

**State Policy**

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

Nebraska Department of Labor (NDOL) Office of Employment and Training 550 South 16 <sup>th</sup> Street Lincoln, NE 68508 402.471.9000 <a href="mailto:ndol.wioa_policy@nebraska.gov">ndol.wioa_policy@nebraska.gov</a>	<table border="1"> <tr> <td data-bbox="808 333 1136 394"> </td> <td data-bbox="1136 333 1433 394">                     Policy category                      One-stop Delivery System                 </td> </tr> <tr> <td data-bbox="808 394 1136 455"> </td> <td data-bbox="1136 394 1433 455">                     Effective date                      July 23, 2019                 </td> </tr> <tr> <td data-bbox="808 455 1136 571"> </td> <td data-bbox="1136 455 1433 571">                     Supersedes                      One-stop Delivery System Assessment and One-stop Center Certification (effective date July 10, 2018)                 </td> </tr> </table>		Policy category One-stop Delivery System		Effective date July 23, 2019		Supersedes One-stop Delivery System Assessment and One-stop Center Certification (effective date July 10, 2018)
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**One-stop Delivery System Assessment and One-stop Center Certification, Change 1**

**REFERENCE**

Federal and state laws, regulations, rules, and other guidance and documentation relied upon for the development of this policy are cited in footnotes.

**BACKGROUND**

WIOA<sup>1</sup> assigns responsibilities at the Federal, state, and local levels to ensure the creation and maintenance of a one-stop delivery system that enhances the range and quality of education and workforce development services that job seekers and employers can access.<sup>2</sup> WIOA requires that state boards, in consultation with chief elected officials and local boards, establish objective criteria and procedures for local boards to use when assessing local one-stop delivery systems and one-stop centers for effectiveness, physical and programmatic accessibility, and continuous improvement.<sup>3</sup>

**ACTION**

This policy supersedes and cancels the State’s<sup>4</sup> policy titled One-stop Delivery System Assessment and One-stop Center Certification (effective date July 10, 2018). Questions and comments on this policy may be submitted in writing to the WIOA policy mailbox at [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov).

<sup>1</sup> WIOA refers to the Workforce Innovation and Opportunity Act of 2014.

<sup>2</sup> 20 CFR § 678.300(b)

<sup>3</sup> 20 CFR § 678.800(a)

<sup>4</sup> State refers to the Nebraska Workforce Development Board and the Nebraska Department of Labor (acting on the Governor’s behalf pursuant to the Governor’s Executive Order No. 15-03).

Each local board must assess the effectiveness, physical and programmatic accessibility, and continuous improvement of its local one-stop delivery system at least once every three years.<sup>5</sup> As part of that assessment, the local board must certify at least one comprehensive one-stop center.<sup>6</sup> In addition, if the local board designates a one-stop partner site as an affiliate site, the local board must certify that site.<sup>7</sup>

In its assessment of the local one-stop delivery system and certification of one-stop centers, each local board must follow the requirements established in this policy and the requirements of WIOA and its implementing regulations and guidance.<sup>8</sup>

## CHANGES

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[Section I\(b\)](#) has been revised to clarify requirements regarding use of the common identifier.

## POLICY

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This policy establishes criteria and procedures for assessment of local one-stop delivery systems and one-stop centers and certification of one-stop centers.

This policy is organized into three sections and one appendix.

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## Section I. Criteria

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### (a) Effectiveness

The local board's assessment of the effectiveness of the local one-stop delivery system and one-stop centers must include how well the system and centers:<sup>9</sup>

- integrate available services for job seekers and employers;

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<sup>5</sup> WIOA Sec. 121(g)(1) and (4); 20 CFR § 678.800(d)

<sup>6</sup> 20 CFR § 678.800; TEGL 16-16

<sup>7</sup> United States Department of Labor Employment and Training Administration, "FAQs, WIOA, Workforce Innovation and Opportunity Act, May 4, 2017, Certification of American Job Center FAQs" United States Department of Labor Employment and Training Administration, <https://doleta.gov/wioa/faqs/> [accessed July 23, 2019]

<sup>8</sup> 20 CFR § 678.800; TEGL 16-16

<sup>9</sup> 20 CFR § 678.800(b)

- meet the workforce development needs of job seekers and employment needs of local employers;
- operate in a cost-efficient manner;
- coordinate services among the one-stop partner programs; and
- provide access to one-stop partner program services to the maximum extent practicable, including providing services outside of regular business hours where there is a workforce need as identified by the local board.

In addition, the local board's assessment of the effectiveness of the local one-stop delivery system and one-stop centers must take into account feedback from one-stop customers.<sup>10</sup>

#### (b) Physical and programmatic accessibility

The local board's assessment of the physical and programmatic accessibility of the local one-stop delivery system and one-stop centers must include how well the system and centers take actions to comply with the requirements established in WIOA Sec. 188 and its implementing rule, 29 CFR Part 38, regarding equal opportunity and non-discrimination. The actions must include:<sup>11</sup>

1. providing reasonable accommodations for persons with disabilities;
2. making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
3. administering programs in the most appropriate integrated setting;
4. communicating with persons with disabilities as effectively as with others;
5. providing appropriate auxiliary aids and services, including assistive technology devices and services when necessary, to afford persons with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity;
6. providing physical accessibility for persons with disabilities; and
7. utilizing the common identifier (*American Job Center* or *a proud partner of the American Job Center network*) on all:<sup>12</sup>
  - a. products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system; and
  - b. exterior branding, including signage.

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<sup>10</sup> 20 CFR § 678.800(b)

<sup>11</sup> 20 CFR §§ 678.800(b)(1) – (6) and 678.900

<sup>12</sup> Local boards, local areas, and one-stop partners may use additional (not alternative) identifiers on or for their facilities and related property, products, programs, activities, services, and materials [20 CFR § 678.900(d)].

All one-stop centers, including affiliate sites and specialized centers, must comply with the physical and programmatic accessibility requirements defined in described in this Section II(b), WIOA Sec. 188, and 29 CFR Part 38.<sup>13</sup>

### (c) Continuous Improvement

The local board's assessment of the continuous improvement of the local one-stop delivery system and one-stop centers:<sup>14</sup>

- must include how well the system and centers support the achievement of the negotiated local levels of performance for the indicators described in WIOA Sec. 116(b)(2) and 20 CFR § 677.205; and
- may include other continuous improvement factors such as having:
  - a regular process for identifying and responding to technical assistance needs of the system and centers;
  - a regular system of continuing professional staff development; and
  - systems in place to capture and respond to specific customer feedback.

### (d) Local criteria<sup>15</sup>

A local board may establish additional assessment criteria or set higher standards for service coordination than those established in this policy. If additional criteria are established, the local board must review and update the criteria every two years as part of its regional and local plan development process.

## Section II. Procedures

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Methods for (a) assessment of the local one-stop delivery system and one-stop centers and (b) certification of one-stop centers must be established in writing by the local board prior to commencement of the assessment and certification process. In addition, the methods must be based on the criteria described in [Section I](#).

Each local board must notify the Nebraska Department of Labor (NDOL) of the outcomes of the assessments of the system and centers and certification of centers. The notification must be made by email submitted to [ndol.wioa\\_policy@nebraska.gov](mailto:ndol.wioa_policy@nebraska.gov) and must:

- include a clear and descriptive written analysis of the system's and centers' compliance with the criteria established in [Section I](#); and

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<sup>13</sup> 20 CFR § 678.800(e)

<sup>14</sup> 20 CFR § 678.800(c)

<sup>15</sup> 20 CFR § 678.800(d); TEGL 16-16

- identify all certified one-stop centers in the local area, including affiliate sites, and provide, for each center, the physical address, phone number, website address, and contact information for the one-stop operator.

### **Section III. Timelines**

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As of July 1, 2017, each local board must:

- assess its local one-stop delivery system and one-stop centers at least once every three years using the criteria and procedures described in [Sections I](#) and [II](#).
- certify at least one comprehensive one-stop center at least once every three years using the criteria, procedures, and methods described in Sections I and II.

The notification described in Section II must be submitted to NDOL no later than June 1 of the applicable year.

### **DISCLAIMER**

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

## APPENDIX I. Definitions

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**PURPOSE.** Definitions in this appendix are provided as supplemental information that supports the provisions of the policy. The 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. access

Providing access to each partner program and its services means:<sup>16</sup>

- having a program staff member physically present at the one-stop center;
- having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or
- providing a direct linkage through technology to program staff who can give meaningful information or services.

### 2. affiliate site (affiliate one-stop center)<sup>17</sup>

An *affiliate site* (affiliate one-stop center) is a site that makes available to job seekers and employers one or more of a one-stop partner's programs, services, and activities.

### 3. comprehensive one-stop center (comprehensive American Job Center or AJC)<sup>18</sup>

A *comprehensive one-stop center* (comprehensive American Job Center or AJC) is a physical location where job seekers and employers can access the programs, services, and activities of all required one-stop partners.

### 4. direct linkage<sup>19</sup>

*Direct linkage* means providing a direct connection at the comprehensive one-stop center to a required one-stop partner staff member who can provide program information or services to the customer, within a reasonable period, by phone or through real-time web-based communications. Simply providing a phone number or a web address for services or information or pamphlets or materials is not *direct linkage*.

### 5. specialized center<sup>20</sup>

A *specialized center* is a center that meets the needs of dislocated workers, youth, employers, or key industry sectors or clusters. A *specialized center* must be connected to a comprehensive one-stop center and any appropriate affiliate site.

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<sup>16</sup> 20 CFR § 678.305.(d)(1) – (3)

<sup>17</sup> 20 CFR § 678.310(a)

<sup>18</sup> 20 CFR § 678.305(a)

<sup>19</sup> 20 CFR § 678.305(d)(3)(i) – (ii)

<sup>20</sup> 20 CFR § 678.300(d)(3)