request removal of their RAPs from the ETPL; or
- until RAPs are deregistered *or* they've been removed in accordance with subsection (2) below.

(2) Removal of RAPs from the ETPL

(A) Reasons for removal

Placement of RAPs on the ETPL must be denied or terminated under certain conditions, pursuant to 29 USC § 3152(f) and 20 CFR § 680.470.

1. NDOL must deny or terminate ETPL placement of RAPs on the ETPL if they have been deregistered by the USDOL Office of Apprenticeship.
2. NDOL must remove RAPs from the ETPL for a period of not less than two years *and* require repayment of WIOA Title IB funds they received during any period of noncompliance based on the following substantial violations:[19]
    a. intentionally supplying inaccurate information *or* individuals providing information on behalf of RAP sponsors intentionally supplying inaccurate information;
    b. substantially violating any applicable provision of 29 USC Chapter 32 Subchapter 1, including 29 USC § 3248; 29 CFR Part 38, and the Americans with Disabilities Act, as amended;[20] or
3. NDOL must remove RAPs from the ETPL for other substantial violations relating to:
    a. applicable provisions of 29 USC Chapter 32 and its implementing rules, regulations, and guidance;
    b. other applicable Federal and State laws, regulations, rules, guidance, and policies; and
    c. this policy.

[17] This is process established by NDOL to ensure minimal burden is placed upon sponsors of RAPs, in accordance with TEGL 13-16.
[18] 20 CFR § 680.470; TEGL 13-16
[19] Ibid.
[20] When determining substantial violations, NDOL must take into account exceptional circumstances beyond training provider or RAP sponsor control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues, in accordance with 20 CFR § 680.460(l).

Remedies and penalties prescribed under applicable provisions of 29 USC Chapter 32 and its implementing rules, regulations, and guidance; other applicable Federal and State laws, rules, regulations, guidance, and policies; and this policy supplement but do not supplant other civil and criminal remedies and penalties available under other provisions of law, pursuant to 29 USC § 3152(f)(2).

(B) Process for removal

If NDOL denies or terminates placement of a RAP on the ETPL based on conditions described in subsection (A) above, NDOL notifies the RAP sponsor by email that eligibility has been denied or terminated *and* provides the reason(s) for denial or termination, copies of applicable NDOL policies, and supporting documentation provided to NDOL by the USDOL Office of Apprenticeship.

RAPs may appeal decisions to deny or terminate ETPL placement in accordance with Section III below.

Section III. Process for appeals

In accordance with 20 CFR § 680.480(b), (d), and (e) and TEGL 8-19, training providers may appeal denial or termination of ETPL eligibility *and* RAPs may appeal removal from the ETPL. To appeal, training providers and RAPs must submit written requests for hearings to the Commissioner of Labor to the address below within 30 calendar days of notification of denial or termination of eligibility *or* removal from the ETPL in the case of RAPs.

Commissioner of Labor
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within 30 calendar days of the Commissioner's documented receipt of the request for a hearing. The hearing will include the:

1. statement of reason(s) for denial or termination of training provider eligibility or RAP removal, as applicable; and
2. an appeal by submitted by the training provider or RAP describing why:
    a. the decision should be reversed; or
    b. a compromise established.

The Commissioner will render a final judgment that will include the length of time a training provider will remain ineligible *or* the length of time a RAP will be removed from the ETPL, financial sanctions to be imposed, and conditions under which reinstatement of eligibility or placement is justified. Decisions issued under this appeal process are not eligible for appeal to the Secretary of Labor, in accordance with 20 CFR § 683.630(b)(3).

Section IV. NDOL and local boards: ETPL roles and responsibilities

(a) NDOL

NDOL roles and responsibilities regarding the ETPL are defined in applicable provisions of 20 CFR Part 680 Subpart D.

(b) Local boards

Local board roles and responsibilities regarding the ETPL are defined in applicable provisions of 20 CFR Part 680 Subpart D. Subsections (1) through (3) below provide clarifying information relating to certain local board roles and responsibilities pertaining to:

- local board supplemental ETPL criteria and information requirements;
- consumer choice and consultation requirements; and
- reimbursement to training providers and RAPs for training services.

(1) Local board supplemental ETPL criteria and information requirements

Local boards may supplement the criteria and information requirements established under Section I of this policy in order to support informed consumer choice and the achievement of local performance indicators, in accordance with 20 CFR § 680.510. However, as stated in Section I(d)(4) above and in 20 CFR § 680.150(a), local boards *are prohibited* from imposing additional requirements upon RAPs beyond those established under 29 USC Chapter 32 Subchapter 1 and its implementing laws, rules, regulations, guidance, and policies and Section II of this policy

(2) Consumer choice and consultation requirements

Local boards must ensure that they and their administrative entities and local Title IB service providers and staff adhere to consumer choice and consultation requirements described in 20 CFR § 680.340.

(3) Reimbursement to training providers and RAPs for training services

Local boards must ensure that their administrative entities and Title IB service providers reimburse training providers and RAPs for actual training services and materials provided to Title IB program participants, including actual training services and materials provided to participants that drop out of or do not complete training services authorized under ITAs.

Formal and informal practices established by local boards, administrative entities, and local Title IB service providers and staff that result in or permit non-payment for actual training services and materials provided to local Title IB participants are strictly prohibited.

Section V. Technical assistance

NDOL provides technical assistance to training providers, RAPs, and local areas upon request concerning the requirements of this policy. Requests for technical assistance must be submitted by email to ndol.etpl@nebraska.gov.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Adult, Dislocated Worker, and Youth Effective March 4, 2026 Rescinds Work-based Training, Chage 1 (May 3, 2023) On-the-job Training (OJT), Change 3 (May 3, 2023)

WIOA Title IB Work-based Training

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Work-based training is an effective training strategy that provides work-based training options and flexibilities for WIOA Title IB adult and dislocated worker program participants. Further, work-based training presents great options for fostering increased employer engagement, implementing sector strategies, and encouraging industry partnerships.

ACTION

NDOL

This policy rescinds *Work-based Training, Change 1* and *On-the-job Training (OJT), Change 3*. Questions and comments on this policy may be submitted to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local workforce development boards and Title IB programs

Local boards and their local Title IB adult and dislocated workers programs must adhere to requirements of this policy.

POLICY

This policy has three sections.

Section I. Work-based training for Title IB adults and dislocated workers, and employers 2
(a) Overview 2
(b) Work-based training options for Title IB adults and dislocated workers 3
(c) Work-based training options for employers 3
(d) Prohibited activities 4
Section II. Registered Apprenticeship programs (RAPs) 4
Section III. On-the-job training (OJT) 4

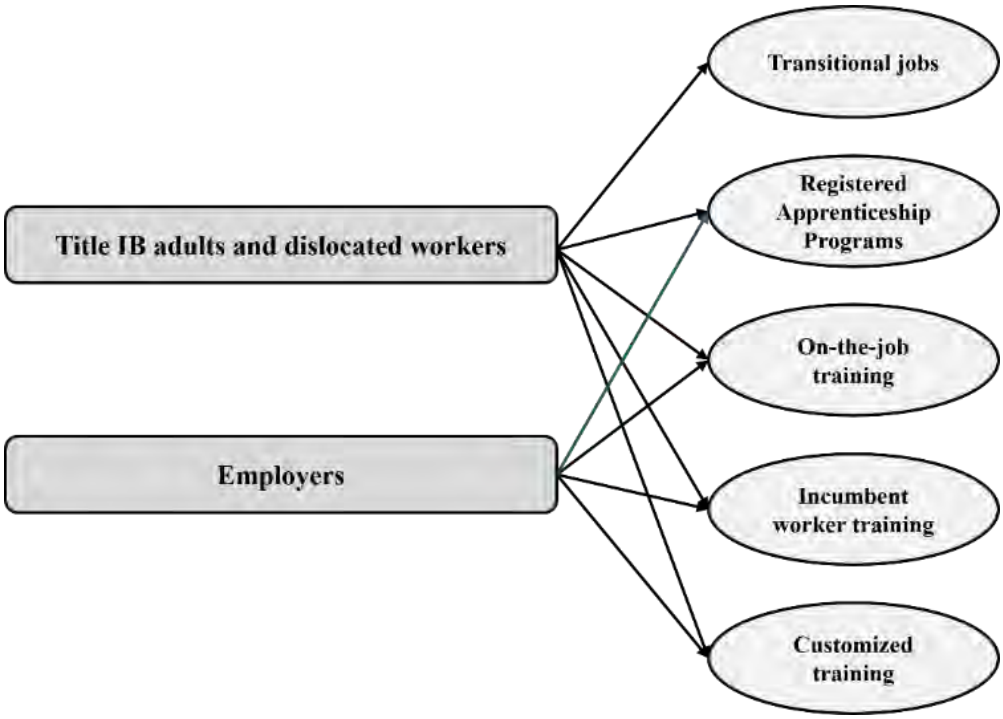
This policy *does not* address occupational skills training for Title IB adults and dislocated workers *or* work experience for Title IB youth. Refer to NDOL's policy manual for information on occupational skills training and work experience.

Section I. Work-based training for Title IB adults and dislocated workers, and employers

(a) Overview

29 USC § 3174(c) authorizes work-based training options and flexibilities for Title IB adult and dislocated workers, as further described under 20 CFR Part 680 Subpart F and TEGL 19-16. In addition, work-based training provides a great opportunity for local boards to foster increased employer engagement, implement sector strategies, and encourage industry partnerships. Diagram 1 illustrates various options available for adults, dislocated workers, and employers.

Diagram 1. Work-based training options: Title IB adults, dislocated workers, employers



(b) Work-based training options for Title IB adults and dislocated workers

Work-based training options for adults and dislocated workers include:[1]

1. Registered Apprenticeship programs (refer to Section II below for additional information);
2. on-the-job training (refer to Section III below for additional information);
3. programs that combine workplace training with related instruction, which may include cooperative education programs;
4. transitional jobs provided in accordance with 29 USC § 3174(d)(5) and 20 CFR §§ 680.190 and 680.195; and
5. incumbent worker training and customized training services provided through employers (refer to Section I(c) below).

(c) Work-based training options for employers

Work-based training options for employers include incumbent worker training, customized training, Registered Apprenticeship programs, and on-the-job training.

Incumbent worker training (IWT)

IWT is training designed to meet the special requirements of employers or groups of employers. IWT may be provided by local boards to employers to either:

- help avert potential layoffs of employees; or
- assist employees in obtaining the skills necessary to retain employment, such as increasing skill levels so they can be promoted within the company and create backfill opportunities for less-skilled employees.

IWT must be provided in accordance with the requirements of 29 USC § 3174(d)(4); 20 CFR §§ 680.780, 680.790, 680.800, 680.810, and 680.820; TEGL 19-16; and requirements established under NDOL policy concerning waitlists.

Customized training (CT)

CT is designed to meet special requirements of employers or groups of employers and must be provided in accordance with requirements of 29 USC § 3102(14); 20 CFR §§ 680.760 and 680.770; and TEGL 13-16.

Registered Apprenticeship programs

Information about Registered Apprenticeship programs is provided below in Section II.

On-the-job training

Information about on-the-job training is provided below in Section III.

[1] 20 CFR § 680.200; TEGL 19-16

(d) Prohibited activities

Pursuant to 20 CFR § 680.830, funds provided to employers for work-based training described under 20 CFR Part 680 Subpart F must not be used to directly or indirectly assist, promote, or deter union organizing.

Section II. Registered Apprenticeship programs (RAPs)

RAPs are earn-and-learn strategies that offer workers immediate employment opportunities, pay sustainable wages, and offer advancement along career pathways.[2] Graduates of RAPs receive nationally-recognized portable credentials, and their training may be applied toward further postsecondary education.

Title IB adult and dislocated worker program funds may be used to support Title IB participant involvement in RAPs through services, as described under 20 CFR § 680.740 and TEGL 13-16, including on-the-job training as described below in Section III. (Refer to NDOL's eligible training provider list policy for information on RAP involvement in Nebraska's ETPL.)

Section III. On-the-job training (OJT)

OJT is defined under 29 USC § 3102(44) and is provided by local boards through their local Title IB adult and dislocated worker programs under contracts with employers or sponsors of Registered Apprenticeship programs operating in the public, private nonprofit, or private sectors.[3] OJT must be provided in accordance with 29 USC § 3241(d), 20 CFR § 680.700 – 680.750, and 20 CFR § 683.260.

Examples of criteria for pre-award reviews for OJT are available to local boards and local Title IB adult and dislocated worker programs upon request to ndol.wioa_policy@nebraska.gov.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[2] 20 CFR § 680.740; TEGL 13-16
[3] 20 CFR § 680.700(a)

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Adult, Dislocated Worker, and Youth Effective April 6, 2026 Rescinds None

Employment Recovery – National Dislocated Worker Grant (ER-DWG)

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

National Dislocated Worker Grants (NWDGs) are discretionary grants awarded by the Secretary of Labor pursuant to 29 USC § 3225 to provide employment-related services for dislocated workers and other eligible individuals.[1] NDWGs provide supplemental funding in response to major economic dislocations or other events that cause or contribute to a shortage of existing WIOA Title IB dislocated worker formula funds and other relevant resources in states and local areas, creating challenges in their ability to provide workforce services to eligible participants. Further, NDWGs enable states and communities to respond to and recover from large, often unexpected dislocation events and their associated impacts.

ACTION

NDOL

Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov. Technical assistance on this policy is available upon request to ndol.wioa_policy@nebraska.gov.

[1] TEGL 09-24

In its administration and implementation of the ER-DWG, NDOL must comply with the requirements of the US Department of Labor Notice of Award No. 26A60DW000064-01-00 (the NOA); applicable Federal and State laws, rules, regulations, and guidance; this policy; and other applicable NDOL policies.

POLICY

This policy has five sections.

Section I. ER-DWG: Overview 2
Section II. ER-DWG: Worker eligibility 3
Section III. ER-DWG: Services for workers and employers 3
(a) Basic career services for workers and employers 3
(b) Individualized career services for workers 3
(c) Training services for workers 4
(d) Supportive services 4
(e) Follow-up services 5
(f) On-the-job training and customized training services for employers 5
Section IV. ER-DWG: Implementation requirements 5
(a) Case management 5
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Section V. ER-DWG: Administrative requirements 6
(a) Records management 6
(b) Performance reporting 6
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(d) Monitoring 7

Section I. ER-DWG: Overview

NWDGs are WIOA Title ID programs and are considered to be required one-stop partners and part of a continuum of support for workers, businesses and communities.[2] The continuum of services also includes planning for large-scale layoffs and using resources from other WIOA programs; Federal, state, and local economic development agencies; or from other agencies.[3] This coordinated support mitigates impacts of layoffs and unemployment caused by many factors, including mass layoffs preceded by Worker Adjustment and Retraining Notification (WARN) Act notices,[4] a series of related layoffs in a single industry, and other layoff situations.

An NWDG was awarded to NDOL on March 12, 2026, the Employment Recovery – National Dislocated Worker Grant (ER-DWG). The ER-DWG provides funding to support economic and employment-related recovery in Nebraska's Mid-Plains Region following closure of Tyson Fresh Meats in Lexington, Nebraska on January 20, 2026. Under the ER-DWG, NDOL and other

[2] US Department of Labor, Notice of Award No. 26A60DW000064-01-00, Federal Award date March 12, 2026; TEGL 09-24
[3] TEGL 09-24
[4] Refer to 20 CFR Part 639 for information on the WARN Act.

workforce system partners are able to deliver critical career services, training services, and other resources to support reemployment efforts in Buffalo, Custer, Dawson, Gosper, Frontier, Lincoln, and Phelps Counties. Prior to the January 20, 2026 closure of Tyson and the award of the ER-DWG, NDOL and numerous workforce system partners provided Rapid Response services through multiple Rapid Response events and job fairs held in the Mid-Plains Region.

Under the ER-DWG, priority will be given to providing services to workers impacted by the Tyson closure, as well as workers experiencing ensuing layoffs such as those laid off from Fortrex. The ER-DWG will first focus on identifying which workers are focusing on finding new employment as quickly as possible and which are interested in occupational skills training. (The ER-DWG is a statewide grant, so other eligible dislocated workers across the State may be enrolled.) In addition, NDOL will work closely with employers in the Mid-Plains region to facilitate job placement. On-the-job training (OJT) and customized training will be used to support employer hiring in the region while ensuring workers gain job-specific skills.

The remainder of this policy describes ER-DWG dislocated worker eligibility requirements, services available to workers and employers, and requirements for implementation and administrative of the ER-DWG.

Section II. ER-DWG: Worker eligibility

ER-DWG eligibility for workers must be determined in accordance with NDOL's policy on program eligibility for adults, dislocated workers and youth. As stated above, priority will be given to providing services to workers impacted by the Tyson closure, as well as workers experiencing ensuing layoffs (i.e., downstream layoffs[5]), such as those laid off from Fortrex. As mentioned above, the ER-DWG is a statewide grant, so other eligible workers across the State may be enrolled in ER-DWG, pursuant to the NOA; 20 CFR § 687.170(a); this policy; and NDOL's policy on Title IB program eligibility.

Section III. ER-DWG: Services for workers and employers

(a) Basic career services for workers and employers

NDOL and required one-stop partners must ensure the availability and provision of basic career services to all interested workers and employers, in accordance with the following NDOL policies:

- local one-stop delivery system and one-stop centers; and
- priority of service.

(b) Individualized career services for workers

NDOL must ensure the availability of and provision of individualized career services to all eligible workers, as described in the following NDOL policies:

1. local one-stop delivery system and one-stop centers;
2. priority of service;

[5] Downstream layoffs are job cuts that occur in later or side stages of a supply chain, such as marketing, distribution, retail, or other services, as a result of decisions made further up the chain (upstream).

3. JVSG and roles and responsibilities of AJC staff serving Veterans; and
4. Title IB adult and dislocated worker programs.

(c) Training services for workers

Under the ER-DWG, training services for workers include:

- occupational skills training (OST); and
- on-the-job training (OJT).

Training services under the ER-DWG must be provided in accordance with the following NDOL policies:

1. Eligible Training Provider List;
2. local chief elected officials, fiscal agents, and workforce development boards;
3. local one-stop delivery systems and one-stop centers;
4. nondiscrimination and equal opportunity; and
5. priority of service;
6. Title IB adult and dislocated worker programs; and
7. Trade Adjustment Assistance program.

(1) ER-DWG training types and funding limits

Table 1 below lists types of training available under ER-DWG and funding limits for each service type.

Table 1. ER-DWG training types and funding limits

Training type	Funding limits $	Description
Short-term OST	7,000	Maximum allowed funding per ER-DWG participant, *excluding supportive services*, for short-term occupational skills training lasting 3 months or less
Longer-term OST	10,000	Maximum allowed funding per ER-DWG participant, *excluding supportive services* for short-term occupational skills training lasting more than 3 months
OJT	10,000	Maximum allowed funding per ER-DWG participant, *excluding supportive services*, based on reimbursement to employer for up to 50 percent of the wage rate of participant
OJT and OST combination	12,000	Maximum allowed funding per ER-DWG participant, *excluding supportive services*, when a combination of OJT and OST is provided

(d) Supportive services

Supportive services under the ER-DWG must be provided in compliance with the NOA; 20 CFR Part 680 Subpart G; this policy; and NDOL's policy on Title IB adult, dislocated worker, and youth programs.

No more than $5,000 may be expended on supportive services for each participant during their ER-DWG participation. There are no specific funding limits based on type of supportive service.

(e) Follow-up services

ER-DWG case managers must provide follow-up services in accordance with 20 CFR § 678.430(c) and NDOL's policies on Title IB adult, dislocated worker, and youth programs and performance accountability.

(f) On-the-job training and customized training services for employers

(1) On-the-job training

OJT is defined under 29 USC § 3102(44) and is provided under contracts with employers or sponsors of Registered Apprenticeship Programs (RAPs) operating in the public, private nonprofit, or private sectors.[6] OJT must be provided in accordance with 29 USC § 3241(d), 20 CFR § 680.700 – 680.750, and 20 CFR § 683.260, as well as NDOL's policy on work-based training.

(2) Customized training

Customized training is defined under 29 USC § 3102(14) and provided in accordance with 20 CFR §§ 680.760 and 680.770; TEGL 13-16; and NDOL's policy on work-based training.

Section IV. ER-DWG: Implementation requirements

(a) Case management

ER-DWG case management must comply with the requirements of the following NDOL policies on:

1. Eligible Training Provider List;
2. internal controls and conflict-of-interest standards;
3. performance accountability; and
4. Title IB adult, dislocated worker, and youth programs.

(b) Coenrollment and coordination of service

ER-DWG participants must be coenrolled in partner programs whenever eligibility permits to ensure maximization of funding, service delivery, and coordination of services, as required under the NOA; this policy; and the following NDOL's polices addressing coenrollment and coordination of services:

1. JVSG and roles and responsibilities of AJC staff serving Veterans;
2. performance accountability;
3. Title IB, adult, dislocated worker, and youth programs; and
4. Trade Adjustment Assistance Program.

[6] 20 CFR § 680.700(a)

(c) Priority of service

ER-DWG staff must apply priority of service when determining ER-DWG eligibility, as required under the NOA; this policy; and NDOL's policy on priority of service.

(d) Protecting student privacy and personally identifiable information (PII)

(1) Student privacy

While administering and implementing the ER-DWG, NDOL and ER-DWG staff must adhere to the requirements of 20 USC § 1232g, better known as Section 444 of the General Education Provisions Act, which:

- defines student confidentiality requirements;
- protects the privacy of student education records; and
- applies to all schools receiving US Department of Education funds.

20 USC § 1232g grants parents right-to-access for students who are minors, with control of records to transferring to students at age 18 or upon post-secondary enrollment.

(2) Personally identifiable information

NDOL and ER-DWG staff must ensure protection of PII while administering and implementing the ER-DWG, in accordance with the NOA; 29 USC §§ 3141(d)(6)(C), 3152(d)(4), 3209(d)(2), 3245(a)(4)(B), and 3341(b)(1); TEGL 39-11; as well as applicable NDOL policies addressing PII protection.

Section V. ER-DWG: Administrative requirements

(a) Records management

ER-DWG records must be managed in accordance with the requirements of the NOA; this policy; and NDOL's policy on records management, including requirements concerning quality control and data validation.

(b) Performance reporting

The period of performance for the ER-DWG is November 21, 2025 through November 21, 2028. NDOL must submit the following performance reports to the US Department of Labor during the period of performance, according to timelines set forth in the NOA:

1. quarterly financial reports;
2. narrative progress reports;
3. program-specific performance reports; and
4. grant close out reports.

ER-DWG performance reporting must adhere to the requirements of the NOA, as well as NDOL's policy on performance accountability.

(c) Oversight

NDOL is responsible for oversight of the ER-DWG during the period of performance and must ensure compliant administration and implementation of ER-DWG activities and services, in accordance with the NOA; applicable Federal and State laws, rules, regulations, and guidance; this policy; and other applicable NDOL policies.

(d) Monitoring

The ER-DWG, including all activities and services, are subject to review by NDOL's State Monitor, as well as the US Department of Labor and other Federal agencies, as applicable.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

6. Jobs for Veterans State Grant program

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Jobs for Veterans State Grant Program Effective September 5, 2025 Rescinds None

Jobs for Veterans State Grants Program (JVSG) and Roles and Responsibilities of American Job Center (AJC) Staff Serving Veterans

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

The US Department of Labor Employment and Training Administration (ETA) and Veterans Employment and Training Service (VETS) issued TEGL 03-24 and VPL 05-24, which:

- identify and consolidate roles, responsibilities, and duties JVSG staff are expected to perform in collaboration with AJC staff providing WIOA services to Veterans; and
- emphasize statutory JVSG staff duties and staffing flexibilities to maximize integration of services and collaboration within AJCs.

ACTION

NDOL

Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

NDOL-administered programs

NDOL administrators of the following programs must ensure that they and their program staff adhere to the requirements of this policy, as well as all applicable Federal and State laws, rules, regulations, guidance, and policies.

1. Jobs for Veterans State Grant program (JVSG);
2. Title III Wagner-Peyser Employment Service (Wagner-Peyser), including the Monitor Advocate System;
3. Trade Adjustment Assistance program (TAA); and
4. National Dislocated Worker Grant programs (DWGs).

Local boards

Local boards must ensure that they and their local administrative entity staff and Title IB service providers and their staff adhere to the requirements of this policy, as well as all applicable Federal and State laws, rules, regulations, guidance, and policies.

POLICY

This policy provides information concerning JVSG staff roles and responsibilities and JVSG coordination of WIOA services for Veterans and has three sections.

Section I. JVSG roles and responsibilities 2
(a) Overview 2
(b) JVSG staff: General roles and responsibilities 2
(c) JVSG staff: Limitations and requirements 3
Section II. AJC staff roles and responsibilities 3
Section III. JVSG staff integration in AJCs 4

Section I. JVSG roles and responsibilities

(a) Overview

JVSG is a required one-stop partner[1] pursuant to 29 USC § 3151(b)(1)(B). Therefore, JVSG services must be accessible through all Nebraska AJCs and throughout all Nebraska local area one-stop delivery systems. TEGL 03-24 and VPL 05-24 clarify statutory duties of JVSG staff to ensure:

- eligible individuals receive the best combination of services;
- Local Veterans Employment Representatives (LVER) conduct targeted outreach to assist employers in fulfilling their workforce needs with job-seeking Veterans, as described under 38 USC § 4104; and
- Disabled Veterans Outreach Program (DVOP) Specialists devote time to provide individualized career services to those most in need, as described under 38 USC § 4103A.

ETA and VETS jointly developed Section IX of VPL 05-24, "AJC Staff Roles in JVSG." TEGL 03-24 highlights that section for ETA grantees and incorporates VPL 05-24 for grantee knowledge and awareness of the requirements applicable to JVSG and DVOP and LVER staff. Throughout this policy, the term "AJC staff" refers to **USDOL-funded program staff who work in AJCs**, other than those staff funded by JVSG.

(b) JVSG staff: General roles and responsibilities

(1) DVOP roles and responsibilities

DVOP specialists provide individualized career services and facilitate placements to meet the employment needs of eligible Veterans and eligible persons.[2]

1. DVOPs must deliver those services to eligible Veterans in the following priority order:
    a. first, to special disabled Veterans;
    b. second, to other disabled Veterans; and
    c. third, to other eligible Veterans in accordance with priorities determined by the Secretary of Labor.
2. DVOP specialists must limit their activities to providing services to eligible populations that are:
    a. interested in receiving one or more individualized career services; and
    b. meet at least one of the following two criteria:
        i. are defined as an eligible Veteran or eligible person and are experiencing at least one of the qualifying employment barriers defined in Section VI.A.1 of VPL 05-24; or
        ii. are members of additional populations eligible for DVOP specialist services as authorized by the current annual appropriations act, as outlined in Section VI.A.2. of VPL 05-24.
3. Further, DVOP specialists should engage with local area one-stop delivery system service providers to:
    a. maximize the number of individuals referred by service providers, who are both eligible for and could benefit from DVOP specialist services;
    b. enhance outcomes for individuals that DVOP specialists refer to other providers; and

[1] Required one-stop partners are listed under 29 USC § 3151(b)(1)(B). Refer to NDOL's policy on MOUs and local funding mechanisms for additional information applicable to required-one-stop partners.
[2] 38 USC § 4103A; TEGL 03-24; VPL 05-24

c. strengthen community awareness concerning the array of services available through the statewide one-stop delivery system.

Refer to TEGL 03-24 and VPL 05-24 for:

- definitions of *qualifying employment barriers* and *additional populations*;
- information on JVSG participant eligibility and privacy; and
- descriptions of DVOP case management and individualized career services.

(2) LVER roles and responsibilities

Pursuant to 38 USC § 4104(b), TEGL 03-24, and VPL 05-24, LVER principal duties are to:

- conduct targeted outreach to employers in the area to assist Veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and
- facilitate employment, training, and placement services furnished to Veterans in a state under the applicable state employment service delivery systems.

(c) JVSG staff: Limitations and requirements

In accordance with 38 USC §§ 4103A(d) and 4104(c), JVSG staff are prohibited from performing duties that detract from their ability to meet the employment needs of eligible Veterans and other eligible populations with qualifying employment barriers. AJC staff will continue to provide priority of service to other Veteran populations as described in VPL 07-09 and TEGL 10-09.

JVSG staff must not be placed in a situation where they are at risk of performing duties that fall outside of their roles and responsibilities, including but not limited to the following duties.[3]

1. DVOPs and LVERs must not be required at any time to:
    a. perform AJC front desk duties, including greeting incoming customers, conducting intake, or screening customers for eligibility;
    b. check in customers at job/resource fairs; however:
        i. DVOPs may attend such events to network with other resource providers; and
        ii. LVERs may attend such events to network with employers.
    c. determine customer eligibility for other services.
2. DVOPs must not:
    a. serve individuals who have not been screened for eligibility and entered into the state's management information system (NEworks[4]);
    b. administer job preparation workshops if any of the workshop participants are not DVOP-eligible populations; or
    c. be assigned to monitor or control foot traffic during AJC events, unless the event is for DVOPs' current participants only.

Section II. AJC staff roles and responsibilities

This section highlights areas of TEGL 03-24 and VPL 05-24 critical to coordination between AJC staff and JVSG staff. Because JVSG is a required one-stop partner pursuant to WIOA Sec. 121(b)(1)(B)(viii) (i.e., 29 USC § 3151(b)(1)(B)(viii)), AJC staff play an important role in the JVSG program. AJC intake staff determine the service needs of incoming customers and screen them for eligibility and referral to appropriate program staff for services. The following subsections describe AJC staff responsibilities concerning JVSG.

1. *AJC staff services to Veterans*. AJC intake staff must refer Veterans and covered persons who are not eligible for, or who do not want or need, DVOP specialist services to other workforce programs, as appropriate.
2. *Screening and referring customers*. Appropriate initial screening can enhance customer experience by ensuring customers are initially referred to the program(s) best positioned to meet their needs. In carrying out JVSG programs, this screening also helps ensure that DVOP specialists deliver individualized career services to eligible customers as required by statute. Where a DVOP specialist is available to accept a new customer, each incoming customer must be screened and referred in accordance with this section.

[3] 38 USC § 4103A; TEGL 03-24; VPL 05-24
[4] NEworks is Nebraska's management information system of record with USDOL.

a. *Identify customer interests and needs*. Not all customers who are eligible for DVOP services are interested in receiving them. Prior to referring a customer to a DVOP specialist, intake staff must affirm the customer's interest in receiving one or more individualized career services. This may be done, for example, by showing a list of available DVOP-provided individualized career services and asking whether they are interested in learning more. A customer who does not need or wish to receive any of these services must not be referred to a DVOP specialist at that time.
b. *Ascertain customer eligibility*. AJC staff must determine whether a customer meets the eligibility criteria described in Section VI.A of VPL 05-24 before referral to a DVOP specialist.
c. *When a DVOP Specialist is unavailable*. If a DVOP specialist is not immediately available to accept a new participant, the AJC staff should provide appropriate services and referrals to meet the needs of the individual and to satisfy priority of service requirements, as described in VPL 07-09 and TEGL 10-09. AJC staff should inform the customer of the opportunity to make an appointment to see the DVOP specialist and/or be seen by other staff. The eligible customer may choose to make an appointment with the DVOP specialist at any point thereafter, even if they are participating in other workforce development program services. DVOP specialists are considered "unavailable" when they:
    i. have a full caseload (as determined by the NDOL);
    ii. are not present (physically or virtually); or
    iii. are in a meeting at the moment when a customer would otherwise be referred.
d. *Department of Veterans Affairs Veteran Readiness and Employment (VR&E) program participants*. Because not all VR&E participants are eligible for DVOP services, there is no exception to the screening requirement for VR&E participants. They must be screened for eligibility based on the criteria described in Section VI of VPL 05-24 prior to being referred for DVOP services.
e. *Documentation*. VETS does not require documentation of JVSG participants' eligibility at any point. USDOL-funded programs must adhere to the requirements of their authorizing legislation concerning eligibility for their respective programs.
f. *Eligibility screening and referral through state management information systems*. Although this section speaks to the AJC intake staff duties, states may use an online system to screen customers for eligibility for DVOP services and to refer those who are eligible to an available DVOP specialist, subject to the following requirements.[5]
    i. Eligibility screening must include ascertaining the customer interest in receiving individualized career services, as well as the eligibility criteria listed in Section VI of VPL 05-24.
    ii. NDOL must apply a process to ensure that DVOP specialists do not receive more participant referrals than they have the capacity to serve. This process may be automated based on the DVOP specialist's current caseload, and/or it may include a manual override or intervention function to divert excess referrals to other AJC staff.

Section III. JVSG staff integration in AJCs

ETA and VETs champion cross-program collaboration and integration as a best practice that leads to the most effective and efficient service delivery to both jobseekers, workers, and employers. As stated in TEGL 03-24 and VPL 05-24, JVSG program legislation requires that JVSG staff be integrated into Nebraska's statewide one-stop delivery systems.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[5] NEworks is Nebraska's management information system of record with USDOL

7. Nebraska Rapid Response System

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Rapid Response Effective March 5, 2026 Rescinds Rapid Response Services, Change 1 (May 3, 2023)

Nebraska Rapid Response System (RRS)

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

Rapid Response activities and services play an important role in providing customer-focused services to workers and employers experiencing effects of business closure, mass layoffs, and mass job dislocation resulting from natural or other disasters, and filing of Trade Adjustment Assistance petitions.[1]

ACTION

NDOL

This policy rescinds *Rapid Response Services, Change 1*. Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

[1] 20 CFR § 682.302

RRS Staff

Nebraska Rapid Response System (RRS) activities must be conducted by RRS staff in accordance with the requirements of this policy and the RRS Guide.[2] (Note. RRS staff is defined in the RRS Guide.)

POLICY

This policy has four sections.

Section I. Rapid Response definition purpose, activities, and services 2
Section II. Nebraska Rapid Response System (RRS) 2
(a) Overview 2
(b) RRS funding 3
(c) RRS implementation requirements 3
Section III. RRS technical assistance 3

Section I. Rapid Response definition purpose, activities, and services

29 USC § 3102(51) defines Rapid Response (RR) as activities provided *by* states using funds provided *to* states in the event of layoffs, permanent closures, or mass layoffs at plants, facilities, or enterprises (i.e., employers) or natural or other disasters that result in current or projected layoffs, permanent closures, or mass layoffs. RR must be provided in accordance with 29 USC §§ 3173(a)(2) and 3174(a)(1)(A); 20 CFR 682 Subpart C; and TEGL 19-16.

As stated under 20 CFR § 682.300(b), the purpose of RR is to promote economic recovery and vitality by developing ongoing comprehensive approaches to identify and plan for result in job dislocations, and preventing or minimizing impacts on workers, businesses, and communities.[3]

20 CFR Part 682 Subpart C and TEGL 19-16 define required RR activities and services.

Section II. Nebraska Rapid Response System (RRS)

(a) Overview

NDOL has established the Nebraska Rapid Response System (RRS). In addition, NDOL has issued an RRS Guide that include standard operating procedures. In both cases, this policy and the RRS Guide comply with legislative and regulatory requirements cited in Section I above.

[2] The RRS Guide is accessible at https://dol.nebraska.gov/ReemploymentServices/WIOA/WIOAPartners/Plans
[3] 20 CFR § 682.300(b)

(b) RRS funding

NDOL uses funds reserved by the Governor from State of Nebraska allotments of dislocated worker funds to implement the RRS, in accordance with 29 USC § 3174(a)(2)(A)(i); 20 CFR §§ 682.330 and 682.340; TEGL 19-16; NDOLs current policy on the RSS; and the RRS Guide.

(c) RRS implementation requirements

As stated under 20 CFR § 682.302 and the RRS Guide, RRS activities must be delivered when one or more of the following circumstances occur:

1. announcements or notifications of permanent closures, regardless of the number of workers impacted;
2. announcements or notifications of mass layoffs when at least one of the following conditions have been met:
    a. layoffs impacting 25 or more workers *or* 25 percent of employer workers, whichever amount is *smaller*; (defined by NDOL, as permitted under 20 CFR § 682.305(a) and TEGL 19-16); or
    b. WARNs have been filed, regardless of the number of workers impacted;[4]
3. mass job dislocations resulting from natural or other disasters; or
4. filing of TAA petitions (refer to Section I(a)(2) above for information on TAA).

Section III. RRS technical assistance

RRS technical assistance is available upon request to ndol.rapidresponse@nebraska.gov.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

[4] Refer to 20 CFR Part 639 for information on the WARN Act.

8. Trade Adjustment Assistance

NEBRASKA workforce development board

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NDOL Policy **Trade Adjustment Assistance (TAA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Trade Adjustment Assistance Effective November 4, 2025 Rescinds Trade Adjustment Assistance Program, Change 4 (effective August 29, 2023)

Trade Adjustment Assistance Program, Change 5

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

TAA is a Federal entitlement program that assists US workers who lose their jobs or are threatened with job loss because of foreign trade.[1] TAA provides trade-affected workers with opportunities to obtain skills, credentials, resources, and support necessary for reemployment.[2] TAA benefits available to eligible workers vary depending on whether workers are covered by statutes authorizing 2002, 2009, 2011, 2015, or 2021 programs.[3] In addition to benefits provided by TAA, trade-affected workers are generally eligible for basic and individualized career services through American Job Centers.[4]

CHANGES

This policy has been revised for clarity; material changes have not been made in relation to the rescinded policy; and links to Federal laws, rules, regulations, and guidance have been updated or added to ensure TAA administrative and program staff can access that information quickly from

[1] TEGL 13-21
[2] TEGL 07-23
[3] Refer to APPENDIX I for a comparison of TAA benefits under 2002, 2009, 2011, 2015, and 2021 programs.
[4] 20 CFR § 618.325; US Department of Labor, Trade Adjustment Assistance for Workers, "About Us", https://www.dol.gov/agencies/eta/tradeact/about [accessed October 29, 2025]

within this policy. In addition, APPENDIX II and APPENDIX III in the rescinded policy have been combined under this policy as APPENDIX II.

ACTION

This policy rescinds *Trade Adjustment Assistance Program, Change 4*. Questions and comments on this policy may be submitted in writing to the Trade program mailbox at ndol.tradeact@nebraska.gov.

NDOL must administer TAA in accordance with Federal laws, rules, regulations, and guidance issued by the US Department of Labor regarding 2002, 2009, 2011, 2015, and 2021 TAA programs.

POLICY

This policy has three sections and two appendices.

Section I. NDOL compliance with TAA authorizing statutes, directives, and guidance 2
Section II. Coenrollment of TAA participants and coordination of services 2
Section III. Expenditure cap for TAA funded training services 3
(a) Requests to exceed the expenditure cap 3
(b) Appealing denied requests to exceed the expenditure cap 3
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Section I. NDOL compliance with TAA statutes, directives, and guidance

NDOL implements TAA in accordance with statutes, directives, and guidance identified in APPENDIX II, in addition to other applicable Federal and State laws, rules, regulations, and guidance, as well as this policy.

Section II. Coenrollment of TAA participants and coordination of services

In accordance with 20 CFR § 618.325 and NDOL's performance accountability policy, TAA participants must be coenrolled in local Title I dislocated worker programs and other local one-stop partner programs *whenever eligibility permits* to ensure maximization of funding, service delivery, and coordination of services.

Section III. Expenditure cap for TAA funded training services

NDOL has established an expenditure cap for TAA funded training services.

- Up to $25,000 may be expended for TAA funded training services for an individual TAA participant.
- Costs for allowable travel *are* included in the calculation of the $25,000 expenditure cap.
- Costs for allowable relocation, job search assistance, etc., *are not* included in the calculation of the $25,000 expenditure cap.

(a) Requests to exceed the expenditure cap

Requests from TAA staff for approval to exceed the NDOL expenditure cap for TAA funded training services must be submitted by email to ndol.tradeact@nebraska.gov. All requests to exceed the NDOL expenditure cap must be approved by the NDOL Reemployment Services Division Director *or* the Commissioner of Labor based on dollar amount.

- The Director authorizes excess expenditures up to $5,000.
- The Commissioner authorizes excess expenditures exceeding $5,000.

(b) Appealing denied requests to exceed the expenditure cap

TAA participants who wish to appeal denials of requests to exceed the expenditure cap for TAA funded training services must submit a written request for a hearing to the Commissioner of Labor within 20 calendar days of notification of denial. Written requests for a hearing must be sent to:

Commissioner of Labor
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within 20 calendar days of the Commissioner's receipt of the written request for a hearing. The hearing will include:

- NDOL's statement of reasons why the request was denied; and
- an appeal by the TAA participant describing why the decision should be reversed or a compromise established.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.

APPENDIX I. Side-by-side comparison of TAA benefits under 2002, 2009, 2011, 2015, 2021 programs[5]

Benefit	2002 program	2009 program	2011/2015 programs	2021 program
Group eligibility Defines the worker group that is eligible to apply for and potentially receive benefits through the TAA program	Manufacturing sector workers ONLY Workers who have lost their jobs because their company's decline in production and/or sales were due to increased imports or to the outsourcing of jobs to a country with which the US has a Free Trade Agreement	• Manufacturing sector workers • Service sector workers • Public sector workers ITC workers (those who work for a firm that has been identified by the International Trade Commission as a domestic industry that has been injured/is a party to a market disruption) Workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or to outsourcing to ANY country	• Manufacturing sector workers • Service sector workers ITC workers (those who work for a firm that has been identified by the International Trade Commission as a domestic industry that has been injured/is a party to a market disruption) Workers who have lost their jobs because their company's decline in production and/or sales was due to increased imports or to outsourcing to ANY country	Manufacturing sector workers ONLY No ITC-based certifications Workers who have lost their jobs because their company's decline in production and/or sales were due to increased imports or to outsourcing to limited countries No adversely affected incumbent workers.
Trade Readjustment Allowances (TRA) Income support available in the form of weekly cash payments to workers who are enrolled in a full-time training course	Up to 104 weeks of TRA available to workers enrolled in full-time training OR Up to 130 weeks of TRA available to workers enrolled in remedial training Must enroll in training within 8 weeks of certification or 16 weeks of layoff	Up to 130 weeks of TRA available to workers enrolled in full-time training OR Up to 156 weeks of TRA available to workers enrolled in remedial training Must enroll within 26 weeks of either certification or layoff	Up to 130 weeks of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met Must enroll within 26 weeks of either certification or layoff	Up to 130 weeks of TRA available to workers enrolled in full-time training, the last 13 of which are only available if needed for completion of a training program and training benchmarks are met Must enroll within 8 weeks of certification or 16 weeks of layoff

[5] U.S. Department of Labor, "Side-by-Side Comparison of TAA Program Benefits under the 2002 Program, 2009 Program, 2011 Program, 2015 Program, and Reversion 2021," https://www.dol.gov/sites/dolgov/files/ETA/tradeact/pdfs/side-by-side.pdf (accessed October 29, 2025)

Benefit	2002 program	2009 program	2011/2015 programs	2021 program
Training waivers Basic TRA is payable if an individual participates in TAA training OR is under a waiver of the requirement to participate in training. Training may be determined not feasible or appropriate and waived as a requirement for basic TRA eligibility for the following reasons:	1. The worker will be recalled to work reasonably soon 2. The worker has marketable skills for suitable employment and a reasonable expectation of employment in the foreseeable future 3. The worker is within two years of eligibility for a pension or social security 4. The worker is unable to participate in or complete training due to a health condition 5. No training program is available 6. An enrollment date is not immediately available	1. The worker will be recalled to work reasonably soon 2. The worker has marketable skills for suitable employment and a reasonable expectation of employment in the foreseeable future 3. The worker is within two years of eligibility for a pension or social security 4. The worker is unable to participate in or complete training due to a health condition 5. No training program is available 6. An enrollment date is not immediately available	• The worker is unable to participate in or complete training due to a health condition • No training program is available • An enrollment date is not immediately available	• The worker is unable to participate in or complete training due to a health condition • No training program is available • An enrollment date is not immediately available
Training funding Funds to states to pay for TAA training.	$220 million statutory cap applies to training funds only	$575 million statutory cap applies to training funds only	$575 million (2011) $450 million (2015) statutory cap applies to training, job search and relocation allowances, case management and employment services, and related state administration	$220 million statutory cap applies to training funds only
State administration funding Funds to states to pay for state administration of TAA benefits, not administration of TRA or ATAA/RTAA (covered by UI Funding Agreement)	An additional 15% above the amount provided for training is available for state administration	An additional 15% above the amount provided for training is available for state administration, and case management and employment services	No more than 10% of the amount provided may be spent for state administration	Funding available for state administration
Job search and relocation allowances funding Funds to states to pay allowances	Additional funds are available for job search and relocation allowances	Additional funds are available for job search and relocation allowances	Included in training funding	Additional funds are available for job search and relocation allowances

Benefit	2002 program	2009 program	2011/2015 programs	2021 program
Case management funding Funds to states to pay for TAA case management and employment services	No funds are available for TAA case management and employment services	• At least 1/3 of these funds must be used for TAA case management and employment services • States also receive $350,000/year for TAA case management and employment services	• No less than 5% of the amount provided may be spent on TAA case management and employment services • DOL may recapture unobligated funds and redistribute funds, as needed	Use of funding for employment services is allowable.
Job search allowances A cash allowance provided to workers who cannot find an available job within the commuting area (e.g., 50 miles); used to cover transportation costs, etc.	90% of allowable job search costs, up to a maximum of $1,250	100% of allowable job search costs, up to a maximum of $1,500	90% of allowable job search costs, up to a maximum of $1,250	90% of allowable job search costs, up to a maximum of $1,250
Relocation allowances A cash allowance provided to workers who have to accept a job outside of their commuting area and relocate	90% of allowable relocation costs, plus an additional lump sum payment of up to $1,250	90% of allowable relocation costs, plus an additional lump sum payment of up to $1,250	90% of allowable relocation costs, plus an additional lump sum payment of up to $1,250	90% of allowable relocation costs, plus an additional lump sum payment of up to $1,250.
Alternative Trade Adjustment Assistance (ATAA)/Reemployment Trade Adjustment Assistance (RTAA) A wage supplement provided to eligible workers over the age of 50 that supplements a portion of the wage difference between their new wage and their old wage (up to a specified maximum amount).	Alternative Trade Adjustment Assistance (ATAA) 1. Requires a separate group certification 2. Available to workers earning less than an annual salary of $50,000 3. Maximum total ATAA benefit of up to $10,000 4. Reemployed within 26 weeks of separation 5. Reemployed in full-time employment 6. Training benefit NOT available	Reemployment Trade Adjustment Assistance (RTAA) 1. Does not require a separate group certification 2. Available to workers earning less than an annual salary of $55,000 3. Maximum total income support (RTAA and TRA) benefit of $12,000 4. Reemployed with no deadline 5. Reemployed in full-time or part-time employment in combination with approved training 6. Training benefit is also available	Reemployment Trade Adjustment Assistance (RTAA) 1. Does not require a separate group certification 2. Available to workers earning less than an annual salary of $50,000 3. Maximum total income support (RTAA and TRA) benefit of $10,000 4. Reemployed with no deadline 5. Reemployed in full-time or part-time employment in combination with approved training 6. Training benefit is also available	Alternative Trade Adjustment Assistance (ATAA) 1. Requires a separate group certification 2. Available to workers earning less than an annual salary of $50,000 3. Maximum total ATAA benefit of $10,000 4. Reemployed within 26 weeks of separation 5. Reemployed in full-time employment 6. Training benefit NOT available

Benefit	2002 program	2009 program	2011/2015 programs	2021 program
Health Coverage Tax Credit (HCTC) A tax credit offered to eligible TAA recipients to help pay for qualified health insurance premiums for the worker and their family[6]	72.5% of qualifying health insurance premium costs (refer to http://www.irs.gov/Individuals/HCTC)	72.5% of qualifying health insurance premium costs (refer to http://www.irs.gov/Individuals/HCTC)	72.5% of qualifying health insurance premium costs (refer to http://www.irs.gov/Individuals/HCTC)	72.5% of qualifying health insurance premium costs (refer to http://www.irs.gov/Individuals/HCTC)

[6] Refer to TEGL 04-24 and UIPL 20-24 for current guidance impacting TAA recipients in relation to HCTC.

APPENDIX II. TAA amending statutes, directives, and guidance

Amending statutes[7]

Year	Law Amending Trade Act of 1974	TAA program, as Amended by this law	Effective dates of amendments	Explanation
2002	Trade Adjustment Assistance Reform Act of 2002 (TAA Reform Act)	The Trade Act of 1974, title II, chapter 2, as amended in 2002 by the TAA Reform Act (2002 TAA Program)	Applies to petitions filed between November 4, 2002 and May 18, 2009 and on or after February 15, 2011 through October 20, 2011* *Some workers covered under these petitions may receive 2011 TAA Program benefits	The President signed into law the Trade Adjustment Assistance Reform Act of 2002 (TAA Reform Act) on August 6, 2002. It reauthorized the TAA Program through fiscal year 2007.
2009	Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA)	The Trade Act of 1974, Title II, Chapter 2, as amended in 2009 by the TGAAA (2009 TAA Program)	Applies to petitions filed between May 18, 2009 and February 14, 2011	The President signed into law the ARRA, which contained the TGAAA, on February 17, 2009. The Omnibus Trade Act of 2011 (Public Law 111-344) extended the 2009 Amendments for six weeks
2011	Trade Adjustment Assistance Extension Act of 2011 (TAAEA)	Trade Act of 1974, title II, chapter 2, as amended in 2011 by the TAAEA)	Applies to petitions filed on or after October 21, 2011* *Some workers covered under petitions filed on or after February 15, 2011 through October 20, 2011 may be eligible for 2011 TAA Program benefits	The President signed into law the TAAEA on October 21, 2011.
2015	Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)	Trade Act of 1974, title II, chapter 2, as amended in 2015 by the TAARA 2015 (2015 Program)	Applies to petitions filed between June 29, 2015* and June 30, 2021 *OTAA will: • automatically reconsider negative determinations (denials) of petitions filed on or after January 1, 2014, and before June 29, 2015; • investigate petitions filed during that period for which a determination has not yet been issued; and • make a determination under the 2015 Program criteria.	The President signed into law the TAARA 2015 on June 29, 2015.
Reversion 2021	Trade Adjustment Assistance Reauthorization Act of 2015 (TAARA 2015)	Trade Act of 1974, title II, chapter 2, as amended in 2015 by the TAARA 2015 (2015 Program)	Applies to petitions filed on or after July 1, 2021	TAARA 2015, at Section 406, includes a provision that creates a modified version of the TAA Program, Reversion 2021, effective for all petitions filed on or after July 1, 2021.

Directives and guidance

TAA directives and guidance are accessible at https://www.dol.gov/agencies/eta/tradeact/law/directives.

[7] U.S. Department of Labor, "TAA Statutes," https://www.dol.gov/agencies/eta/tradeact/laws/statutes (accessed October 29, 2025)

9. Migrant and Seasonal Farmworker

NDOL Policy **Workforce Innovation and Opportunity Act (WIOA)**

Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th Street Lincoln, NE 68508 402.471.9000 ndol.wioa_policy@nebraska.gov	Policy category Migrant and Seasonal Farmworker Effective April 6, 2026 Supersedes None

WIOA Title III Migrant and Seasonal Farmworker Program and Complaint System

REFERENCE

Federal and State of Nebraska (State) laws, rules, regulations, guidance, and policies relied upon for development of this policy are cited in the body of this policy and in footnotes. NDOL policies referenced in this policy are included in the policy manual.

BACKGROUND

The Wagner-Peyser Act of 1933 established the first public labor exchange system in the United States and was designed to connect employers with job seekers. In response to a 1973 lawsuit highlighting inequities faced by farmworkers, the 1974 Judge Richey Court order (Civil Action No. 2010-72, United States District Court) required Wagner-Peyser Act funding be used to support specialized services for migrant and seasonal farmworker populations. Subsequently, states are obligated to ensure that Title III Wagner-Peyser services, benefits, and protections offered to migrant and seasonal farmworkers are qualitatively equivalent and quantitatively proportionate to those provided to non-farmworkers.

ACTION

NDOL

Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov. Technical assistance on this policy may be submitted to the policy mailbox at ndol.wioa_policy@nebraska.gov.

NDOL and Title III Wagner-Peyser Employment Service

NDOL and Title III Wagner-Peyser Employment Service (ES) must adhere to the requirements of Federal and State laws, rules, regulations, and guidance, as well as this policy and other applicable NDOL policies, when administering and implementing of services for migrant and seasonal farmworkers.

POLICY

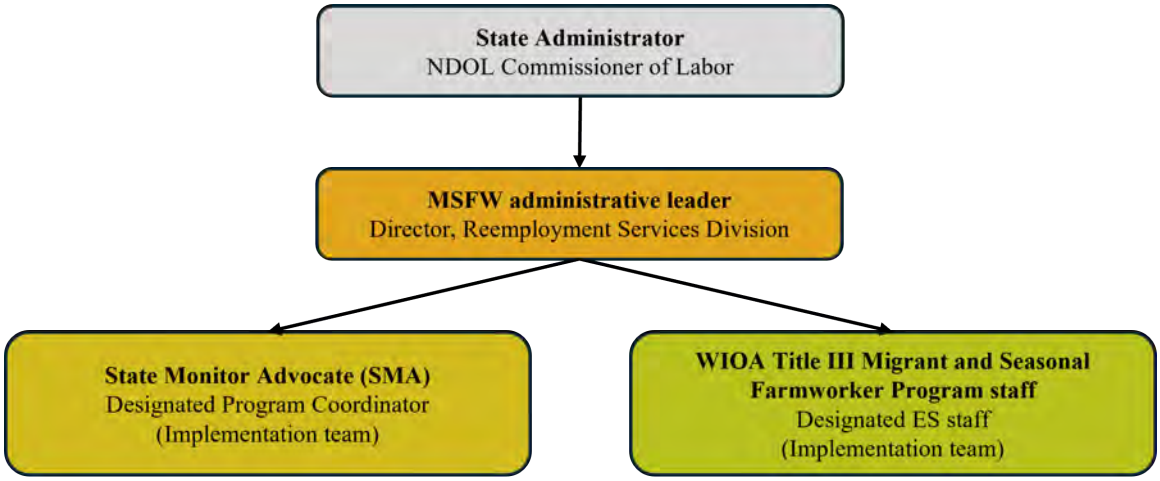
This policy has four sections.

Section I. Migrant and seasonal farmworker program administrative and implementation team 2
Section II. Requirements for migrant and seasonal farmworker services 3
(a) Overview 3
(b) Provision of services to MSFWs 3
(a) Provision of job information to MSFWs 3
(b) Process for MSFW participation in workforce development activities 4
(c) Outreach and Agricultural Outreach Plan 4
Section III. NDOL and SMA responsibilities 5
(a) NDOL monitoring and self-appraisal 5
(b) SMA appointment 5
(c) SMA responsibilities 5
(d) Data collection and performance accountability 5
(e) Data disclosure 5
(f) Staffing requirements for significant MSFW one-stop centers 5
Section IV. ES and employment-related law complaint system (Complaint System) 6

Section I. Migrant and seasonal farmworker program administrative and implementation teams

NDOL's migrant and seasonal farmworker program is administered by NDOL's administrative team and implemented by the State Monitor Advocate (SMA) and ES staff, as illustrated below in Diagram 1.

Diagram 1. NDOL MSFW program administration and implementation structure



Section II. Requirements for migrant and seasonal farmworker services

(a) Overview

20 CFR Part 653 Subpart B sets forth the principal regulations of the Wagner-Peyser Act Employment Service (ES) concerning services for migrant farmworkers and seasonal farmworkers (collectively referred to as MSFWs), consistent with the requirement that all services of the workforce development system be available to all job seekers in an equitable and nondiscriminatory fashion, including ensuring MSFWs have access to these services in a way that meets their unique needs.[1] MSFWs must receive services on a basis which is qualitatively equivalent and quantitatively proportionate to services provided to non-MSFWs.[2]

As the State's designated state workforce agency (SWA), NDOL must ensure that it and ES staff at one-stop centers comply with requirements of 20 CFR Part 653 Subpart B, as well as applicable Federal and State laws, rules, regulations, and guidance, as well as this policy and other applicable NDOL policies.

(b) Provision of services to MSFWs

NDOL must ensure that ES staff at one-stop centers offer MSFWs the full range of career and supportive services, benefits and protections, and job and training referral services as are provided to non-MSFWs, in accordance with 20 CFR § 653.101.

(a) Provision of job information to MSFWs

NDOL must make job order information conspicuous and available to MSFWs by all reasonable means, in accordance with 20 CFR § 653.102, as well as 20 CFR § 653.103(b) and 29 CFR § 38.9(b).

[1] 20 CFR § 653.100(a)
[2] Ibid.

(b) Process for MSFW participation in workforce development activities

1. NDOL must comply with the language access and assistance requirements as required under 20 CFR § 653.103(b) and 29 CFR § 38.9(b) concerning MSFWs with limited English proficiency (LEP individuals).
2. ES offices must determine whether participants and reportable individuals are MSFWs, as required under 20 CFR § 653.103(a).
3. One-stop centers must provide MSFWs with lists of available career and supportive services, in compliance with 29 USC § 3174(c)(2)(A)(ix)(I); 20 CFR §§ 653.103(b) and 653.103(c); and 29 CFR §§ 38.4(hh) and 38.9(b).
4. One-stop centers must refer and/or register MSFWs for appropriate services if they are interested in obtaining such services, in accordance with 29 USC § 3174(c)(2)(A)(ix)(II) and 20 CFR § 653.103(d).

(c) Outreach and Agricultural Outreach Plan

(1) NDOL outreach responsibilities

As required under 20 CFR § 653.107(a)(1), NDOL must ensure ES staff conduct outreach on an ongoing basis as described in 20 CFR§ 653.107(b). In addition, as required under 20 CFR § 653.107(a)(1), NDOL must ensure that the SMA and ES outreach staff coordinate activities with the applicable National Farmworker Jobs Program (NFJP) grantee; public and private community service agencies, and MSFW groups.

NFJP activities involving MSFWs does not substitute for NDOL outreach responsibilities.[3]

(2) ES outreach staff responsibilities

ES staff must conduct ongoing MSFW outreach in accordance with 20 CFR § 653.107(b).

(3) ES office outreach responsibilities

ES office managers must submit monthly summary reports of outreach efforts to the SMA, as required under and in accordance with 20 CFR § 653.107(c).

(4) NDOL Agricultural Outreach Plan (AOP)

Agricultural Outreach Plans (AOPs) are developed by NDOL and included in each 4-year Combined State Plan for Nebraska's Workforce System. AOPs must be developed and submitted by NDOL in accordance with planning guidance issued by USDOL, pursuant to 20 CFR §§ 653.107(d)(1) and 653.107(d)(4). Further, AOPs are reviewed and updated during mandatory 2-year modifications of Combined State Plans. The scope of AOPs must comply with requirements established under 20 CFR § 653.107(d). During development and modification of 4-year AOPs and 2-year modifications of AOPs during the state plan development process, NDOL solicits information and suggestions from the NFJP grantee; other appropriate MSFW groups, public agencies, agricultural employer organizations; and other interested organizations, in accordance with 20 CFR § 653.107(d)(3).

[3] 20 CFR § 653.107(a)(1)

Section III. NDOL and SMA responsibilities

(a) NDOL monitoring and self-appraisal

(1) Monitoring

NDOL must monitor its compliance with 20 CFR Part 653 Subpart B in its provision of ongoing MSFW services, as required under and in accordance with 20 CFR § 653.108(a). NDOL must not retaliate against the SMA or ES staff in relation to MSFW monitoring, issues raised, or concerns identified regarding noncompliance with ES regulations.[4]

(2) Self-appraisal

As required under 20 CFR § 658.601(a), NDOL must establish and maintain a self-appraisal system for ES operations to determine success in reaching performance goals and correcting deficiencies in performance. Further, the self-appraisal system must include numerical (quantitative) appraisal and non-numerical (qualitative) appraisal, as described in 20 CFR § 658.601(a)(1)-(5). Corrective action plans developed to address deficiencies uncovered at any administrative level within NDOL as a result of the self-appraisal process must comply with 20 CFR § 658.601(a)(6)-(7).

(b) SMA appointment

NDOL must appoint an SMA in accordance with 20 CFR § 653.108(b)-(c).

(c) SMA responsibilities

The SMA must devote its full time to SMA functions, which are described in 20 CFR § 653.108(d)-(u); further, the SMA must not perform work that conflicts with SMA duties, such as outreach responsibilities required under 20 CFR § 653.107, Agricultural Recruitment System (ARS) processing described under 20 CFR Part 652 Subpart F, and complaint processing described under 20 CFR Part 658 Subpart E.[5] Refer to Section IV below for requirements concerning the complaint system.

(d) Data collection and performance accountability

NDOL must collect and report performance data as described in 20 CFR § 653.109.

(e) Data disclosure

NDOL must adhere to MSFW data disclosure requirements established under 20 CFR § 653.110.

(f) Staffing requirements for significant MSFW one-stop centers

NDOL must staff significant MSFW one-stop centers in a manner facilitating the delivery of ES services tailored to the unique needs of MSFWs, in accordance with 20 CFR § 653.111.

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[4] 20 CFR § 653.108(a)
[5] 20 CFR § 653.108(d)

Section IV. ES and employment-related law complaint system (complaint system)

NDOL must establish and maintain a complaint system, as defined under 20 CFR § 658.410, in accordance with 20 CFR Part 658 Subpart E, including 20 CFR § 658.411.

DISCLAIMER

This policy is based on NDOL's reading of applicable laws, rules, regulations, and guidance released by the Federal government and the State. This policy is subject to change as revised or additional laws, rules, regulations, guidance, and policies are issued.