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DEPARTMENT OF LABOR

State of Nebraska

Nondiscrimination Plan

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Equal Opportunity Program/Employer TDD: 800-833-7352 Auxiliary aids and services are available upon request to individuals with disabilities

Introduction

The Nebraska Department of Labor (NDOL) is committed through this Nondiscrimination Plan (NDP) to ensuring compliance with State and Federal nondiscrimination and equal opportunity requirements.

The Plan is designed to give a reasonable guarantee that all recipients defined in § 38.34 of the regulations will comply with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) and Part 38, “Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act” in Title 29 of the Code of Federal Regulations (C.F.R.). 29 C.F.R. § 38.4 (zz) defines recipient to include state-level agencies, state and local workforce development boards, Local Workforce Development Area (LWDA) grant recipients, one-stop operators, service providers (including eligible training providers), On-the Job Training (OJT) employers, Job Corps contractors, outreach and admission agencies, placement agencies, and other National Program recipients.

The Plan is being submitted by Governor Jim Pillen through the Nebraska Department of Labor (NDOL) and its Commissioner. The Nebraska Department of Labor administers programs authorized under WIOA Title I and Unemployment Insurance; therefore, the Plan is a combined Nondiscrimination Plan.

The Plan describes how the state programs and recipients have satisfied the requirements of the regulations; it is organized into eight sections:

1. Assurances
2. Equal Opportunity Officers
3. Notice and Communication
4. Affirmative Outreach
5. Data Information and Collection and Maintenance
6. Oversight of Responsibility for Recordkeeping
7. Complaint Processing Procedures
8. Oversight

SECTION 1: ASSURANCES (§38.25 - §38.27)

Obligation to Provide Written Assurance

All applicants for WIOA Title-1 financially assisted programs or activities through the State of Nebraska must assure that they have the ability to comply with the nondiscrimination provisions of the following for the duration of the award :

- Section 188 of the Workforce Innovation and Opportunity Act WIOA
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
- 29 CFR part 38.

Generally, all use of funds allocated to a grantee and the Local Workforce Development Board must comply with grant procedures prescribed by the Governor and incorporated into grant agreements that provide for assurances of “Nondiscrimination in Federally Assisted Programs of the U.S. Department of Labor” (29 C.F.R. Part 31) and “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance”. The state’s policy on Regional and Local Plans provides that the Nebraska Workforce Development Board and the Governor must review each submitted regional and local plans for compliance with applicable provisions of WIOA and WIOA regulations, including the nondiscrimination requirements of 29 C.F.R. Part 38.

Recipients and the Local Workforce Development Boards must assure that each will comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, prohibiting discrimination on the basis of race, color, national origin, age, sex, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in programs or activities funded or otherwise financially assisted under WIOA.

The state’s Combined State Plan includes common assurances for all core programs. Nebraska has three local workforce development areas (LWDA), Greater Omaha, Greater Lincoln, and Greater Nebraska. Each LWDA regional and local plan also includes the assurances.

The State of Nebraska Department of Labor has not drafted nor issued instruments recording the transfer of real property, structures or improvements on real property or interest in real property or structures from the State to a recipient. However, these assurances, ensuring nondiscrimination and equal opportunity, are included as a part of all lease agreements between the State and a lessee.

Supporting Documentation:

Attachment 1-1	State of Nebraska Combined Plan (selected portions)
Attachment 1-2	State Policy on Regional and Local Plans
Attachment 1-3	Local Workforce Development Area Plan Assurances-GL
Attachment 1-4	Local Workforce Development Area Plan Assurances-GN
Attachment 1-5	Local Workforce Development Area Plan Assurances-GO
Attachment 1-6	State Lease Language
Attachment 1-7	State Procurement Policy
Attachment 1-8	State WIOA Monitor Manual

SECTION 2: EQUAL OPPORTUNITY OFFICERS (§38.28 - §38.33)

State-level Equal Opportunity Officer

The Governor has designated a State-level Equal Opportunity Officer who is a senior-level employee reporting directly to the Commissioner of Labor responsible for state program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements of WIOA and has sufficient staff and resources to carry out the requirements.

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The State-level EO Officer's responsibilities include:

- serving as the State's liaison with the U.S. Department of Labor, Civil Rights Center;
- monitoring and investigating recipient activities to ensure the recipient and subrecipients are in compliance with the nondiscrimination and equal opportunity obligations under WIOA Title I, Part 29, including monitoring the collection of data required to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA;
- reviewing recipient's written policies to ensure they are nondiscriminatory;
- developing, adopting, and publishing the recipient's procedures for processing discrimination complaints under §§ 38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, and ensuring those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint, consistent with § 38.69;
- conducting outreach and education about equal opportunity and discrimination consistent with § 38.40;
- undergoing training to maintain competency in equal opportunity and discrimination provisions of the law;

- overseeing development and implementation of the Nondiscrimination Plan;
- providing initial and continual notice as defined in §§ 38.34 and 38.36 that recipient does not discriminate on any prohibited basis; and

- ensuring recipients, understand and comply with all nondiscrimination provisions of:

    - ✓ Section 188 of the Workforce Innovation and Opportunity Act (WIOA);
    - ✓ Title VI of the Civil Rights Act of 1964;
    - ✓ Section 504 of the Rehabilitation Act of 1973;
    - ✓ The Age Discrimination Act of 1975;
    - ✓ Title IX of the Education Amendments of 1972;
    - ✓ 29 C.F.R. part 38; and
    - ✓ Regulations implementing the federal laws set forth herein.

- ensuring other duties, responsibilities, or activities as assigned do not create a conflict or the appearance of a conflict with the responsibilities of the State Level EO Officer; and

- providing technical assistance, as required, to LWDA EO Officers.

Local-level EO Officers

The State has set forth requirements for designating a recipient-level EO Officer and ensures that the EO Officer is a senior-level employee who has the knowledge, skills and abilities necessary to fill the responsibilities of an EO Officer as set out in 29 C.F.R. Part 38. The State has also set out the responsibilities of the EO Officer in the Policy on Equal Opportunity and Nondiscrimination.

The State and three LWDAs have published equal opportunity and nondiscrimination policies and complaint processing procedures that include the requirement for recipients to designate EO Officers and describe the EO Officer's duties as set out in 29 C.F.R. Part 38. Policies also provide the identity and contact information of the State or recipient-level EO Officers.

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Local EO Officers perform the same duties for their local workforce development area as those of the State-level EO Officer described above, with the exception of liaison duties between the local entities and the State EO Officer.

Publication of State- and Local-level EO Officer Information

The State makes the identity of the State-level EO Officer known to WIOA subrecipients and to the public by the following methods:

- publication and dissemination of the Notice "Equal Opportunity is the Law," as required in §§ 38.34 and 38.36, which includes the name, title, organization, address, email address, telephone and TTY numbers of the State-level EO Officer, including USDOL CRC contact information in English and Spanish. LWDA versions of the Notice include the name of the Local-level EO Officer, including the CRC contact information in English and Spanish;

- online publication on the NDOL intranet, internet Equal Opportunity and Contact Us web pages, and LWDA Contact web pages;

- publication and dissemination of State and LWDA Local and Regional Plans online, inclusive of Nondiscrimination and Equal Opportunity Policies and Procedures for Discrimination Complaints

- publication and dissemination of State and LWDA Nondiscrimination and Equal Opportunity Policies and Procedures on State website

- publication of the State EEO form, including State and LWDA EO Officer contact information (the State is the administrative entity for Greater NE) and

- provision of initial and continuing Notice as prescribed in § 38.34 through internal documents and memoranda, written or electronic communications and publications, orientation and application processes, handbooks, manuals, and during the intake process for each program participant, which is made a part of the participant's case file.

Resources Available to State-level EO Officer

The State-level EO Officer receives administrative, training, monitoring, and compliance support from various resources:

- the State of Nebraska, Department of Labor, Office of Reemployment Services (RES) provides funding for one WIOA Compliance Monitor;

- the State of Nebraska, Department of Labor, Office of General Counsel provides staff support (contract monitor for EO monitoring and training) and oversight to ensure State nondiscrimination and equal opportunity obligations are appropriately addressed and complaints are processed according to 29 C.F.R., Part 38;

- the State of Nebraska, Department of Labor, Public Information Office provides support for:

    - ✓ professional design and publication of posters, brochures, training manuals, web pages, and the Nondiscrimination Plan;

- the State of Nebraska, Department of Labor, Administrative Services provides support for:

    - ✓ online applications support, 508 compliance, assistive technology tools, data collection and analysis through Information Technology (IT) services and resources;
    - ✓ orientation and training of NDOL staff through Human Resources (HR);
    - ✓ ADA compliance provisions in all career center leases negotiated through the State of Nebraska Department of Administrative Services (DAS) and NDOL Procurement throughout the state.

- the Nebraska Department of Labor, Labor Market Information (LMI) division provides regional labor market and demographic data;

- the Assistive Technology Partnership, Nebraska Commission for the Blind and Visually Impaired, and Nebraska Department of Vocational Rehabilitation provide technical support and training;

- the Lincoln Commission on Human Rights provides technical assistance and training through their annual Civil Rights Conference;

- the State of Nebraska DAS Personnel Division ADA Task Force works in partnership with state agencies to ensure programs activities, and services are accessible to all citizens under Title II of the Americans with Disabilities Act;

- the National Association of State Workforce Agencies (NASWA) Equal Opportunity Committee provides training, technical assistance, and resources from the Department of Justices, the Office of Disability Employment Policy (ODEP);

- the USDOL provides training, technical assistance, and resources from the Civil Rights Center (CRC);

- local-level EO Officers provide oversight, monitoring, training, outreach, resources, and technical support; and

- financial support for the WIOA equal opportunity activities is provided by WIOA 5% administrative funds. This expenditure authority is appropriated by the State of Nebraska Legislature.

The State assures that the State-level EO Officer will have staff and resources to carry out requirements of the regulation to conduct investigations, monitoring, training, and compliance activities.

Training

The State-level EO Officer utilizes the resources listed above to conduct outreach and education about equal opportunity and nondiscrimination. All staff receive equal opportunity and nondiscrimination training in new-hire orientation. Training materials from the U.S. Department of Labor, Civil Rights Center, and other partners are shared with LWDA Local-level EO Officers. The State-level EO officer works closely with the WIOA Monitor to ensure statewide grantees are in compliance with equal opportunity and nondiscrimination provisions of State and Federal laws, rules, regulations, ordinances, and Executive Orders.

The State-level and Local-level EO Officers and State Monitor answer staff questions, provide technical assistance, conduct on-site visits and monitor the American Job Centers, career centers, subrecipients, Eligible Training Providers, and other service providers to ensure WIOA Title I-

financially assisted programs and activities operate in a non-discriminatory manner, using monitoring tools and other activities which include:

- collaborative partnerships that communicate and educate statewide and LWDA equal opportunity accountability, ADA accessibility, resources, and tools; and

- on-site technical assistance provided by partners, resources, and State and Local-level EO Officers.

Supporting Documents:

Attachment 2-1	Designation of State-level EOO
Attachment 2-2	NDOL Organizational Chart
Attachment 2-3	State Nondiscrimination and Equal Opportunity Policy
Attachment 2-4	GNWDA Equal Opportunity/Nondiscrimination Policy
Attachment 2-5	GOWDA Equal Opportunity/Nondiscrimination Policy
Attachment 2-6	GLWDA Equal Opportunity/Nondiscrimination Policy
Attachment 2-7	Employee Orientation EO Content
Attachment 2-8	New Employee Orientation EO Training
Attachment 2-9	NASWA EO Committee

SECTION 3: NOTICE AND COMMUNICTION (§38.34 - §38.39)

Initial and Continuing Notice

The Equal Opportunity Notice/Poster described in 29 C.F.R. § 38.35, prepared by the Office of Federal Contract Compliance Programs was published and in place by April 2, 2017. It is provided to registrants, applicants, participants, applicants for employment, and subrecipients with WIOA Title I financial assistance, service providers and members of the public (including vision or hearing impaired and LEP individuals).

Equal Opportunity Notice/Poster

The “Equal Opportunity is the Law” Notice/Poster is published and posted in the administrative offices of the Nebraska Department of Labor, all AJCs, career centers, all staff cubicles in career centers, and online. It is provided in English and Spanish.

Recipients’ Obligations to Publish Equal Opportunity Notice

The Notice is:

- publicized and posted in English and Spanish and any other languages spoken by a significant portion of the population of the area. If requested, additional language assistance is available;
- posted in hardcopy and electronic versions;
- posted in common areas of the administrative offices of NDOL, including the Unemployment Insurance claims center;
- posted in common areas in all American Job Centers and career centers;
- disseminated in internal memoranda with staff;
- posted on the Nebraska Department of Labor websites;
- included in employee and participant handbooks and provided to each employee and participant; documentation is retained in applicable case files. Where an alternative format is provided to an individual, a record that such notice has been given is made a part of the individuals’ file;
- for the visually impaired, assistive technology is available, and when requested, sign language interpreters are made available;
- provided to unemployment insurance claimants;

- distributed by the State to the LWDA Boards and administrative entities;

- included in the State and LWDAs Nondiscrimination and Equal Opportunity Policy; and

Notice Requirement for Service Providers

The State-level and Local-level EO Officers are responsible for monitoring service providers for meeting the notice requirement as provided in §§ 38.34 and 38.35.

Notification to Applicants for Employment

The following information is included in all State of Nebraska Department of Labor materials and broadcast information. It is provided in written, oral, or electronic format and distributed to staff, clients or the public that describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants:

the WIOA Title I program is an "equal opportunity employer/program."

The State of Nebraska State Jobs website includes the tagline:

"The State of Nebraska is an Equal Opportunity Employer."

Rights and responsibilities under the nondiscrimination provisions of WIOA Section 188, 29 C.F.R, Part 38, including the right to file a complaint, is included in every presentation to orient new employees. The presentation is also provided to the LWDA administrative entities to use for the same purpose.

Notification to Individuals with Disabilities

The Notice is provided to all individuals. For those with disabilities, each AJC and career center is equipped with Assistive Technology (AT) tools and resources for individuals with disabilities, including audio, print magnifiers, PC magnifying software, screen readers, OCR, amplified phones, amplifiers, headsets, and accessible desks, keyboards, and mice.

Additionally, the State and LWDAs include the following information in all brochures, materials and broadcast information. It is provided in written, oral, or electronic format and distributed to staff, clients or the public that describe programs financially assisted under Title I of WIOA or the requirements for participation by recipients and participants:

"Auxiliary aids and services are available upon request to individuals with disabilities."

Each AJC and career center is monitored for physical and programmatic access. The State WIOA Monitor determines if proper notices are communicated.

Notification to Individuals with limited English proficiency

The Notice is provided to individuals in English and/or Spanish, which are the languages spoken by a significant number or portion of the population eligible to be served or likely to be encountered in Nebraska. The Notice is readily available in both languages in hard copy and electronically. For languages not spoken by a significant number or portion of the population eligible to be served or likely to be encountered, the State and LWDAs take reasonable steps to meet the particular language needs of LEP individuals.

The “Babel” notice, or Language Assistance notice, has been disseminated within the State and to LWDAs in hard copy and on the NDOL’s website**.** Samples of “Babel” notices included in every form mailed to program participants.

Individuals who require assistance in another language are provided translation services through Language Line. The State’s “Limited English Proficiency Plan” provides guidance to ensure access to programs and activities by LEP individuals.

Supporting Documents:

Attachment 3-1	State EO Poster
Attachment 3-2	UI Handbook EOITL Statement
Attachment 3-3	Tagline Examples
Attachment 3-4	Language Assistance Babel Notice
Attachment 3-5	Examples of UI Notification with Babel Form
Attachment 3-6	State LEP Plan
Attachment 3-7	State Website Translations

SECTION 4: AFFIRMATIVE OUTREACH (§38.40)

Recipients Obligation for Affirmative Outreach

The State has taken appropriate steps to ensure WIOA Title-I financially assisted programs and activities provide equal access to groups by sex, race, ethnicity, religion, limited English proficiency, disability and age, by:

- advertising programs targeting populations;
- sending out notices about programs to schools and community service groups serving various populations; and
- working collaboratively with community service groups to improve outreach.

Affirmative Outreach requirements are specified in the State Policy for Nondiscrimination and Equal Opportunity, including but not limited to:

- individuals with limited English proficiency;
- individuals with disabilities;
- persons of different sexes;
- persons of various racial and ethnic/national origin groups;
- persons of various religions; and
- persons in different age groups.

LWDAs describe outreach, recruitment, and priority of service strategies and efforts in their Local Area Plan. Affirmative outreach is required in the State's Nondiscrimination and Equal Opportunity Policy and detailed in each LWDA policy.

Supporting Documents

Attachment 4-1	Local Workforce Development Area Plan Outreach-GO
Attachment 4-2	Local Workforce Development Area Plan Outreach-GN
Attachment 4-3	Local Workforce Development Area Plan Outreach-GL
Attachment 4-4	State Priority Population Priority of Service
Attachment 4-5	UI Claim Outreach Materials
Attachment 4-6	MSFW Outreach Materials
Attachment 4-7	NEworks Materials

SECTION 5: DATA COLLECTION AND DISSEMINATION (§38.41 - 38.45)

Collection and Maintenance of Equal Opportunity Data and Other Information

Consistent with 29 C.F.R § 37.41, the State collects, maintains and is able to provide data reports to assist the CRC, State-level, and Local-level EO Officers monitor a recipient's performance and compliance with the nondiscrimination and equal opportunity provisions of WIOA. Data records, to include race, ethnicity, sex, age, and where known, disability status, are maintained on applicants, registrants, participants, terminees, employees, and applicants for employment.

Recipients have been notified of the requirement to collect and maintain data. The State Monitor's duties include determining if recipients properly collect and maintain data.

The state policy for Nondiscrimination and Equal Opportunity specifies requirements for the collection and maintenance of equal opportunity data including limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.

Data is stored in a manner that is confidential and used only for the purposes of:

- recordkeeping and reporting;
- determining eligibility for WIOA Title I-financially assisted programs or activities;
- determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or
- other use authorized by law.

The NDOL records race, ethnicity, and sex for employees. Disability status is collected via disability self-disclosure statements.

Data collection for employment applicants is done by a separate agency, the Department of Administrative Services (DAS), which controls the questions asked on the state employment application forms. The forms record the gender, race, and ethnicity of applicants.

For programs:

- applicant characteristics are collected in NEworks, the State's case management system for employment and training and unemployment programs. Data is collected at the point of intake and/or service. Data on age, sex, disability, race and ethnicity is collected on registrants for employment and training programs, including Wagner-Peyser, TAA, and WIOA;

  - ✓ sex, ethnicity, race and age is collected on applicants for unemployment benefits;
  - ✓ data on ethnicity is a part of the State's limited English proficiency Plan; and

- ✓ under WIOA, the Recipient is required to publish on an annual basis, Eligible Training Provider reports, including the total number of WIOA participants who receive training services under adult and dislocated worker programs for the most recent year and three preceding program years, including the number of WIOA participants disaggregated by race, ethnicity, sex and age.
- ✓ "English language learner" is a reporting element collected in program applications for Wagner-Peyser, WIOA, and TAA for purposes of gathering LEP data.

Medical and disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, is collected on separate forms. Knowledge of medical condition or disability is only accessed by certain individuals within the HR department (for employees), or program staff responsible for determining eligibility for programs or activities, and provided to others only upon a release or subpoena, or as allowed under state law and regulations. Supervisors, managers and necessary staff are informed regarding restrictions on activities of individuals with disabilities and regarding reasonable accommodations.

All such information, whether in hard copy, electronic, or both, is:

- maintained in one (1) or more separate files, apart from any other information about the individual; and
- treated as confidential.

Required Maintenance of Records by Recipients

Each recipient maintains:

- records in electronic or hard copy form for not less than three years from the close of the applicable program year;
- a log of complaints filed with the recipient that allege discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, or participation in a WIOA Title-I financially assisted program or activity

Records related to a complaint or compliance review, including records that have any relevance to the underlying allegations in the complaint, or records subject to the compliance review, as well as records regarding actions take on the complaint or compliance review, are all preserved for a period of not less than three years from the date of final action related to the resolution of the complaint or compliance review.

Information that could lead to identification of a particular individual as having filed a complaint is kept confidential. Only authorized personnel with a need to know on the basis of performance of job duties for use in determining program compliance with nondiscrimination requirements, are provided access to records.

CRC Access to Information and Information Sources

Recipients will notify the Director of CRC when any administrative enforcement actions or lawsuits are filed against recipient alleging discrimination as the bases set out in § 38.42.

Recipients will provide information about compliance review or complaint investigation conducted by any federal agency. Recipients have been notified of the requirements to report enforcement actions, lawsuits, compliance reviews and complaint investigations, and to maintain such records. The State Monitor determines if administrative enforcement actions or lawsuits have been filed against recipients.

Supporting Documents:

Attachment 5-1	State Eligible Training Provider Policy
Attachment 5-2	State Records Management Policy
Attachment 5-3	State Self-Disclosure Form

SECTION 6: GOVERNOR'S OVERSIGHT RESPONSIBILITY REGARDING RECIPIENTS' RECORDKEEPING (38.53)

The Governor, through the State of Nebraska Department of Labor, will ensure that recipients collect and maintain records, and are able to provide data and reports as prescribed by the director of the CRC.

Policies are in place concerning the accuracy of data collection, including collection and maintenance of records on applicants, registrants, eligible applicants/registrants, participants, terminees, and OJT employees, including:

The State Plan details requirements for a recipient for data collection on every individual considered for WIOA Title-I financially assisted aid, benefits, services, or training.

There is a system in place for enhanced data sharing with American Job Centers and training providers. Data collection and reporting processes are in place for State Plan partners and programs.

The State has developed and is continuing to refine a data warehouse of workforce data as part of its performance accountability system, by which it can aggregate data according to client characteristics, among other identifiers.

Supporting Documents:

Attachment 6-1	State WIOA Eligibility Policy
Attachment 6-2	Perf. Accountability Policy
Attachment 6-3	State OJT Policy
Attachment 6-4	State Annual Report

SECTION 7: COMPLAINT PROCESSING PROCEDURES (§ 38.72 and 38.73)

The State and LWDAs have published complaint processing policies and procedures that comply with §38.72. The policies require recipients to develop procedures for processing discrimination complaints, including the requirement for the recipient to issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint was filed.

The procedures contain the required elements and are available in English and Spanish:

- initial written notice to the complainant that includes the following:

  - ✓ an acknowledgement that the complaint was received;
  - ✓ notice the complainant has the right to be represented in the complaint process;
  - ✓ notice of rights contained in § 38.35; and
  - ✓ the right to request and receive, at no cost, auxiliary aids and service, language assistance services, and that the Notice will be translated into non-English languages as required.

- a written statement of the issue(s), provided to the complainant that include the following:

  - ✓ a list of the issues raised in the complaint; and
  - ✓ for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

- a period for fact-finding or investigation of the complaint;

- a period during which the recipient attempts to resolve the complaint, including alternative dispute resolution (ADR);

- a written Notice of Final Action, to be provided to the complainant within 90 days of the date on which the complaint was filed that includes the following:

  - ✓ the recipient's decision on the issue(s) and the reasons for the decision;
  - ✓ a description of the way the parties resolved the issue; and
  - ✓ notice that the complainant has the right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint;

- a provision for ADR, including

- ✓ the complainant's right to attempt ADR at any time after the complaint has been filed and the Notice of Final Action has been issued;
- ✓ the choice to use ADR rests with the complainant;
- ✓ the complainant's right to notify the CRC if an agreement is breached and to file a complaint with the CRC if the CRC determines the agreement was breached;
- ✓ the complainant's right file a complaint with the CRC if the parties do not reach an agreement.

The State has revised its policies on complaint processing procedures to align with § 38.72 in the Discrimination Complaint Referral Guide Policy and Procedures for Investigation & Resolution of Discrimination Complaints.

The discrimination complaint form is readily available on the State of Nebraska Department of Labor EO webs page in both English and Spanish.

Supporting Documents:

Attachment 7-1	NDOL Complaint Referral Policy
Attachment 7-2	NDOL Procedures for Investigation & Resolution of Discrimination Complaints
Attachment 7-3	State Grievance and Complaint Policy
Attachment 7-4	Discrimination Complaint Forms
Attachment 7-5	NDOL Nondiscrimination and EO Policy

SECTION 8: GOVERNOR'S MONITORING AND OVERSIGHT (§38.51 - 38.53)

The Governor is responsible for oversight and monitoring of all WIOA Title I-financially assisted state programs. The State of Nebraska Department of Labor, Local Workforce Development Boards, and EO Officers share annual oversight responsibilities and the assessment of Title-I-financially assisted state programs:

- are in compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiate, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under § 38.91(b);

- are monitored annually, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum, each annual monitoring review must include:

  - ✓ a statistical or other quantifiable analysis of records and data kept by the recipient under § 38.41, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;
  - ✓ an investigation of any significant differences in participation in the programs, activities, or employment provided by the recipient, to determine if these differences appear to be caused by discrimination;
  - ✓ an assessment to determine if the recipient has fulfilled its administration obligations under Section 188 of WIOA (recordkeeping, notice and communication, etc.,); and
  - ✓ any duties assigned under the Nondiscrimination Plan.

Oversight is accomplished through the State-level EO Officer, Local-level EO officers, and the State WIOA Monitor.

The duties of the State WIOA Monitor include determining compliance with the nondiscrimination, disability, and equal opportunity requirements of WIOA. The State Monitor has made findings regarding compliance with these provisions in reviews of each LWDA.

The State, through the Department of Labor as designee of the Governor, will monitor compliance of recipients with WIOA Section 188, Part 38 of the regulations annually, including:

- **statistical analysis** of records and data kept by recipient by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;

- **investigation** (through review of recipient's records) of any significant differences in participation in programs, activities or employment provided by the recipient to determine if these differences appear to be caused by discrimination; and

- **assessment** to determine whether recipient has fulfilled administrative obligations under Section 188, Part 38 of the regulations, and any duties assigned under the Nondiscrimination Plan.

The State is required to publish annually Eligible Training Provider reports, including the total number of participants who received training services under adult and dislocated worker programs for the most recent year and three preceding program years, including the number of WIOA participants disaggregated by race, ethnicity, sex, and age.

Corrective Action and Sanctions

When reviews or investigations result in findings by the State Monitor or State EO Officer, corrective action is required. The State has procedures for obtaining prompt corrective action or applying sanctions where noncompliance is found, through the State Monitor or referring to EO Officer for corrective action steps. Findings resulting from State Equal Opportunity Officer activities will follow the same procedure.

A corrective action is required where there is cause to believe a violation of the nondiscrimination and equal opportunity provisions of Section 188 of WIOA has occurred. If the violation were of a technical nature, for example, failure to include tag lines in a communication, a corrective action would require that tag lines be included in communications. If the violation were as the result of an investigation finding discrimination, the appropriate corrective action would be to change the conditions that brought about the discrimination and correct the discriminatory situation through relief.

Findings and corrective actions plans are documented in writing and include assurances the violation will be corrected within a defined timeframe that demonstrates the situation is resolved, including steps that ensure the violation is not repeated.

Supporting Documents:

Attachment 8-1	LWDA Monitoring Report - GL
Attachment 8-2	LWDA Monitoring Report – GO
Attachment 8-3	LWDA Monitoring Report – GN
Attachment 8-4	State Monitor Schedule
Attachment 8-5	State EOO Monitoring Guide
Attachment 8-6	State One-Stop Delivery Assessment and Certification Policy
Attachment 8-7	NDOL Procurement Policy
Attachment 8-8	LWDA Monitoring Policy - GN
Attachment 8-9	LWDA Monitoring Policy – GL/GO
Attachment 8-10	LWDA Monitoring Schedule -GL/GN
Attachment 8-11	LWDA Monitoring Schedule – GO
Attachment 8-12	WIOA Procurement Policy

Additional Elements of the Plan

System for Assessing Grant Applicants' Ability for Compliance

The State has a system for determining whether a grant applicant or training provider is likely to conduct its WIOA Title I-financially assisted activities in a nondiscriminatory way and to comply with Part 38 of the regulations documented in the Eligible Training Provider Policy. Nondiscriminatory provisions are included in the eligibility review process for both Eligible Training Providers and WIOA sub-recipient awards.

Review of Policies

The State-level EO Officer and State Monitor conduct reviews of Local Workforce Development Boards' policy issuances to ensure they are nondiscriminatory.

The State-level EO Officer and the General Counsel review State policies to ensure that they are nondiscriminatory.

Review of Job Training Plans, Contracts, Assurances

The State has a system for reviewing recipients' job training plans to ensure they are nondiscriminatory and contain required nondiscrimination and equal opportunity required language.

The job training plans (individual employment plan or individual service strategy) for participants are integrated within the case management system, NEworks. EEO language regarding nondiscrimination is included on all webpages of NEworks for notice to public end-users.

The State of Nebraska Department of Labor Office of General Counsel prepares and reviews contracts and other agreements to ascertain that they are nondiscriminatory and contain required equal opportunity language. All WIOA agreements incorporate WIOA assurances, including assurances of nondiscrimination and equal opportunity. The State Monitor reviews written agreements and contracts in a procurement review to determine compliance in accordance with §§ 38.25 and 38.26.

Procedures for Ensuring Compliance

The State and LWDAs share responsibility to monitor for compliance. Monitoring is accomplished through policy, procedures, tools, training, and technical assistance. Procedures are implemented by the State-level EO Officer, the Local Workforce Development Boards, the Nebraska Department of Labor through its Office of Reemployment Services, and the State WIOA Monitor. Monitoring tools are utilized by the State Monitor and have been provided to LWDA EO Officers by the State-level EO Officer. The State and LWDAs work collaboratively to develop plans for data collection, training, and monitoring to ensure compliance.

Eligible Training Providers must comply with the nondiscrimination requirements of WIOA and must be compliant with the ADA in order to be eligible for assistance. Eligibility will be denied or terminated if there is a substantial violation of 29 C.F.R. Park 38.

The Regional and Local Plan Policy requires that a local plan must comply with applicable provisions of WIOA and WIOA regulations, including the nondiscrimination provisions of 29 C.F.R., Part 38.

Procedures for Ensuring Compliance for Individuals with Disabilities

The State has procedures for ensuring that recipients comply with applicable federal discrimination law with regard to people with disabilities (Section 504, ADA, WIOA Section 188, and Part 38 of the regulations) and for providing physical and programmatic access. The State-level EO Officer, the Local Workforce Development Boards, the State of Nebraska Department of Labor, Office of Reemployment Services, and the State WIOA Monitor establish procedures and provide training, tools, and technical assistance.

The One-stop Delivery System Assessment and Certification Policy mandates physical accessibility, awareness of, and compliance with federal, state and local laws, rules, regulations, and policies regarding nondiscrimination and equal opportunity for individuals with disabilities. AJCs must meet this criteria or certification is not granted.

Assistive Technology is available in all AJCs and career centers, including audio, print magnifiers, PC magnifying software, screen readers, OCR, amplified phones, amplifiers, headsets, and accessible desks, keyboards, and mice. Websites are regularly reviewed and scanned for 508 compliance.

All State leases include provisions for ADA compliance.

A System for Policy Communication and Training

The State has a system for policy communication and training to ensure that EO Officers and recipient staff can effectively carry out the nondiscrimination and equal opportunity requirements of WIOA and Part 38 of the regulations. Practices include:

- the State-level EO Officer is a member of the NASWA EO Committee and attends meetings and quarterly conference calls. The committee is comprised of State-level EO Officers from across the nation who share best practices, resources, and training. Training topics center on implementing WIOA Section 188 equal opportunity provisions, universal access, compliance monitoring, data collection, etc.;

- the State-level EO Officer and HR Administrator, and other staff as designated, attend the Lincoln Commission on Human Rights Conference each year;

- training/presentation materials, tools, and resources are provided online to Local-level EO Officers;
- recipient staff receive EO training as a part of new hire orientation;
- training is provided to AJC and career center managers, staff, and local-level EO officers online or in-person;
- policies, complaint filing procedures, and resources are disseminated and available online.

Procedures for Obtaining Prompt Corrective Action and Applying Sanctions

The State has procedures for obtaining prompt corrective action or applying sanctions where noncompliance is found through the State Monitor.

A corrective action is required where there is cause to believe a violation of the nondiscrimination and equal opportunity provisions of Section 188 of WIOA has occurred. If the violation is of a technical nature, for example, failure to include tag lines in a communication, a corrective action would require that tag lines be included in communications. If the violation is the result of an investigation finding discrimination, the appropriate corrective action would be to change the conditions that brought about the discrimination and correct the discriminatory situation through relief (retroactive benefits, provision of training, services, etc.).

Findings and corrective actions are documented in writing and include assurances the violation will be corrected within a defined timeframe that demonstrates the situation is resolved, including steps that ensure the violation is not repeated.

Appropriate corrective actions are designed to completely correct violations. The State will seek corrective action in the following circumstances:

- technical deficiencies (failure to perform on written assurances, comply with regulations, or provide universal access, causing disparate impact in services);
- findings and violations resulting from complaints and grievances; and
- refusal to voluntarily remedy through the corrective action process, failure to submit requested data or documentation.

Sanctions will occur when a recipient does not have the capacity to correct a violation(s) or when a recipient refuses to do so.

NEBRASKA

Good Life. Great Opportunity.

Jim Pillen, Governor

Ms. Naomi M. Barry-Pérez
Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW, Suite N-4123
Washington, D.C. 20210

Dear Director Barry-Pérez:

Enclosed please find the Nondiscrimination Plan for Nebraska. The State has taken significant steps in implementing this plan and will continue to refine and develop the plan and put it into action for the benefit of all Nebraska citizens.

The State of Nebraska is committed to ensuring an inclusive and supportive environment through universal access to all its facilities and programs, including WIOA Title I. Removing access barriers, particularly to protected classes, is a high priority. We are focused on eliminating discrimination in all its forms, including race, color, religion, sex, national origin, age, disability, political affiliation or belief, and citizenship.

Respectfully submitted,

Jim Pillen, Governor

Jim Pillen, Governor
Office of the Governor
P.O. Box 94848
Lincoln, Nebraska 68509-4848
Phone: 402-471-2244
governor.nebraska.gov

An Equal Opportunity Employer



Combined State Plan For Nebraska's Workforce System

Program Years 2020 – 2023

(July 1, 2020 – June 30, 2024)

2022 Modification (effective July 1, 2022 – June 30, 2024)

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Title I adult program

For the Title I Adult program, priority of service is based on the following structure:

1. First, to Veterans and eligible spouses of Veterans who are:
    a. recipients of public assistance;
    b. low-income; or
    c. basic-skills deficient;
2. Second, to individuals who are not Veterans and eligible spouses of Veterans but are:
    a. recipients of public assistance;
    b. low- income; or
    c. basic-skills deficient;
3. Third, to Veterans and eligible spouses of Veterans who are not:
    a. recipients of public assistance;
    b. low- income; or
    c. basic-skills deficient
4. Last, to non-Veterans who are not:
    a. recipients of public assistance;
    b. low- income; or
    c. basic-skills deficient.

Title I dislocated worker program

Services to eligible WIOA dislocated worker program participants must be provided in the following order:[53]

1. First, the individual must meet the eligibility criteria described in WIOA Section 3(15) and the state's policy on program eligibility.
2. Second, if the individual meets program eligibility criteria *and* is a Veteran or eligible spouse of a Veteran, the individual must be given priority over dislocated workers who are non-Veterans.

Service members exiting the military, including recipients of Unemployment Compensation for Ex-Military members (UCX), generally qualify as dislocated workers. [54] Military spouses of service members exiting the military may also qualify as dislocated workers.[55]

Title III Wagner-Peyser Employment Service

Veterans and eligible spouses of Veterans must receive priority of service over all other Wagner-Peyser Employment Services program participants.[56]

JVSG

Disabled Veterans Outreach Program (DVOP) specialists must provide career services to eligible Veterans and eligible spouses of Veterans. DVOP specialists must prioritize services to:

- special disabled Veterans;[57]
- other disabled Veterans;[58] and
- other eligible Veterans who are economically or educationally disadvantaged.[59]

[53] TEGL 22-04
[54] Ibid.
[55] TEGL 03-15
[56] TEGL 10-09; VPL 07-09
[57] *Special disabled Veteran* means (1) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary for a disability rated at 30 percent or more or 10 or 20 percent in the case of a veteran who has been determined under 38 USC § 3106 to have a serious employment handicap; or (2) a person who was discharged or released from active duty because of service-connected disability.
[58] *Disabled Veteran* means a Veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary; or a person who was discharged or released from active duty because of a service-connected disability.
[59] *Eligible Veteran* means a person who (1) served on active duty for a period of more than one-hundred eighty (180) days and was discharged or released therefrom with other than a dishonorable discharge; (2) was discharged or released from active duty because of a service-connected disability; (3) as a member of a reserve component under an order to active duty served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge; (4) or was discharged or released from active duty by reason of a sole survivorship

Further, DVOP specialists must limit their activities to providing services to eligible Veterans and eligible spouses who:[60]

- meet the definition of an individual with a Significant Barrier to Employment (SBE); or
- are Veterans ages 18 through 24.

Outreach and processes

Priority of service for Veterans is highlighted and promoted on the state's Priority of Service webpage (https://dol.nebraska.gov/EmploymentAndTraining/Veterans/VeteranServices/PriorityofService), through distribution of program materials throughout the one-stop delivery system, and by workforce system partners.

All American Job Centers have integrated the JVSG program into their one-stop delivery system. Signage at one-stop centers promotes priority of service for Veterans and greeter staff asks individuals if they have ever served in the military. If so, greater staff advises the individuals that they may qualify for Veterans' priority of service. In addition, all one-stop centers utilize the VOS (Virtual One Stop) Greeter. The VOS Greeter provides a digital checklist that is completed by staff or one-stop customers and identifies SBE's. (As described in Sections III.b.1.A and III.b.6.A.ii, The VOS provides the one-stop partners with enhanced capabilities to conduct real-time common intake and use common-intake data to make effective data-driven decisions.)

When a Veteran or eligible person is determined to have an SBE, they are referred to DVOP staff for individualized career services. DVOPs serve as case managers for Veterans having SBEs. At least one DVOP and/or LVER staff member is located in each region of the state along with at least one Wagner-Peyser Employment Service staff member trained and certified in Veterans programs by the National Veterans Training Institute.

If a Veteran or eligible person does not have an SBE, the individual still receives priority of service in programs funded in whole or in part by USDOL. If the individual is referred to a partner administering a USDOL-funded program, the individual's status as a Veteran or eligible person is communicated to the partner to ensure priority of service.

Monitoring priority of service

The State WIOA monitor assesses local area compliance with priority of service requirements established in the state's policy and in Federal law, rules, regulations, and guidance. In addition, the state's JVSG Program Coordinator conducts quality assurance reviews monthly, including reviews of participant records in the state's mismanagement information system, NEworks, to ensure that priority of service is occurring and consistently provided.

Local area priority of service

Local area compliance with the priority requirements established under the state's policy must be monitored by the local board or its designated local area monitor in accordance with its local area policy on monitoring. Monitoring must include a review of the processes established under the local area policy on ensuring priority of service.

8. Addressing the Accessibility of the One-Stop Delivery System for Individuals with Disabilities

Describe how the one-stop delivery system (including one-stop center operators and the one-stop delivery system partners), will comply with section 188 of WIOA (if applicable) and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) with regard to the physical and programmatic accessibility of facilities, programs, services, technology, and materials for individuals with disabilities. This also must include a description of compliance through providing staff training and support for addressing the needs of individuals with disabilities. Describe the State's one-stop center certification policy, particularly the accessibility criteria.

EO reviews

The state's compliance with the requirements of WIOA Sec. 188 and the American with Disabilities Act regarding physical and programmatic accessibility is addressed under Nebraska's Nondiscrimination Plan, which includes provisions for

discharge. The Secretary of Labor does not interpret the statutes to require priority to be given in the order that these groups are listed. Instead, DVOP specialists must provide the same priority to serving special disabled, other disabled and other Veterans prioritized by the Secretary, including those the Secretary has identified as having Significant Barriers to Employment

[60] VPL 04-14; In recent years, Veterans ages 18-24 have experienced a higher rate of unemployment than other Veterans as well as non-Veterans of the same age. The Department of Labor is anticipating an increase in the number of Veterans 18-24 transitioning from active military service. This group of Veterans may also possess limited civilian work history, which can make transitioning to the civilian labor force more difficult. Based on these facts, the Secretary has determined Veterans between the ages of 18 and 24 may need and benefit from the intensive services provided by a DVOP specialist.

Equal Opportunity (EO) reviews of the one-stop delivery system. The Nebraska Department of Labor State Monitoring Unit performs the EO reviews.

Assistive technology

In 2016, the state submitted an Unemployment Insurance Supplemental Budget Request (SBR) to fund assistive technology upgrades. Following approval of the request, the State worked with the Assistive Technology Partnership (ATP) to identify components required to provide state-of-the art hardware and software to one-stop centers across the state. Based on the outcome of the consultation with ATP and available funding through the SBR, the state was able to upgrade assistive technology, as described in Table 97.

Table 97. Assistive technology

Item	Quantity
Acrobat Reader	13
XY Tables	13
Merlin Smart Reader	13
Flex Station adjustable table	13
Kensington Privacy Monitor Screens	27
Contour Keyboard	14
Contour Mouse	14
Hearing Devices: Clearsounds Headset	13
Hearing Devices: Clearsounds Neck loop	13
Zoom Text Software Enterprise License	15
Dell Optiplex 5050 SFF XCTO PC's	14
Ultra Sharp 24" Monitors	27
Amplified Phone Clearsounds CSC 600	15

In addition, Nebraska's Title IV programs provide access in their respective offices to assistive technology, such as:

- computer screen magnification and screen reading software;
- HD camera to enlarge printed copy;
- adjustable height work surface table;
- 24" Ultra Sharp computer monitor;
- privacy monitor screen;
- accessible computer keyboard and mouse;
- amplified headset and neck loop amplifier, both with TCoil;
- amplified phone with option to use amplified headset or neck loop amplifier;
- OCR reading device that will verbally read aloud printed materials; and
- updated desktop PCs.

Staff training and support

In September 2018, training and support was provided for one-stop center staff and co-located partners to ensure appropriate use and application of assistive technology. One-stop center staff also received training and support on addressing the needs of individuals with disabilities. Further, the Nebraska VR Program makes available to one-stop centers training on Nebraska VR's referral process and disability etiquette.

Non-discrimination and Equal Opportunity policy

The state's non-discrimination and equal opportunity policy requires that each local board ensure its one-stop centers provide equal access to programs and services.

Physical accessibility requirements

Recipients[61] must ensure that no qualified individual with a disability is excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities.

Programmatic accessibility

Each recipient must ensure that all WIOA Title I financially assisted programs and activities are programmatically accessible, which includes:

- providing reasonable accommodations for individuals with disabilities;
- making reasonable modifications to policies, practices, and procedures;
- administering programs in the most integrated setting appropriate;
- communicating with persons with disabilities as effectively as with others; and
- providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

Reasonable accommodations and modifications

With regard to employment and aid, benefits, service, and training, each recipient must:

- provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship; and
- make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.

Communications

Each recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others, including communications with program applicants and participants, applicants for employment and employees, members of the public, and their companions.

Assurances

Each recipient of WIOA Title I financial assistance must provide written assurances that it will adhere to and comply with the requirements of WIOA Sec. 188 and 29 CFR Part 38.

- In the case of a local board, the assurances are included in the local board's WIOA Title I grant agreement with NDOL.
- For all other recipients of WIOA Title I financial assistance provided through the local board, the assurances must be provided in writing as part of an appropriate written agreement between the recipient and the local board or its authorized designee.

Equal Opportunity Notice

Each recipient of WIOA Title I financial assistance must provide initial and continuing notice that it does not discriminate on any prohibited basis. The notice must be provided to:

- registrants;
- applicants;
- participants;
- applicants for employment and employees;

[61] For purposes of the policy, the term *recipient* means any entity that receives WIOA Title I funds either directly from the US Department of Labor or through the Governor or another recipient, including, but not limited to, local workforce development boards; one-stop operators; one-stop delivery system partners; Job Corps contractors and center operators, excluding the operators of Federally-operated Job Corps centers; Job Corps national training contractors; outreach and admissions agencies, including Job Corps contractors that perform these functions; placement agencies, including Job Corps contractors that perform these functions; and other national program recipients, including Native American program recipients; Migrant and Seasonal Farmworker Program recipients; and YouthBuild recipients; and other subrecipients, except for service providers. Individuals participating in WIOA Title I programs are not recipients

- unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- subrecipients that receive WIOA Title I financial assistance from the recipient; and
- members of the public, including those with impaired vision or hearing and those with limited English proficiency.

The notice must contain the specific wording identified in 29 CFR § 38.35.

Publications, broadcasts, and other communications

PUBLICATION OF THE EQUAL OPPORTUNITY NOTICE

At a minimum, the Equal Opportunity Notice must be:

- posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's web site pages;
- disseminated in internal memoranda and other written or electronic communications with staff;
- included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available;
- provided to each participant and employee; and
- made part of each participant's and employee's file and be a part of both paper and electronic files, if both are maintained.

In addition, the Equal Opportunity Notice must be:

- provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments;
- provided to participants in appropriate languages other than English; and
- initially published and provided within 90 calendar days of the latter of January 3, 2017 or the first date the requirements of WIOA Sec. 188 and 29 CFR Part 38 apply to the recipient (i.e., within 90 days of first becoming a recipient).

Where the Equal Opportunity Notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that the alternate-format notice has been given must be made a part of the employee's or participant's file.

PRINTED AND ELECTRONIC MATERIALS AND VERBALLY-PROVIDED INFORMATION

Recipients must indicate:

- the WIOA Title I financially assisted program or activity in question is an equal opportunity employer/program; and
- auxiliary aids and services are available upon request to individuals with disabilities.

This requirement applies to recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe WIOA Title I financially assisted program or activities or the requirements for participation by recipients and participants. When these materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or other equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient.

INFORMATION PROVIDED THROUGH NEWS MEDIA

Recipients that publish or broadcast program information in the news media must ensure that the publications and broadcasts state that:

- the WIOA Title I financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I financially assisted program or activity is prohibited by Federal law); and
- auxiliary aids and services are available upon request to individuals with disabilities.

ORIENTATIONS

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I financially assisted program or activity, a recipient must include a discussion of rights under the nondiscrimination and

equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or CRC Director. This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities. When possible, the Equal Opportunity Notice should be provided in print and signed by WIOA Title I program participants and employees of the recipient and retained on file.

Affirmative outreach

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected under 29 CFR Part 38, including but not limited to:

- individuals with limited English proficiency;
- individuals with disabilities;
- persons of different sexes and age groups; and
- persons of various racial and ethnic/national origin groups and religions.

Collection and maintenance of EO data

Each recipient must collect data and maintain records the CRC Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with WIOA Sec. 188 and 29 CFR Part 38.

Records must be collected and maintained on:

- program applicants;
- registrants;
- eligible applicants/registrants;
- participants;
- terminees;
- employees; and
- applicants for employment.

Each recipient must record the race/ethnicity, sex, age, and where known, disability status of the groups specified above. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. This collected information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of:

- recordkeeping and reporting;
- determining eligibility, where appropriate, for WIOA Title I financially assisted programs or activities;
- determining the extent to which the recipient is operating its WIOA Title I financially assisted program or activity in a nondiscriminatory manner; and
- other uses authorized by law.

MEDICAL AND DISABILITY-RELATED INFORMATION

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

COMPLAINTS

Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis of:

- race;
- color;
- religion;
- sex (including pregnancy, childbirth, and related medical conditions);
- national origin;

- age;
- disability;
- political affiliation or belief;
- citizenship; or
- participation in a WIOA Title I financially assisted program or activity.

The log must include:

- the name and address of the complainant;
- the basis of the complaint;
- a description of the complaint;
- the date the complaint was filed;
- the disposition and date of disposition of the complaint; and
- other pertinent information.

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

A service provider's responsibility for collecting and maintaining the information required under this section may be assumed by the Governor or local area grant recipient, as provided in the state's nondiscrimination plan.

INFORMATION TO BE PROVIDED TO CRC

Notification of administrative enforcement actions or lawsuits. Each recipient must promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of:

- race;
- color;
- religion;
- sex (including pregnancy, childbirth, and related medical conditions);
- national origin (including limited English proficiency);
- age;
- disability;
- political affiliation or belief; or
- for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I financially assisted program or activity.

This notification must include the:

- names of the parties to the action or lawsuit;
- forum in which each case was filed; and
- relevant case numbers.

Compliance reviews and complaint investigations. Each recipient, as part of a compliance review or monitoring activity conducted or carried out by the CRC Director, must provide the following information:

- the name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and
- information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity.

This information must include the:

- names of the parties;
- forum in which each case was filed; and
- relevant case numbers.

At the discretion of the CRC Director, recipients may be required to provide, in a timely manner:

- any information and data that the Director considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38; and
- the particularized information and/or to submit the periodic reports that the CRC Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

RECORDS RETENTION

Each recipient 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:

- records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and
- other records as are required under 29 CFR Part 38 or by the CRC Director.

Where a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those records for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review.

RECORDS ACCESS

Each recipient must permit access by the CRC Director or the Director's designee during its hours of operation to its premises and to its employees and participants, to the extent that such individuals are on the premises during the course of the investigation, for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with a state's development and implementation of a nondiscrimination plan, and for inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Asserted considerations of privacy or confidentiality are not a basis for withholding information from CRC and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38.

Whenever any information that the Director asks a recipient to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the recipient must certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed or refused to provide it. This certification must list the name and address of the agency, institution, or person that has possession of the information and the specific efforts the recipient made to obtain it.

Procedures

COMPLAINT FILING

Any individual, or individual's representative, who believes that the individual or any specific class of individuals, has been or is being subjected to discrimination, harassment, or retaliation prohibited under WIOA Sec. 188 or 29 CFR Part 38 may file a written complaint. The complaint may be filed with the recipient's EO Officer or the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.

Generally, a complaint must be filed within 180 days of the alleged discrimination, harassment, or retaliation. However, for good cause shown, the CRC Director may extend the filing time. The time period for filing is for the administrative convenience of CRC and does not create a defense for the respondent.

Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- the complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant);
- the identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);

- a description of the complainant's allegations, which must include enough detail to allow the CRC Director or the recipient, as applicable, to decide whether CRC or the recipient, as applicable, has jurisdiction over the complaint; the complaint was filed in time; and the complaint has apparent merit, in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 or 29 CFR Part 38; and
- the written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

A complaint may be filed by completing and submitting CRC's Complaint Information Form and Privacy Act Consent, which may be obtained either from the recipient's EO Officer or from CRC. The forms are available electronically on CRC's website and in hard copy via postal mail upon written request to Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.

RIGHT TO REPRESENTATION

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

COMPLAINT PROCESSING PROCEDURES FOR RECIPIENTS

The procedures that a recipient adopts and publishes for processing complaints permitted under WIOA Sec. 188 and 29 CFR Part 38 must state that the recipient will issue a written notice of final action on complaints within 90 calendar days of the date on which the complaint is filed. At a minimum, the procedures must include the following elements:

- initial, written notice to the complainant that contains the following information:
  - an acknowledgment that the recipient has received the complaint;
  - notice that the complainant has the right to be represented in the complaint process;
  - notice of rights contained in 29 CFR § 38.35; and
  - notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in 29 CFR §§ 38.4(h) – (i), 38.34, and 38.36.
- a written statement of the issue(s), provided to the complainant, that includes the following information:
  - a list of the issues raised in the complaint; and
  - For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection;
- a period for fact-finding or investigation of the circumstances underlying the complaint;
- a period during which the recipient attempts to resolve the complaint which must include alternative dispute resolution (ADR), as described in 29 CFR § 38.72(c);
- a written notice of final action, provided to the complainant within 90 calendar days of the date on which the complaint was filed, that contains the following information:
  - for each issue raised in the complaint, a statement of either:
    - the recipient's decision on the issue and an explanation of the reasons underlying the decision; or
    - a description of the way the parties resolved the issue; and
  - notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the notice of final action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

The recipient's ADR procedures must provide for the following.

- The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
- The choice whether to use ADR or the customary process rests with the complainant.
- A party to any agreement reached under ADR may notify the CRC Director in the event the agreement is breached. In such circumstances, the following rules will apply.
  - The non-breaching party may notify with the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
  - The CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director as described in 29 CFR §§ 38.69 – 38.71.

COMPLAINT PROCESSING PROCEDURES FOR SERVICE PROVIDERS

The Governor or the local area grant recipient (i.e., Chief Elected Official), as provided in the state's nondiscrimination plan, must develop and publish, on behalf of its service providers, the complaint processing procedures required in 29 CFR § 38.72. The service providers must then follow those procedures.

NOTICE OF RECIPIENT'S LACK OF JURISDICTION

If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing within five business days of making such determination. This 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.

NOTICE OF FINAL ACTION

If the recipient issues a notice of final action before the 90-calendar 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. If, by the end of 90 calendar days from the date on which the 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 calendar days of the expiration of the 90-calendar day period. In other words, the complaint must be filed with the CRC Director within 120-calendar days of the date on which the complaint was filed with the recipient.

One-stop delivery system assessment and one-stop center certification policy

The state's policy on one-stop delivery system assessment and one-stop center certification establishes criteria and procedures for assessment of local one-stop delivery systems and one-stop centers and certification of one-stop centers.

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:

- integrate available services for job seekers and employers;
- 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.

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:

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:
    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.

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.

Continuous improvement

The local board's assessment of the continuous improvement of the local one-stop delivery system and one-stop centers:

- 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.

Local criteria

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.

Procedures

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 above.

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 and must:

- include a clear and descriptive written analysis of compliance of the systems and centers with the criteria established above; and
- 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.

Timelines

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 above; and
- certify at least one comprehensive one-stop center at least once every three years using the criteria, procedures, and methods described in above.

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

9. Addressing the Accessibility of the One-Stop Delivery System for Individuals who are English Language Learners

Describe how the one-stop delivery system (including one-stop center operators and the one-stop delivery system partners) will ensure that each one-stop center is able to meet the needs of English language learners, such as through established procedures, staff training, resources, and other materials.

In addition to the state's Nondiscrimination Plan and policy on nondiscrimination and equal opportunity, which are described in the preceding section, Nebraska has established a Limited English Proficiency (LEP) Plan. The LEP Plan ensures that individuals with limited English proficiency are able to access programs and services provided through the one-stop delivery system on an equitable basis. Key features of the LEP Plan include:

- establishment of an LEP planning committee to provide guidance and leadership around the equitable provision of services to individuals with limited English proficiency;

- thorough assessment of the language needs of the populations served by attempting to identify LEP individuals;
- availability of specific resources at one-stop centers, include bilingual staff, LanguageLine or International Communications translation services, referral to ESL resources and the availability of materials in Spanish; and
- training staff on serving individuals with LEP needs.

The current LEP plan is accessible on the Nebraska Department of Labor Manuals, Plans, and Reports webpage (https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/ManualsPlansReports).

The Nebraska Department of Labor (NDOL) public website (dol.nebraska.gov) provides information for job seekers, workers, and employers, including information about reemployment services, unemployment insurance benefits, labor law, as well as information for businesses, labor market information, publications and legal guidance, access to agency news and NEworks (NDOL's labor exchange, management information system, and unemployment insurance interface). The website includes an option for translation of the site via Google Language Tools. The translation through Google utilizes an automated translation process that provides an approximation of the site's original content. NDOL provides a Translation Disclaimer Statement on the website, indicating the possibility of potential issues with the automated translation process. Languages available through the automated translation process include Spanish, Chinese, French, German, Italian, Korean, Russian, Polish, Arabic, Portuguese, Japanese, and Norwegian. The website provides information on how to contact local field staff for additional assistance. In addition, NEworks, which includes the state's labor-exchange system, is available in Spanish.

English-as-a-second Language (ESL) instruction is available throughout the state to provide populations with low levels of English literacy with the instruction they need to improve fluency. Referral to providers of ESL education and the provision of transportation and other forms of assistance necessary to access these courses will continue to occur through one-stop centers.

IV. Coordination with State Plan Programs

Describe the methods used for joint planning and coordination among the core programs, and with the required one-stop partner programs and other programs and activities included in the Unified or Combined State Plan.

Joint planning and coordination for development of the Combined State Plan for Program Years 2020 through 2023 was facilitated by the Nebraska Workforce Development Board (the Board) during Program Year 2019. The Board hosted the Strategy Workshop: 2020 – 2023 State Plan for Nebraska's Workforce System, on behalf of Governor Pete Ricketts and the plan partners. The purpose of the workshop was to obtain input from the shareholders of Nebraska's workforce system. That input was used by the Board and plan partners during development of the Combined State Plan during subsequent a two-day plan-development workshop hosted by the Board's Policy and Oversight Subcommittee and attended by:

- representatives from plan partner programs;
- representatives from all local workforce development boards; and
- representatives of required one-stop partner programs and other workforce system partners, including the Nebraska Department of Economic Development.

Since approval of the Combined State Plan in June 2020, implementation of the Combined State Plan and ongoing joint planning and coordination among the plan partner programs, required one-stop partner programs, and other workforce system programs has been and will continue to be facilitated by the Board's Policy and Oversight Subcommittee and its workgroups. (Refer to Section II.c. for information on the Subcommittee's workgroups.) In addition, the Nebraska Partner Council has and will continue to support implementation of the Combined State Plan during Program Years 2022 and 2023 through service of its members on the Board's three subcommittees. (Refer to Sections II.c. and III.a.2.A. for information on the Nebraska Partner Council.)

V. Common Assurances (For All Core Programs)

The Unified or Combined State Plan must include assurances that:

The State Plan must include	Include
1. The State has established a policy identifying circumstances that may present a conflict of interest for a State Board or local board member, or the entity or class of officials that the member represents, and procedures to resolve such conflicts;	Yes
2. The State has established a policy to provide to the public (including individuals with disabilities) access to meetings of State Boards and local boards, and information regarding activities of State Boards and local boards, such as data on board membership and minutes;	Yes
3. The lead State agencies with optimal policy-making authority and responsibility for the administration of core programs reviewed and commented on the appropriate operational planning elements of the Unified or Combined State Plan, and approved the elements as serving the needs of the populations served by such programs;	Yes
4. (a) The State obtained input into the development of the Unified or Combined State Plan and provided an opportunity for comment on the plan by representatives of local boards and chief elected officials, businesses, labor organizations, institutions of higher education, the entities responsible for planning or administrating the core programs, required one-stop partners and the other Combined Plan programs (if included in the State Plan), other primary stakeholders, including other organizations that provide services to individuals with barriers to employment, and the general public, and that the Unified or Combined State Plan is available and accessible to the general public; *(b) The State provided an opportunity for review and comment on the plan by the State Board, including State agency official(s) for the Unemployment Insurance Agency if such official(s) is a member of the State Board;*	Yes
5. The State has established, in accordance with WIOA section 116(i), fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State through allotments made for the core programs to carry out workforce development activities;	Yes
6. The State has taken appropriate action to secure compliance with uniform administrative requirements in this Act, including that the State will annually monitor local areas to ensure compliance and otherwise take appropriate action to secure compliance with the uniform administrative requirements under WIOA section 184(a)(3);	Yes
7. The State has taken the appropriate action to be in compliance with WIOA section 188, Nondiscrimination, as applicable;	Yes
8. The Federal funds received to carry out a core program will not be expended for any purpose other than for activities authorized with respect to such funds under that core program;	Yes
9. The State will pay an appropriate share (as defined by the State board) of the costs of carrying out section 116, from funds made available through each of the core programs;	Yes
10. The State has a one-stop certification policy that ensures the physical and programmatic accessibility of all one-stop centers with the Americans with Disabilities Act of 1990 (ADA);	Yes
11. Service providers have a referral process in place for directing Veterans with Significant Barriers to Employment (SBE) to DVOP services, when appropriate; and	Yes
12. Priority of service for Veterans and eligible spouses is provided in accordance with 38 USC 4215 in all workforce preparation, development or delivery of programs or services funded directly, in whole or in part, by the Department of Labor.	Yes

State 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
May 3, 2023

Supersedes
Regional and Local Plans, Change 5
(effective December 2, 2020)

Regional and Local Plans, Change 6

REFERENCE

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

BACKGROUND

Local boards must collectively submit and obtain approval for a single four-year plan for the statewide planning region and subsequent two-year modification of the regional plan; and each local board must submit and obtain approval for a four-year local plan for its local area and subsequent two-year modification of the local plan.[1]

CHANGES

Under this Change 6, footnotes have been revised for clarity and links have been updated, where necessary.

[1] WIOA Secs. 106(c)(1)(A) and 108(a)

ACTION

This policy supersedes and cancels the State's policy titled Regional and Local Plans, Change 5 (effective December 2, 2020). Questions and comments regarding this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards must:[2]

- collectively participate in regional planning activities for single statewide planning region, in partnership with local chief elected officials (CEOs[3]) in the planning region, that result in the preparation of a single four-year regional plan and subsequent modifications of the plan;
- individually participate in local planning activities, in partnership with the local CEO, that result in the preparation of a four-year plan for its local area and subsequent modifications of the plan;
- ensure that regional and local plans and subsequent modifications of the plans support the vision, goals, and strategies described in the current Combined State Plan for Nebraska's Workforce System (state plan) and subsequent modifications of the state plan;[4] and
- submit regional and local plans and subsequent modifications of the plans according to the requirements and procedures established in this policy and relevant Division of Reemployment Services Notices issued by NDOL.

POLICY

This policy establishes the following for regional and local plans and subsequent modification of the plans regarding:

- requirements for planning activities, content, modifications, and public comment;
- submission procedures and timelines; and
- approval processes.

[2] WIOA Secs. 106(c)(1)(A) and 108(a); 20 CFR § 679.510 and 679.550
[3] For purposes of this policy, CEO also refers to a chief elected officials board.
[4] The current state plan is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/ManualsPlansReports, under the WIOA Combined State Plan and Modifications section.

This policy includes five sections and three appendices.

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Section I. Purpose

Regional and local plans serve as four-year action plans for:[5]

- developing, aligning, and integrating regional and local service delivery strategies; and
- supporting the state's vision, goals, and strategies described in the state plan.

In addition, regional and local plans establish strategies for:

- directing investments in economic, education, and workforce training programs to focus on providing relevant education and training to ensure that individuals, including youth and individuals with barriers to employment, have the skills to compete in Nebraska's job market and to ensure that employers have a ready supply of skilled workers;[6]
- applying job-driven strategies within the one-stop delivery system;[7]
- enabling economic, education, and workforce partners to build a skilled workforce through innovation in and alignment of employment, training, and education programs;[8] and
- coordinating resources among local boards and local areas within the statewide planning region.[9]

[5] 20 CFR § 679.500(a)
[6] 20 CFR § 679.500(a)(1)
[7] 20 CFR § 679.500(a)(2)
[8] 20 CFR § 679.500(a)(3)
[9] 20 CFR § 679.500(a)(4)

Section II. Requirements

(a) Planning activities

All local areas have been assigned to a single statewide planning region, as described in APPENDIX I. All local boards, in collaboration with local CEOs in the statewide planning region, are collectively responsible for conducting regional planning activities that result in the preparation, submission, and approval of:

- a single four-year regional plan;[10] and
- subsequent modifications of the regional plan.[11]

In addition, each local board, in collaboration with its local CEO, is responsible for conducting local planning activities that result in the preparation, submission, and approval of:

- a four-year local plan for its local area;[12] and
- subsequent modifications of the local plan.[13]

(b) Content

The regional plan and local plans must provide responses that address the required elements described in APPENDIX II.

(c) Modifications

(1) Regional plans

At the end of the first two-year period of the four-year regional plan, local boards in the statewide planning region, in partnership with local CEOs, must review the regional plan and prepare, submit, and obtain approval for a mandatory two-year modification to the regional plan to reflect changes in:[14]

- labor market and economic conditions in the statewide planning region; and
- other factors affecting the implementation of local plans, which are part of and incorporated into the regional plan,[15] including but not limited to changes in the financing available to support WIOA Title I programs and partner-provided WIOA services in the statewide planning region.

[10] 20 CFR § 679.510
[11] 20 CFR § 679.530(b)
[12] 20 CFR § 679.550
[13] 20 CFR § 679.580(b)
[14] 20 CFR § 679.530(b)
[15] 20 CFR §§ 679.510(a)(2)(ii) and 679.540(a)

(2) Local plans

At the end of the first two-year period of the four-year local plan, the local board, in partnership with the local CEO, must review the local plan and prepare, submit, and obtain approval for a mandatory two-year modification to the plan to reflect changes in:[16]

- local labor market and economic conditions; and
- other factors affecting the implementation of the local plan, including:
    - significant changes in local economic conditions;
    - changes in the financing available to support local WIOA Title I programs and partner-provided WIOA services;
    - changes in local board structure; and
    - a need to revise strategies to meet local performance goals established in the plan.

(d) Public comment

Local boards must provide an opportunity for public comment on the development of the regional plan and local plans, as well as subsequent modifications of the plans, before submission of the plans and modifications to NDOL. To provide adequate opportunity for public comment, local boards must:

- make information about and copies of the plan and subsequent modifications available to the public through electronic and other means, such as public hearings and local news media;[17]
- include an opportunity for comment by members of the public, including representatives of businesses, education, and labor organizations.[18]
- provide no more than a 30-day period for comments on the plan and subsequent modifications before submission to NDOL, beginning on the date on which the plan and modifications are made available to the public;[19]
- submit to NDOL any comments that represent disagreement with the plan or subsequent modifications[20] or indicate that disagreeing public comments were not received, if that is the case; and
- ensure that all open meetings are held in compliance with the Nebraska Open Meetings Act.[21]

[16] 20 CFR § 679.580(b)
[17] 20 CFR §§ 679.510(b)(1) and (5)
[18] 20 CFR § 679.510(b)(2)
[19] 20 CFR § 679.510(b)(3)
[20] 20 CFR § 679.510(b)(4)
[21] Neb. Rev. Stat. §§ 84-1407 through 84-1414

Section III. Submission procedures and timelines

Procedures and timelines for submission of regional and local plans and subsequent modifications of the plans are provided by NDOL through Division of Reemployment Services Notices.

Section IV. Approval processes

NDOL reviews the submitted regional plan and local plans and subsequent modifications of the plans. The plans are considered approved 90 days after NDOL's receipt of the plans according to the submission procedures established in the relevant Division of Reemployment Services Notice, unless NDOL notifies local boards in writing that:[22]

1. 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;

2. the plans or modifications do not comply with applicable provisions of WIOA and WIOA regulations, including required consultations, public comment provisions, and the nondiscrimination requirements of WIOA Sec. 188 and 29 CFR Part 38; or

3. the plans or modifications do not align with the state plan, including alignment of the core programs to support the vision, goals, and strategies identified in the state plan, in accordance with WIOA Sec. 102(b)(1)(E) and 20 CFR § 676.105.

Section V. Technical assistance

NDOL will provide technical assistance and labor market data to assist with regional and local plan development and subsequent service delivery efforts.[23]

- For technical assistance with labor market data during plan development and subsequent modification of the plan, submit a request to lmi_ne@nebraska.gov.

- For technical assistance with all other aspects of development of the plan and subsequent modification of the plan, as well as subsequent service delivery efforts, submit a request to the policy mailbox at ndol.wioa_policy@nebraska.gov.

[22] 20 CFR §§ 679.520 and 679.570
[23] 20 CFR § 679.510(c)

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.

APPENDIX I. Letter of designation of the statewide planning region and local area assignment

Pete Ricketts
Governor

STATE OF NEBRASKA
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. Required regional and local plan elements

(a) Regional plan elements[24]

1. Provide the following regional analyses[25] based on conditions in each of Nebraska's economic development districts, which are identified in APPENDIX III:

    a. economic conditions, including existing and emerging in-demand industry sectors and occupations,[26] based on regional labor market data for each district;[27]

    b. employment needs of employers in existing and emerging in-demand industry sectors and occupations based on regional labor market data for each district;[28]

    c. knowledge and skills needed by job seekers to meet the employment needs of the employers in each district, including employment needs for in-demand industry sectors and occupations;[29]

    d. workforce in each district, including:

        i. current labor force employment and unemployment data;

        ii. information on labor market trends; and

        iii. educational and skill levels of the workforce, including individuals with barriers to employment;[30]

    e. workforce development activities in each district, including education and training activities, which must include descriptions of:

        i. the strengths and weaknesses of workforce development activities; and

[24] As permitted under 20 CFR §§ 679.540(b) and 679.560(d), NDOL has designated the items in Section 1 as appropriate for common responses in the regional plan where there is a shared regional responsibility.
[25] 20 CFR § 679.510(a)(1)(iv). As permitted under 20 CFR § 679.560(a)(1)(iii), local boards may use existing analyses, which are timely current descriptions of the regional economies, to meet this requirement.
[26] WIOA Sec. (3)(23)(A): IN GENERAL. —The term "in-demand industry sector or occupation" means— (i) 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 (ii) an 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. (B) DETERMINATION. —The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using state and regional business and labor market projections, including the use of labor market information.
[27] 20 CFR § 679.560(a)(1)(i).
[28] 20 CFR § 679.560(a)(1)(ii)
[29] 20 CFR § 679.560(a)(2)
[30] 20 CFR § 679.560(a)(3)

ii. capacity to provide the workforce development activities to address the education and skill needs of the workforce in each district, including individuals with barriers to employment, and the employment needs of employers.[31]

2. Describe service strategies established by the local boards in each district, including the establishment of cooperative service delivery agreements, which are required under WIOA Sec. 106(c)(1)(B) and 20 CFR § 679.510(a)(1)(ii). In this context, a cooperative service delivery agreement is an agreement among the local boards and CEOs in the statewide planning region regarding service delivery that crosses local area boundaries.

3. Describe the coordination of administrative cost arrangements by the local boards in the statewide planning region, including the pooling of funds for administrative costs, as appropriate.[32]

4. Describe the development and implementation of sector initiatives by the local boards for in-demand industry sectors or occupations in the statewide planning region.[33]

5. Describe how the local boards coordinate transportation and other supportive services in the statewide planning region, as appropriate.[34]

6. Describe how the local boards in the statewide planning region coordinate services with economic development services and providers in each district.[35]

7. Describe the agreement established among the local boards that addresses how the local boards in the statewide planning region will:[36]

    a. collectively negotiate and reach agreement with NDOL on local levels of performance for the performance indicators described in WIOA Sec. 116(c); and

    b. report local area performance on those indicators.

8. Describe the process followed by the local boards in the statewide planning region to provide an opportunity for the public comment on the development of the regional plan or any subsequent modification of the plan before submitting the plan to NDOL. To provide adequate opportunity for public comment, local boards must, as described in Section II(d) of the policy:

    a. make information about and copies of the plan and subsequent modifications available to the public through electronic and other means, such as public hearings and local news media;[37]

[31] 20 CRR § 679.560(a)(4)
[32] 20 CFR § 679.510(a)(1)(v)
[33] 20 CFR § 679.510(a)(1)(iii)
[34] 20 CFR § 679.510(a)(1)(vi)
[35] 20 CFR § 679.510(a)(1)(vii)
[36] 20 CFR § 679.510(a)(1)(viii)
[37] 20 CFR §§ 679.510(b)(1) and (5)

b. include an opportunity for comment by members of the public, including representatives of businesses, education, and labor organizations.[38]

c. provide no more than a 30-day period for comments on the plan and subsequent modifications before submission to NDOL, beginning on the date on which the plan and modifications are made available to the public;[39]

d. submit to NDOL any comments that represent disagreement with the plan or subsequent modifications[40] or indicate that disagreeing public comments were not received, if that is the case; and

e. ensure that all open meetings are held in compliance with the Nebraska Open Meetings Act.[41]

(b) Local plan elements

1. Describe the strategic vision of the local board to support regional economic growth and economic self-sufficiency, which must include goals that align with the goals and strategies defined in the current state plan or subsequent modification of the state plan for the following factors:[42]

    a. preparing an educated and skilled workforce (including youth and individuals with barriers to employment); and

    b. relating to the performance accountability measures based on the performance indicators described in 20 CFR § 677.155(a)(1).

2. Taking into account the analyses described in Section 1 for regional plan elements, describe the local board's strategy to:

    a. work with entities that carry out core programs and required one-stop partner programs in the local area to align resources available to the statewide planning region and the local area; and

    b. achieve the strategic vision and goals described directly above in Section 1 for local plan elements.[43]

3. Describe the workforce development system in the local area, including:

    a. the partners and programs that are included in the workforce development system;[44] and

[38] 20 CFR § 679.510(b)(2)
[39] 20 CFR § 679.510(b)(3)
[40] 20 CFR § 679.510(b)(4)
[41] Neb. Rev. Stat. §§ 84-1407 through 84-1414
[42] 20 CFR § 679.560(a)(5)
[43] 20 CFR § 679.560(a)(6)
[44] 20 CFR § 679.560(b)(1)(i). Workforce development system refers to the entirety of the workforce development system in the local area, which may include partners other than required one-stop partners.

b. how the local board will work with the entities carrying out core programs and other one-stop partner programs to support service alignment, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 USC 2301 et seq.).[45]

4. Describe the one-stop delivery system in the local area, including:

   a. how will the local board ensure the continuous improvement of providers in the one-stop delivery system and ensure that the providers will meet the employment needs of local employers, workers, and job seekers;[46]

   b. how the local board will facilitate access to services provided through the one-stop delivery system through the use of technology and other means, including access in remote areas;[47]

   c. how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with WIOA Sec. 188 and applicable provisions of the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including the provision of staff training and support for addressing the needs of individuals with disabilities;[48] and

   d. roles and resource contributions of the one-stop partners.[49]

5. Describe how the local board will work with entities carrying out the core programs to:[50]

   a. expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment;

   b. facilitate the development of career pathways, in accordance with the goals and strategies defined in the state plan and subsequent modifications of the state plan, and co-enrollment in the core programs; and

   c. improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

[45] 20 CFR § 679.560(b)(1)(ii)
[46] 20 CFR § 679.560(b)(5)(i)
[47] 20 CFR § 679.560(b)(5)(ii)
[48] 20 CFR § 679.560(b)(5)(iii)
[49] 20 CFR § 679.560(b)(5)(iv). The term resource contributions refers to programmatic and service contributions, rather than contributions pursuant to funding agreements.
[50] 20 CFR § 679.560(b)(2)

6. Describe the strategies and services that will be used in the local area:[51]

    a. to facilitate employer engagement with workforce development programs, including engagement of small employers and employers in in-demand industry sectors and occupations;

    b. to support a local workforce development system that meets the needs of businesses in the local area;

    c. to better coordinate workforce development programs and economic development;

    d. to strengthen linkages between the local one-stop delivery system and the Nebraska's unemployment insurance programs; and

    e. that may include the implementation of initiatives (which must support the strategies described above in Sections 6.a. through 6.d.), such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.

7. Describe how the local board will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the local board will promote entrepreneurial skills training and microenterprise services.[52]

8. Describe and assess the type and availability of adult and dislocated worker employment and training activities in the local area.[53]

9. Describe how the local board will coordinate workforce investment activities carried out in the local area with statewide Rapid Response activities.[54]

10. Describe and assess the type and availability of youth workforce investment activities in the local area including activities for youth who are individuals with disabilities, which must include identification of successful models of such activities.[55]

11. Describe how the local board will coordinate relevant secondary and postsecondary education programs and activities with education and workforce investment activities to align strategies, enhance services, and avoid duplication of services.[56]

12. Describe how the local board will coordinate WIOA Title I workforce investment activities with the provision of transportation and other appropriate supportive services in the local area.[57]

[51] 20 CFR § 679.560(c)(i)-(v)
[52] 20 CFR § 679.560(b)(4)
[53] 20 CFR § 679.560(b)(6)
[54] 20 CFR § 679.560(b)(7)
[55] 20 CFR § 679.560(b)(8)
[56] 20 CFR § 679.560(b)(9)
[57] 20 CFR § 679.560(b)(10)

13. Describe plans, assurances, and strategies for maximizing coordination, improving service delivery, and avoiding duplication of WIOA Title III Wagner-Peyser services and other services provided through the one-stop delivery system.[58]

14. Describe how the local board will coordinate WIOA Title I workforce investment activities with adult education and literacy activities provided under WIOA Title II. This description must include how the local board will carry out the review of local adult education service provider applications, consistent with WIOA Secs. 107(d)(11)(A) and (B)(i) and 232.[59]

15. Provide copies of executed cooperative agreements, as attachments to the local plan, which define how all local service providers will carry out requirements for integration of and access to the entire set of services available in through local one-stop delivery system.[60] In this context, cooperative agreement means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that is, consistent with 31 USC §§ 6302-6305:[61]

    a. used to enter into a relationship, the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (refer to 31 USC § 6101(3)) and not to acquire property or services for the Federal government or pass-through entity's direct benefit or use; and

    b. distinguished from a grant in that it provides for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

    The term cooperative agreement does not include:[62]

    a. cooperative research and development agreements, as defined in 15 USC § 3710a; or

    b. agreements that provide only:

        i. Direct United States Government cash assistance to an individual;

        ii. subsidies;

        iii. loans;

        iv. loan guarantees; or

        v. insurance.

[58] 20 CFR § 679.560(b)(11)
[59] 20 CFR § 679.560(b)(12)
[60] 20 CFR § 679.560(b)(13)
[61] 20 CFR § 675.300
[62] 31 USC §§ 6302-6305

16. Identify the entity responsible for the disbursal of grant funds described in WIOA Sec. 107(d)(12)(B)(i) as determined by NDOL or the local CEO, as applicable.[63]

17. Describe the competitive process that will be used to award local area subgrants and contracts for WIOA Title I activities.[64]

18. Describe the current local levels of performance negotiated with NDOL, consistent with WIOA Sec. 116(c), to be used by the local board to measure the performance of:

    a. local WIOA Title I programs; and

    b. performance of the local fiscal agent, if applicable, local Title I service providers, and the local one-stop delivery system.[65]

19. Describe the actions the local board will take toward becoming or remaining a high-performing local board, consistent with factors developed by the state board.[66]

20. Describe how training services for adults and dislocated workers outlined in WIOA Sec. 134 will be provided through the use of individual training accounts,[67] including:

    a. whether contracts for training services will be used;

    b. how the use of contracts for training services will be coordinated with the use of individual training accounts; and

    c. how the local board will ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided.

21. Describe how the local area one-stop center(s) is implementing and transitioning to an integrated, technology-enabled intake and case management information system for programs carried out under WIOA and by other one-stop partners.[68]

22. Describe the direction given by NDOL to the local board and by the local board to the one-stop operator will ensure that:

    a. priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient, consistent with WIOA Sec. 134(c)(3)(E) and 20 CFR § 680.600;[69] and

    b. Veterans receive priority of service in all USDOL-funded training services, which includes training services provided through Title I programs.[70]

[63] 20 CFR § 679.560(b)(14)
[64] 20 CFR § 679.560(b)(15)
[65] 20 CFR § 679.560(b)(16)
[66] 20 CFR § 679.560(b)(17)
[67] 20 CFR § 679.560(b)(18)
[68] 20 CFR § 679.560(b)(20)
[69] 20 CFR § 679.560(b)(21)
[70] 20 CFR § 680.650

23. Describe the process used by the local board to provide an opportunity for the public comment on the development of the local plan or any subsequent modification of the plan before submitting the plan to NDOL. To provide adequate opportunity for public comment, local boards must, as described in Section II(d) of the policy:

    f. make information about and copies of the plan and subsequent modifications available to the public through electronic and other means, such as public hearings and local news media;[71]

    g. include an opportunity for comment by members of the public, including representatives of businesses, education, and labor organizations.[72]

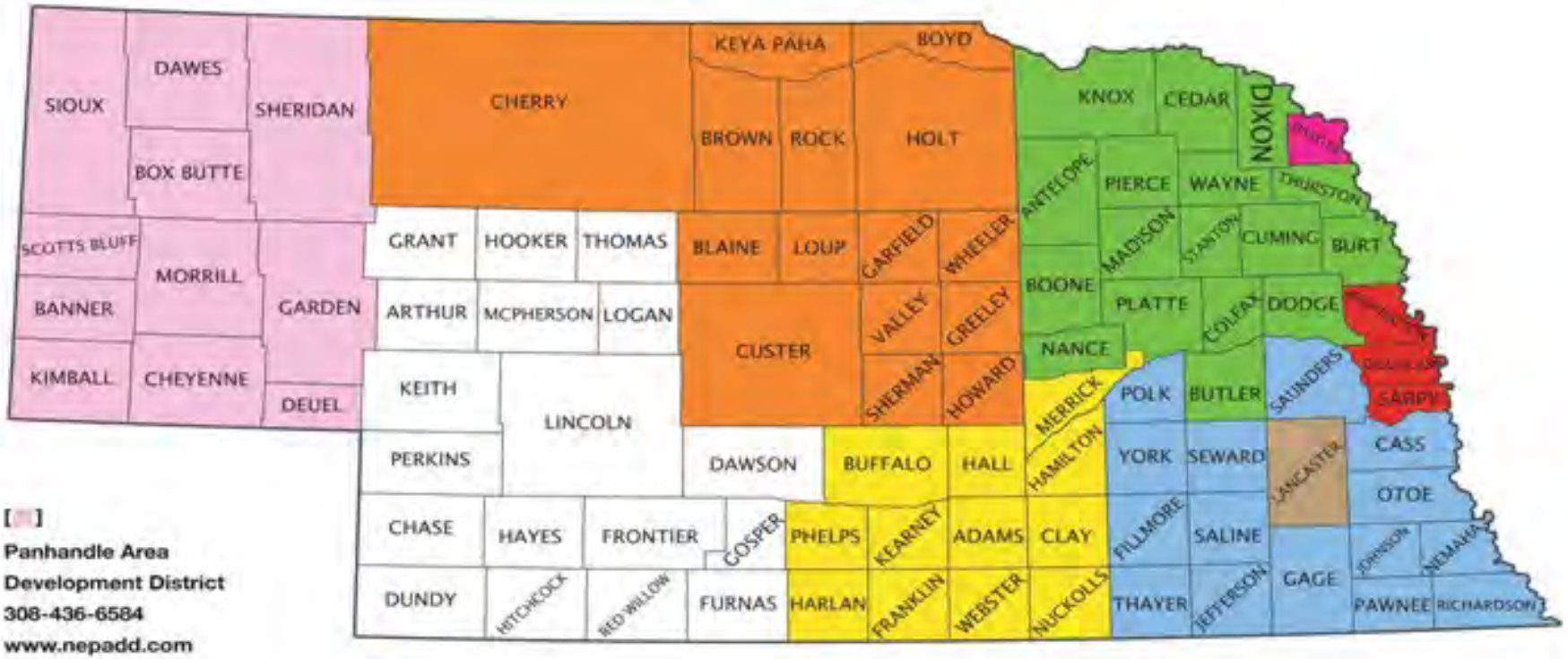
    h. provide no more than a 30-day period for comments on the plan and subsequent modifications before submission to NDOL, beginning on the date on which the plan and modifications are made available to the public;[73]

    i. submit to NDOL any comments that represent disagreement with the plan or subsequent modifications[74] or indicate that disagreeing public comments were not received, if that is the case; and

    j. ensure that all open meetings are held in compliance with the Nebraska Open Meetings Act.[75]

[71] 20 CFR §§ 679.510(b)(1) and (5)
[72] 20 CFR § 679.510(b)(2)
[73] 20 CFR § 679.510(b)(3)
[74] 20 CFR § 679.510(b)(4)
[75] Neb. Rev. Stat. §§ 84-1407 through 84-1414

APPENDIX III. Nebraska's economic development districts



Panhandle Area Development District
308-436-6584
www.nepadd.com

West Central Nebraska Development District
308-284-6077
www.wcndd.org

South Central Economic Development District
308-995-3190
www.scedd.us

Southeast Nebraska Development District
402-475-2560

Metropolitan Area Planning Agency
402-444-6866
www.mapacog.org

Central Nebraska Econommic Development District
402-925-2373
www.cnedd.org

Northeast Nebraska Economic Development District
402-379-1150
www.nenedd.org

Siouxland Interstate Metro. Planning Council
712-279-6286
www.simpco.org

Lancaster county
402-447-7447
www.lancaster.ne.gov

CITY OF LINCOLN NEBRASKA

Tracking #: 126670356

EXECUTIVE ORDER
NO. 97202

Originating Department:
MAYORS OFFICE

BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CHARTER OF THE CITY OF LINCOLN, NEBRASKA:

I hereby execute and approve on behalf of the City of Lincoln the attached **Agreement**, which involves the following information:

Amendment Type	Agreement
Name of Contractor(s)	Nebraska Department of Labor
Duration	7/1/2022 to 6/30/2025
Amount	$1,374,781.00
Purpose of Agreement	To provide funding for employment and training programs consistant with WIOA Title I, the Nebraska WIOA Combined state plan, the WIOA Local plan, this agreement, and all applicable laws, rules, regulations, guidance, and policies.

Dated this 27th day of December, 2022.

Leirion Gaylor Baird, Mayor

Approved as to Form & Legality:

Law Department

Approved:

Mayors Office Director

Finance Department

Attachment 1

Local Plan Assurances

The assurances described herein highlight specific requirements under the Workforce Innovation and Opportunity Act (WIOA) that apply to the Chief Elected Official identified below (the Grantee) and the Local Workforce Development Board identified below (the Local Board). These assurances are submitted with the agreement and approval of the Grantee and Local Board, based on the signatures of the Grantee and the Chair of the Local Board.

The assurances do not limit in any way the responsibilities of the Grantee or the Local Board. The Grantee and the Local Board are subject to all Federal and state laws, rules, regulations, policies, and procedures. The Grantee and Local Board must ensure that all local area subrecipients comply with and adhere to all Federal and state laws, rules, regulations, policies, and procedures.

By signing the following assurances, the Grantee and the Local Board assure the Nebraska Department of Labor (the Grantor) that the Grantee, the Local Board, and all local area subrecipients will abide by the following requirements, in addition to all Federal and state laws, rules, regulations, policies, and procedures.

Name of Local Area	
Printed name of Grantee	
Signature of Grantee	
Date of Grantee's signature	
Name of Local Board	Greater Lincoln Workforce Development Board
Printed name of Chair	Sherla Post
Signature of Chair	Sherla M. Post Sherla M. Post (Dec 7, 2022 16:12 CST)

[Remainder of page left blank intentionally.]

1. Access to Records

The Grantee and the Local Board assure that each will give the United States Department of Labor (USDOL) or its representatives, the Nebraska Department of Labor (NDOL) or its representatives, and other authorized representatives of Federal or State government access to, and the right to examine, all documents related to the Grantee and/or the Local Board's performance and responsibilities related to WIOA Title I programs and the WIOA grant agreement.

2. Administration

The Grantee and the Local Board assure that each will fully comply with all applicable statutes, regulations, policies, applicable cost principles, and all Grantor instructions relating to the administration of WIOA Title I funds, including any subsequent amendments to such items.

3. Administration and Fiscal Systems

The Grantee and the Local Board assure that each will use generally accepted accounting principles, and that each has adequate administrative and fiscal systems necessary to promote effective use of WIOA Title I funds, which comply with WIOA, the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards in 2 CFR Part 200 and USDOL exceptions to 2 CFR Part 200 found at 2 CFR Part 2900. This includes, but is not limited to, a financial management system that satisfactorily accounts for and documents the receipt and disbursement of WIOA Title I funds, including information pertaining to subgrants and contract awards, obligations, unobligated balances, assets, expenditures, and income. Effective internal controls must be in place to safeguard assets and ensure their proper use (including property location and usage). All source documentation must be maintained to support accounting records that will permit the tracking of funds to a level of expenditure adequate to establish that funds have not been used in a violation of the applicable restrictions on the use of such funds.

4. Audits and Audit Resolution File

The Grantee and the Local Board assure that organization-wide or program-specific audits will be performed in accordance with the Audit Requirements of 2 CFR Part 200. The Grantee and the Local Board assure that the Local Board will maintain an audit resolution file documenting the disposition of reported questioned costs and corrective actions taken for all findings.

5. Bonding

The Grantee and the Local Board assure that all persons and/or subrecipients who are authorized to receive or deposit WIOA Title I funds or issue financial documents, checks, or other instruments of payment for WIOA Title I program costs are bonded in accordance with Federal and state regulatory requirements for protection against loss.

6. Cash Management

The Grantee and the Local Board assure that no excess cash will be kept on hand; and procedures are in place for maintaining and monitoring the minimum amount of cash on hand necessary to efficiently improve the timing and control of disbursements.

7. Compliance with Nebraska Revised Statutes §§ 4-108 through 4-112 and 4-114

The Grantee and the Local Board assure that all agreements with contractors must include a certification that the contractor has registered with and is using a Federal immigration verification system, as defined in Neb. Rev. Stat. § 4-114, to determine the work eligibility status of all new employees performing services within the State of Nebraska. Upon reasonable notice, the contractor must provide documentation to NDOL proving the contractor is or was at all times during the term of the contractor's agreement in compliance with this assurance. If the contractor is an individual

or sole proprietorship, the contractor must complete the United States Citizenship Attestation Form, accessible on the Nebraska Department of Administrative Services website at http://das.nebraska.gov/lb403/attestation_form.pdf. If the contractor indicates on such attestation form that he or she is a qualified alien, the contractor must agree to provide to the United States Citizenship and Immigration Services the documentation required to verify the contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program. Verification of lawful presence in the United States and qualified alien status must also be established, pursuant to Neb. Rev. Stat. §§ 4-111 and 4-112, if the contractor has applied for public benefits, as defined in Neb. Rev. Stat. § 4-108. The Grantor and the Local Board must ensure that the contractor understands that lawful presence in the United States is required and that the contractor may be disqualified or the contract terminated if such lawful presence cannot be verified.

8. Compliance with WIOA

The Grantee and the Local Board assure that each will fully comply with the requirements of WIOA and its implementing rules and regulations.

9. Confidentiality

The Grantee and the Local Board assure each will safeguard personally identifiable information (PII) and comply with the confidentiality requirements of Section 116(i)(3) of WIOA; Section 444 of the General Education Provisions Act (20 USC § 1232g); 29 CFR §§ 38.41(b)(2)-(3), 38.41(c), and 38.45; Training and Employment Guidance Letters (TEGL) 39-11 and 15-16; and regional and local laws and regulations regarding safeguarding of PII.

10. Local Plan and Regional Plan

The Grantee and the Local Board assure that a comprehensive local plan has been developed, and will be maintained, that identifies and describes the policies, procedures, and activities that will be carried out in the local area and that such local plan is consistent with the State of Nebraska WIOA combined state plan, as required under 20 CFR § 679.550. In addition, the Grantee and the Local Board assure that the local plan has been developed in consultation with local chief elected officials and that the public has been provided with an opportunity to provide comment on development of the plan and any subsequent modification of the plan, as required under 20 CFR § 679.550. The Grantee and the Local Board also assure that each have and will participate in a planning process resulting in the preparation of a regional plan, and that the public has been provided with an opportunity to provide comment on development of the plan, including representatives of business, labor organizations, and education, as required under 20 CFR § 679.510. In addition, the Grantee and the Local Board assure that regional planning has been conducted in partnership with other local boards and chief elected officials within the planning region, as required under 20 CFR § 679.510, and other regional area workforce system partners.

11. Expending Funds

The Grantee and the Local Board assure that funds will be spent in accordance with WIOA and its implementing rules and regulations, all written USDOL guidelines, and all other applicable Federal and state laws, rules, regulations, guidance, and policies.

12. Governor's Grant Procedures

The Grantee and the Local Board assure that all use of funds allocated to the Grantee and the Local Board will comply with the grant procedures prescribed by the Governor that are necessary to enter into grant agreements for the allocation and payment of funds under WIOA Title I. The procedures and agreements are provided by the Governor and specify the requirements, terms, conditions, assurances, and certifications and must include, but not be limited to, the following:

a. General Administrative Requirements:
    i. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

ii. 2 CFR Part 2900 – USDOL exceptions to 2 CFR Part 200; and
iii. 20 CFR Part 683 – Administrative Provisions under WIOA Title I of The Workforce Innovation And Opportunity Act

b. Assurances and Certifications:
i. Standard Form 424 B – Assurances – Non-Construction Programs
ii. 29 CFR Part 2 Subpart D – Equal Treatment in USDOL Programs for Religious Organizations
iii. 29 CFR Part 31 – Nondiscrimination in Federally Assisted Programs of the Department of Labor
iv. 29 CFR Part 32 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
v. 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act;
vi. 29 CFR Part 93 – New Restrictions on Lobbying
vii. 2 CFR Part 180 Subparts F, G and H – Suspension and Debarment Actions
viii. 2 CFR Part 182 – Government-Wide Requirements for Drug-Free Workplace (Financial Assistance)

13. Grievances/Complaints

The Grantee and the Local Board assure that each will comply with Federal, state, and local laws, rules, regulations, guidance, policies, and procedures for the handling of grievances and complaints from employees and WIOA Title IB (Adult, Dislocated Worker, and Youth) program participants, as required under 20 CFR §§ 683.600 and 683.610. The Grantee and the Local Board further assure that each will comply with Federal, state, and local laws, rules, regulations, guidance, policies, and procedures regarding actual, potential, or suspected fraud; gross mismanagement or misuse of program funds; conduct violations; violations of regulations; and abuse in programs and operations funded by the USDOL Employment and Training Administration, as required under 20 CFR § 683.620 and Training and Employment Guidance Letter 2-12.

14. Human Trafficking

The Grantee and the Local Board understand that the Grantor may terminate the grant award, without penalty, as a result of actions by the Grantee, the Local Board, Grantee's employees or subrecipients, or local area staff based on noncompliance with the Trafficking Victims Protection Act of 2009, as amended, and as implemented by 2 CFR Part 175.15(b).

15. In-demand Occupations or Industries

The Grantee and the Local Board assure that training provided for WIOA Title IB (Adult, Dislocated Worker, and Youth) program participants will be provided only for those occupations that are directly linked to an in-demand industry sector or occupation in the local area or the planning region, as those terms are defined in Sections 3(23), 3(32), and 3(48) of WIOA, or in another local area or planning region to which a WIOA Title IB (Adult, Dislocated Worker, and Youth) program participant is willing to relocate.

16. Licensing, Taxation, and Insurance

The Grantee and the Local Board assure that each will comply with all Federal, state, or local laws, rules, and regulations governing applicable licensing, taxation, and insurance requirements.

17. Nondiscrimination

The Grantee and the Local Board assure that each will comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, which prohibits discrimination on the basis of:

a. race, color, or national origin under Title VI of the Civil Rights Act of 1964;
b. age under the Age Discrimination Act of 1975;

c. sex under Title IX of the Education Amendments of 1972; and
d. disability under Section 504 of the Rehabilitation Act of 1973.

The Grantee and the Local Board further assure each will comply with the nondiscrimination and equal opportunity provisions of Section 184 of WIOA, which includes prohibitions against discrimination on the basis of any individual's participation in programs or activities funded or otherwise financially assisted under WIOA, and discrimination on the basis of citizenship status for certain noncitizens.

18. Patent Rights, Copyrights and Rights in Data

The Grantee and the Local Board assure that each understands that NDOL and USDOL reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal government purposes:

a. the copyright in and to any work developed under a grant, subgrant, or contract under a grant of subgrant; and
b. any rights of copyright to which a grantee, subrecipient, or a contractor purchases ownership with grant support.

19. Reporting

The Grantee assures that it will submit complete, accurate, and timely reports as required under Section 185(c) of WIOA and as specified by the Governor.

20. Responsibility Matters

The Grantee and the Local Board assure that each will enforce standards and procedures to ensure against fraud and abuse, including standards and procedures against nepotism, conflicts of interest, lobbying, kickbacks, drug use, political patronage (Hatch Act), and provisions which govern debarment, suspension, and other responsibility matters.

21. Retention of Records

The Grantee and the Local Board assure that each will retain all financial and program records, books of account, and other documents related to the grant agreement for a period of three (3) years from the date NDOL submits a final expenditure report to USDOL for the applicable program year, as required under 20 CFR § 200.333. The Grantee and the Local Board also assure that if, prior to the conclusion of the three (3) year retention period, any litigation or an audit has begun, the records, books of account and documents relating to the grant agreement must be maintained until the litigation is complete and audit findings are resolved, as required under 20 CFR § 200.333 and state policy. Further, the Grantee and the Local Board assure that USDOL, Inspectors General, Comptroller General of the United States, NDOL, and any of their respective authorized representatives have the right of access to any documents, papers, or other records that pertain to funds allocated to the Grantee and the Local Board in order to make audits, examinations, excerpts, and transcripts, as required under 2 CFR §200.336(a) and state policy. This right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents. Rights of access last as long as the records are retained by the Grantee, the Local Board, their respective service providers, and all local area staff, as required under 2 CFR § 200.336(c) and state policy.

22. Salary and Bonus Limitations

The Grantee and the Local Board assure that funds appropriated under WIOA or prior legislation under the heading "Employment and Training Administration" that are available for expenditure on or after June 15, 2006 will not be used by a recipient or subrecipient of such funds to pay the salary and/or bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule (WIOA Sec. 194(15)(A)), except as provided under WIOA Sec. 194(15)(B) which states that the limitation must not apply to vendors providing goods and services as defined in 2 CFR Part 200 Subpart B.

23. Procurement

All procurement transactions must be conducted in accordance with the procurement standards and requirements established under WIOA, 2 CFR Part 200, 2 CFR Part 2900, state law, state policy, and regional and local laws and regulations.

24. Special Clauses/Provisions

The Grantee and the Local Board assure that each understands that other special assurances or provisions may be required under Federal law, rules, regulations, guidance, or policy, including specific appropriations legislation, WIOA, or subsequent Executive or Congressional mandates, and that each will comply with such special assurances and provisions.

25. State Energy Conservation Plan

The Grantee and the Local Board assure that each recognizes mandatory standards and policies relating to energy efficiency, which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act of 1975. The Grantee and the Local Board each agree to comply with all applicable standards, orders, or requirements issued under § 306 of the Energy Policy and Conservation Act, § 508 of the Clean Water Act, Executive Order 11738, and the Environmental Protection Agency regulations pertaining to contracts, subcontracts, and subgrants in excess of $100,000 (40 CFR Part 15).

26. Sunshine Provision

In accordance with WIOA, and applicable regulations, and the Nebraska Open Meetings Act, the Grantee and the Local Board assures that all activities of the Local Board will be made available to the public. The Grantee and the Local Board further assures that the public, including individuals with disabilities, has and will have access to minutes of its meetings in compliance with the Nebraska Open Meetings Act.

27. Union Organizing

The Grantee and the Local Board assure that no funds received under WIOA will be used to assist, promote, or deter union organizing.

28. Veterans

The Grantee and the Local Board assure that use of funds received under WIOA will comply with the Veterans' priority provisions established in the Jobs for Veterans Act, and implementing regulations at 20 CFR Part 1010. The Grantee and the Local Board further assure that Veterans, as defined under WIOA Sec. 3(63)(A), will receive priority of service in all USDOL-funded training programs, subject to program eligibility requirements under the respective employment and training program, as required under 20 CFR § 680.650 and state policy.

[Remainder of page left blank intentionally.]

City of Lincoln Signature Page

AGREEMENT
City of Lincoln
Nebraska Department of Labor

EXECUTION BY THE CITY OF LINCOLN, NEBRASKA

ATTEST:

City Clerk

CITY OF LINCOLN, NEBRASKA

Mayor

Approved by Executive Order No. 97202

Dated 12/27/2022

Local Workforce Development Board Certification

Written Assurances

Members of the local workforce development board named below (local board) have been nominated and appointed according to the formal process established by the local workforce development area Chief Elected Official (CEO) in the bylaws of the local board, as required pursuant to 20 CFR § 679.310(g) and the State's [1] policy on workforce development boards and CEOs.

Members of the local board representing the business category (1) are owners, chief executive officers, chief operating officers, or other individuals with optimum policy-making authority or hiring authority for their respective businesses and (2) provide employment opportunities in in-demand industry sectors or occupations, as required pursuant to 20 CFR § 679.320(b) and the State's policy on workforce development boards and CEOs.

Standing committees of the local board are chaired by members of the board and include other individuals appointed by the board who (1) are not members of the board and (2) have demonstrated experience and expertise as determined by the local board, as required pursuant to 20 CFR § 679.360 and the State's policy on workforce development boards and CEOs.

The local board ensured that workforce investment activities carried out in the local area enabled the local area to meet negotiated levels of performance during the preceding two program years (Program Years 2020 and 2021), as required pursuant to WIOA Sec. 107(c)(2) and the State's policy on workforce development boards and CEOs. If the local area did not meet negotiated levels of performance during Program Year 2020 and/or Program Year 2021, attach a description of corrective action taken by the local board.

The local board sustained fiscal integrity during the preceding two program years (Program Years 2020 and 2021), as required pursuant to WIOA Sec. 107(c)(2) and the State's policy on workforce development boards and CEOs.

The local board maintains written documentation supporting these assurances in accordance with the State's policy on record management.

Local Workforce Development Area: Greater Nebraska

Printed name of Local Area CEO: Lisa Wilson

Signature of CEO: Lisa Wilson
Lisa Wilson (Jul 11, 2023 06:05 CDT)

Printed name of Local Board Chair: Stan Clouse

Signature of Chair: Stanley A. Clouse
Stanley A. Clouse (Jul 11, 2023 08:17 CDT)

[1] *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)

20-01_LOCAL_BOARD_CERT_WRITTEN_ASSURANCES_SIGNED

Final Audit Report 2023-07-11

Created:	2023-07-10
By:	Isaac Hill (isaac.hill@nebraska.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAL_5_DBKPJSJYp_vgaEFVc5_FvkV7P2pG

"20-01_LOCAL_BOARD_CERT_WRITTEN_ASSURANCES_SIGNED" History

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Signer lisa.wilson@cnhind.com entered name at signing as Lisa Wilson
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Agreement completed.
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Adobe Acrobat Sign

Attachment 1

Local Plan Assurances

The assurances described herein highlight specific requirements under the Workforce Innovation and Opportunity Act (WIOA) that apply to the Chief Elected Official identified below (the Grantee) and the Local Workforce Development Board identified below (the Local Board). These assurances are submitted with the agreement and approval of the Grantee and Local Board, based on the signatures of the Grantee and the Chair of the Local Board.

The assurances do not limit in any way the responsibilities of the Grantee or the Local Board. The Grantee and the Local Board are subject to all Federal and state laws, rules, regulations, policies, and procedures. The Grantee and Local Board must ensure that all local area subrecipients comply with and adhere to all Federal and state laws, rules, regulations, policies, and procedures.

By signing the following assurances, the Grantee and the Local Board assure the Nebraska Department of Labor (the Grantor) that the Grantee, the Local Board, and all local area subrecipients will abide by the following requirements, in addition to all Federal and state laws, rules, regulations, policies, and procedures.

Name of Local Area	Greater Omaha Workforce Development Area
Printed name of Grantee	JEAN STOTHERT
Signature of Grantee	Jean Stothert
Date of Grantee's signature	1/4/2023
Name of Local Board	Greater Omaha Workforce Development Board
Printed name of Chair	Sara Hansen
Signature of Chair	Sara Hansen Sara Hansen (Dec 28, 2022 09:46 CST)

[Remainder of page left blank intentionally.]

1. Access to Records

The Grantee and the Local Board assure that each will give the United States Department of Labor (USDOL) or its representatives, the Nebraska Department of Labor (NDOL) or its representatives, and other authorized representatives of Federal or State government access to, and the right to examine, all documents related to the Grantee and/or the Local Board's performance and responsibilities related to WIOA Title I programs and the WIOA grant agreement.

2. Administration

The Grantee and the Local Board assure that each will fully comply with all applicable statutes, regulations, policies, applicable cost principles, and all Grantor instructions relating to the administration of WIOA Title I funds, including any subsequent amendments to such items.

3. Administration and Fiscal Systems

The Grantee and the Local Board assure that each will use generally accepted accounting principles, and that each has adequate administrative and fiscal systems necessary to promote effective use of WIOA Title I funds, which comply with WIOA, the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards in 2 CFR Part 200 and USDOL exceptions to 2 CFR Part 200 found at 2 CFR Part 2900. This includes, but is not limited to, a financial management system that satisfactorily accounts for and documents the receipt and disbursement of WIOA Title I funds, including information pertaining to subgrants and contract awards, obligations, unobligated balances, assets, expenditures, and income. Effective internal controls must be in place to safeguard assets and ensure their proper use (including property location and usage). All source documentation must be maintained to support accounting records that will permit the tracking of funds to a level of expenditure adequate to establish that funds have not been used in a violation of the applicable restrictions on the use of such funds.

4. Audits and Audit Resolution File

The Grantee and the Local Board assure that organization-wide or program-specific audits will be performed in accordance with the Audit Requirements of 2 CFR Part 200. The Grantee and the Local Board assure that the Local Board will maintain an audit resolution file documenting the disposition of reported questioned costs and corrective actions taken for all findings.

5. Bonding

The Grantee and the Local Board assure that all persons and/or subrecipients who are authorized to receive or deposit WIOA Title I funds or issue financial documents, checks, or other instruments of payment for WIOA Title I program costs are bonded in accordance with Federal and state regulatory requirements for protection against loss.

6. Cash Management

The Grantee and the Local Board assure that no excess cash will be kept on hand; and procedures are in place for maintaining and monitoring the minimum amount of cash on hand necessary to efficiently improve the timing and control of disbursements.

7. Compliance with Nebraska Revised Statutes §§ 4-108 through 4-112 and 4-114

The Grantee and the Local Board assure that all agreements with contractors must include a certification that the contractor has registered with and is using a Federal immigration verification system, as defined in Neb. Rev. Stat. § 4-114, to determine the work eligibility status of all new employees performing services within the State of Nebraska. Upon reasonable notice, the contractor must provide documentation to NDOL proving the contractor is or was at all times during the term of the contractor's agreement in compliance with this assurance. If the contractor is an individual

or sole proprietorship, the contractor must complete the United States Citizenship Attestation Form, accessible on the Nebraska Department of Administrative Services website at http://das.nebraska.gov/lb403/attestation_form.pdf. If the contractor indicates on such attestation form that he or she is a qualified alien, the contractor must agree to provide to the United States Citizenship and Immigration Services the documentation required to verify the contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program. Verification of lawful presence in the United States and qualified alien status must also be established, pursuant to Neb. Rev. Stat. §§ 4-111 and 4-112, if the contractor has applied for public benefits, as defined in Neb. Rev. Stat. § 4-108. The Grantor and the Local Board must ensure that the contractor understands that lawful presence in the United States is required and that the contractor may be disqualified or the contract terminated if such lawful presence cannot be verified.

8. Compliance with WIOA

The Grantee and the Local Board assure that each will fully comply with the requirements of WIOA and its implementing rules and regulations.

9. Confidentiality

The Grantee and the Local Board assure each will safeguard personally identifiable information (PII) and comply with the confidentiality requirements of Section 116(i)(3) of WIOA; Section 444 of the General Education Provisions Act (20 USC § 1232g); 29 CFR §§ 38.41(b)(2)-(3), 38.41(c), and 38.45; Training and Employment Guidance Letters (TEGL) 39-11 and 15-16; and regional and local laws and regulations regarding safeguarding of PII.

10. Local Plan and Regional Plan

The Grantee and the Local Board assure that a comprehensive local plan has been developed, and will be maintained, that identifies and describes the policies, procedures, and activities that will be carried out in the local area and that such local plan is consistent with the State of Nebraska WIOA combined state plan, as required under 20 CFR § 679.550. In addition, the Grantee and the Local Board assure that the local plan has been developed in consultation with local chief elected officials and that the public has been provided with an opportunity to provide comment on development of the plan and any subsequent modification of the plan, as required under 20 CFR § 679.550. The Grantee and the Local Board also assure that each have and will participate in a planning process resulting in the preparation of a regional plan, and that the public has been provided with an opportunity to provide comment on development of the plan, including representatives of business, labor organizations, and education, as required under 20 CFR § 679.510. In addition, the Grantee and the Local Board assure that regional planning has been conducted in partnership with other local boards and chief elected officials within the planning region, as required under 20 CFR § 679.510, and other regional area workforce system partners.

11. Expending Funds

The Grantee and the Local Board assure that funds will be spent in accordance with WIOA and its implementing rules and regulations, all written USDOL guidelines, and all other applicable Federal and state laws, rules, regulations, guidance, and policies.

12. Governor's Grant Procedures

The Grantee and the Local Board assure that all use of funds allocated to the Grantee and the Local Board will comply with the grant procedures prescribed by the Governor that are necessary to enter into grant agreements for the allocation and payment of funds under WIOA Title I. The procedures and agreements are provided by the Governor and specify the requirements, terms, conditions, assurances, and certifications and must include, but not be limited to, the following:

a. General Administrative Requirements:
    i. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

ii. 2 CFR Part 2900 – USDOL exceptions to 2 CFR Part 200; and
iii. 20 CFR Part 683 – Administrative Provisions under WIOA Title I of The Workforce Innovation And Opportunity Act

b. Assurances and Certifications:
i. Standard Form 424 B – Assurances – Non-Construction Programs
ii. 29 CFR Part 2 Subpart D – Equal Treatment in USDOL Programs for Religious Organizations
iii. 29 CFR Part 31 – Nondiscrimination in Federally Assisted Programs of the Department of Labor
iv. 29 CFR Part 32 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
v. 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act;
vi. 29 CFR Part 93 – New Restrictions on Lobbying
vii. 2 CFR Part 180 Subparts F, G and H – Suspension and Debarment Actions
viii. 2 CFR Part 182 – Government-Wide Requirements for Drug-Free Workplace (Financial Assistance)

13. Grievances/Complaints

The Grantee and the Local Board assure that each will comply with Federal, state, and local laws, rules, regulations, guidance, policies, and procedures for the handling of grievances and complaints from employees and WIOA Title IB (Adult, Dislocated Worker, and Youth) program participants, as required under 20 CFR §§ 683.600 and 683.610. The Grantee and the Local Board further assure that each will comply with Federal, state, and local laws, rules, regulations, guidance, policies, and procedures regarding actual, potential, or suspected fraud; gross mismanagement or misuse of program funds; conduct violations; violations of regulations; and abuse in programs and operations funded by the USDOL Employment and Training Administration, as required under 20 CFR § 683.620 and Training and Employment Guidance Letter 2-12.

14. Human Trafficking

The Grantee and the Local Board understand that the Grantor may terminate the grant award, without penalty, as a result of actions by the Grantee, the Local Board, Grantee's employees or subrecipients, or local area staff based on noncompliance with the Trafficking Victims Protection Act of 2009, as amended, and as implemented by 2 CFR Part 175.15(b).

15. In-demand Occupations or Industries

The Grantee and the Local Board assure that training provided for WIOA Title IB (Adult, Dislocated Worker, and Youth) program participants will be provided only for those occupations that are directly linked to an in-demand industry sector or occupation in the local area or the planning region, as those terms are defined in Sections 3(23), 3(32), and 3(48) of WIOA, or in another local area or planning region to which a WIOA Title IB (Adult, Dislocated Worker, and Youth) program participant is willing to relocate.

16. Licensing, Taxation, and Insurance

The Grantee and the Local Board assure that each will comply with all Federal, state, or local laws, rules, and regulations governing applicable licensing, taxation, and insurance requirements.

17. Nondiscrimination

The Grantee and the Local Board assure that each will comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, which prohibits discrimination on the basis of:

a. race, color, or national origin under Title VI of the Civil Rights Act of 1964;
b. age under the Age Discrimination Act of 1975;

c. sex under Title IX of the Education Amendments of 1972; and
d. disability under Section 504 of the Rehabilitation Act of 1973.

The Grantee and the Local Board further assure each will comply with the nondiscrimination and equal opportunity provisions of Section 184 of WIOA, which includes prohibitions against discrimination on the basis of any individual's participation in programs or activities funded or otherwise financially assisted under WIOA, and discrimination on the basis of citizenship status for certain noncitizens.

18. Patent Rights, Copyrights and Rights in Data

The Grantee and the Local Board assure that each understands that NDOL and USDOL reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal government purposes:

a. the copyright in and to any work developed under a grant, subgrant, or contract under a grant of subgrant; and
b. any rights of copyright to which a grantee, subrecipient, or a contractor purchases ownership with grant support.

19. Reporting

The Grantee assures that it will submit complete, accurate, and timely reports as required under Section 185(c) of WIOA and as specified by the Governor.

20. Responsibility Matters

The Grantee and the Local Board assure that each will enforce standards and procedures to ensure against fraud and abuse, including standards and procedures against nepotism, conflicts of interest, lobbying, kickbacks, drug use, political patronage (Hatch Act), and provisions which govern debarment, suspension, and other responsibility matters.

21. Retention of Records

The Grantee and the Local Board assure that each will retain all financial and program records, books of account, and other documents related to the grant agreement for a period of three (3) years from the date NDOL submits a final expenditure report to USDOL for the applicable program year, as required under 20 CFR § 200.333. The Grantee and the Local Board also assure that if, prior to the conclusion of the three (3) year retention period, any litigation or an audit has begun, the records, books of account and documents relating to the grant agreement must be maintained until the litigation is complete and audit findings are resolved, as required under 20 CFR § 200.333 and state policy. Further, the Grantee and the Local Board assure that USDOL, Inspectors General, Comptroller General of the United States, NDOL, and any of their respective authorized representatives have the right of access to any documents, papers, or other records that pertain to funds allocated to the Grantee and the Local Board in order to make audits, examinations, excerpts, and transcripts, as required under 2 CFR §200.336(a) and state policy. This right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents. Rights of access last as long as the records are retained by the Grantee, the Local Board, their respective service providers, and all local area staff, as required under 2 CFR § 200.336(c) and state policy.

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The Grantee and the Local Board assure that funds appropriated under WIOA or prior legislation under the heading "Employment and Training Administration" that are available for expenditure on or after June 15, 2006 will not be used by a recipient or subrecipient of such funds to pay the salary and/or bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule (WIOA Sec. 194(15)(A)), except as provided under WIOA Sec. 194(15)(B) which states that the limitation must not apply to vendors providing goods and services as defined in 2 CFR Part 200 Subpart B.

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All procurement transactions must be conducted in accordance with the procurement standards and requirements established under WIOA, 2 CFR Part 200, 2 CFR Part 2900, state law, state policy, and regional and local laws and regulations.

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The Grantee and the Local Board assure that each understands that other special assurances or provisions may be required under Federal law, rules, regulations, guidance, or policy, including specific appropriations legislation, WIOA, or subsequent Executive or Congressional mandates, and that each will comply with such special assurances and provisions.

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In accordance with WIOA, and applicable regulations, and the Nebraska Open Meetings Act, the Grantee and the Local Board assures that all activities of the Local Board will be made available to the public. The Grantee and the Local Board further assures that the public, including individuals with disabilities, has and will have access to minutes of its meetings in compliance with the Nebraska Open Meetings Act.

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The Grantee and the Local Board assure that no funds received under WIOA will be used to assist, promote, or deter union organizing.

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The Grantee and the Local Board assure that use of funds received under WIOA will comply with the Veterans' priority provisions established in the Jobs for Veterans Act, and implementing regulations at 20 CFR Part 1010. The Grantee and the Local Board further assure that Veterans, as defined under WIOA Sec. 3(63)(A), will receive priority of service in all USDOL-funded training programs, subject to program eligibility requirements under the respective employment and training program, as required under 20 CFR § 680.650 and state policy.

[Remainder of page left blank intentionally.]

NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS IN A STANDARD LEASE AGREEMENT THROUGH THE DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE OF NEBRASKA

hereunder.

18. Compliance with Civil Rights Laws and Equal Opportunity Employment. In connection with the performance of its obligations under the terms of this Lease, Lessor shall comply with all applicable local, state and federal statutes and regulations regarding civil rights and equal opportunity employment. In connection with the performance of Lessor's obligations under the terms of this Lease, neither Lessor nor any subcontractors of Lessor shall discriminate against any employee or applicant for employment, to be employed in the performance of this Lease, with respect to the employee or applicant hire, tenure, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, disability or national origin.

In connection with the performance of its obligations under the terms of this Lease, Lessee/Tenant Agency shall comply with all applicable local, state and federal statutes and regulations regarding civil rights and equal opportunity employment. In connection with the performance of Lessee's obligations under the terms of this Lease, neither Lessee/Tenant Agency nor any of their subcontractors shall discriminate against any employee

or applicant for employment, to be employed in the performance of this Lease, with respect to the employee or applicant hire, tenure, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, disability or national origin.

State 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
May 3, 2023

Supersedes
Procurement
(effective February 23, 2018)

Procurement, Change 1

REFERENCE

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

BACKGROUND

WIOA and the Uniform Guidance[1] establish administrative requirements, procurement standards, and methods of procurement for WIOA Title I programs (youth, adult, and dislocated worker).

CHANGES

Under this Change 1, footnotes have been revised for clarity and links have been updated where necessary.

[1] Uniform Guidance refers collectively to 2 CFR Parts 200 and 2900.

ACTION

This policy supersedes and cancels the State's policy titled Procurement (effective February 23, 2018). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Each local board must establish local procurement policies and procedures for procurement of property and services required to carry out WIOA Title I programs (youth, adult, and dislocated worker). The policies and procedures must adhere to state and local procurement laws and the following laws, regulations, and guidance:[2]

- Uniform Guidance;
- 2 CFR Part 180, guidelines on debarment and suspension;[3] and
- other applicable Federal laws, regulations, and guidance, including requirements for procurement established under WIOA and its implementing rules, regulations, and guidelines.

POLICY

This policy establishes requirements applying to administrative entities[4] regarding procurement of property and services required to carry out WIOA Title I programs, except for the procurement of one-stop operators.[5]

This policy has three sections and one appendix.

Section I. Administrative requirements....3
Section II. Procurement standards....3
Section III. Procurement methods....4
(a) Leveraged resources....5
APPENDIX I. Definitions....7

[2] 2 CFR § 200.318; 20 CFR § 681.400
[3] 2 CFR § 200.213
[4] The CEO, local board, administrative representatives, and fiscal agent(s) for a local area are collectively referred to as administrative entity throughout this policy.
[5] Procurement of one-stop operators is addressed in the State's policy on one-stop operator competitive selection and is available in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies..

Section I. Administrative requirements

The provisions of this policy apply to administrative entities in their role as pass-through entities that award:

- subawards to subrecipients to carry out part of the local WIOA Title I program; and
- contracts to contractors for purchasing property or other services needed to carry out WIOA Title I programs.

Section II. Procurement requirements

Administrative entities must follow the procurement standards established in the Uniform Guidance, key provisions of which are summarized below to stress their importance.

Each administrative entity must:

1. use its own documented procurement policies and procedures, provided they conform to the standards identified in the Uniform Guidance;[6]
2. maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of subawards and contracts;[7]
3. maintain written standards of conduct covering organizational conflicts of interest if the administrative entity has a parent, affiliate, or subsidiary organization that is not a state or local government;[8]
4. maintain, retain, and provide access records detailing the history of procurement;[9]
5. make case-by-case determinations on:
    a. whether the third party qualifies as a subrecipient or a contractor based on the substance of the administrative entity's relationship with that party;[10] and

[6] 2 CFR § 200.318
[7] 2 CFR § 200.318(c). The State's policies on workforce development boards and chief elected officials and internal controls and conflicts of interest provide additional information pertaining to conflict of interest requirements. The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[8] Ibid.
[9] 2 CFR §§ 200.318(c)(1), 200.333, 200.336, 200.337. The State's policy on records management provides additional information on requirements pertaining to records maintenance, retention, and access and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[10] 2 CFR § 200.330

b. the appropriate legal instrument for procurement (grant agreement, pay-for-performance contract, cooperative agreement, contract) and ensure that the provisions required under the Uniform Guidance are included;[11]

6. conduct all procurement transactions in a manner providing full and open competition;[12]

7. take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and firms in labor surplus areas[13] are used when possible;[14]

8. ensure that subawards and contracts are not awarded to third parties that are debarred, suspended, or excluded from or ineligible for participation in Federal programs;[15]

9. award subawards and contracts only to third parties capable of successful performance under the provisions of their respective agreement or contract;[16]

10. maintain oversight to ensure that subrecipients perform according to the provisions of their respective grant agreement, pay-for-performance contract, or cooperative agreement;[17] and

11. be responsible for the settlement of all contractual and administrative issues arising out of agreements and contracts.[18]

Section III. Procurement methods

Table 1 provides an overview of permitted procurement methods, which are described in detail in 2 CFR § 200.320. Local boards must use one of these methods or the leveraged-resources method described in Section III(a).

Table 1. Methods of procurement[19]

Method	Description
1. Micro-purchase	Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.[20] To the extent possible, local boards must distribute micro-purchases equitably among qualified third parties. Micro-purchases may be awarded without soliciting competitive quotations if the local board considers the price to be reasonable.

[11] Uniform Guidance, including 2 CFR §§ 200.331 and 200.326 and Appendix II to 2 CFR Part 200 provide information on required provisions. In addition, refer to 20 CFR Parts 680, 681, and 683 for regulations on pay-for-performance contracts contract strategies.
[12] 2 CFR § 200.319
[13] Information on labor surplus areas is accessible at https://www.dol.gov/agencies/eta/lsa.
[14] 2 CFR § 200.321
[15] 2 CFR § 200.213
[16] 2 CFR § 200.318
[17] Ibid.
[18] Ibid.
[19] 2 CFR § 200.320; 20 CFR § 681.400(b)(4); TEGL 21-16
[20] Refer to 2 CFR § 200.320 and 48 CFR Part 2 Subpart 2.1 for information on micro-purchase thresholds.

Method	Description
2. Small purchase procedure	The small purchase procedure is the relatively simple and informal procurement method for securing services that do not cost more than the Simplified Acquisition Threshold.[21] If small purchase procedure is used, price or rate quotations must be obtained from an adequate number of qualified third parties.
3. Sealed bid (formal advertising)	Under the sealed bid procedure, bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the third party whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
4. Competitive proposal	The technique of the competitive proposal is normally conducted with more than one provider submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.
5. Noncompetitive (sole-source) proposal	The noncompetitive (sole-source) proposal method is procurement through solicitation of a proposal from only one third party. Noncompetitive procurement may be used only when: ▪ the item is available only from a single source; ▪ public exigency or emergency will not permit a delay resulting from competitive solicitation; ▪ the US Department of Labor Employment and Training Administration *or* NDOL expressly authorizes noncompetitive proposals in response to a written request from the administrative entity; ▪ after solicitation of a number of sources, competition is determined inadequate; or ▪ there are an insufficient number of eligible youth providers or Eligible Training Providers in the local area, which is determined according to local procurement policies and procedures.[22]

(a) Leveraged resources

Local Title I programs are not required to use program funds for procurement of program services and may leverage partner resources to provide some or all services. If a program service is not funded with program funds, the local board or applicable Title I program provider must:[23]

- have a written agreement with the partner to ensure that the service will be offered; and
- ensure that the service is closely connected to and coordinated with the program.

[21] Refer to 2 CFR § 200.320 and 48 CFR Part 2 Subpart 2.1 for information on simplified acquisition thresholds.
[22] 20 CFR §§ 679.370(l)(1), 680.320(a)(2), and 681.400(b)(4)
[23] 20 CFR § 681.470

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.

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.[24]

1. contract[25]

Contract means a legal instrument by which an administrative entity purchases property or services needed to carry out WIOA Title I programs. The term contract does not apply to transactions that meet the definition of a Federal award or subaward, even if the administrative entity considers it a contract.

2. contractor

Contractor means an entity that receives a contract (defined above).[26]

3. cooperative agreement

Cooperative agreement means a legal instrument of financial assistance between a pass-through entity and a non-Federal entity that is:[27]

- used to enter into a relationship, the principal purpose of which is to transfer anything of value (typically money) from the pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (i.e., WIOA);
- not used to acquire property or services for the pass-through entity's direct benefit or use;
- distinguished from a grant in that it provides for substantial involvement between the pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

4. grant agreement

Grant agreement means a legal instrument of financial assistance between a pass-through entity and a non-Federal entity that is:[28]

- used to enter into a relationship, the principal purpose of which is to transfer anything of value (typically money) from the pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (i.e., WIOA);

[24] Definitions for terms used in this policy that are not included in this appendix are provided in 2 CFR Part 200 Subpart A. Also, different definitions may be found in Federal statutes, regulations, and TEGLs that apply more specifically to particular WIOA Title I programs or activities.
[25] 2 CFR § 200.22
[26] 2 CFR § 200.23
[27] 2 CFR § 200.24
[28] 2 CFR § 200.51

- not used to acquire property or services for the pass-through entity's direct benefit or use;
- distinguished from a cooperative agreement in that it does not provide for substantial involvement between the pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

5. pass-through entity

Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program (i.e., WIOA Title I).[29]

6. pay-for-performance contract

A pay-for-performance contract is a type of performance-based contract that are entered into only when they are part of a WIOA pay-for-performance contract strategy.[30]

7. subaward[31]

Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity (i.e., WIOA Title I Federal award). It does not include contracts with contractors or payments or benefits provided to WIOA Title I program participants.

8. subrecipient[32]

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program (i.e., WIOA Title I programs). The term does not include WIOA Title I program participants.

[29] 2 CFR § 200.74
[30] 2 CFR §§ 683.510 and 683.520
[31] 2 CFR § 200.92
[32] 2 CFR § 200.93

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WIOA Title I Comprehensive Monitoring Guide

Effective date: April 11, 2023

Message to readers

This Comprehensive Monitoring Guide (CMG) focuses on grant program service design and delivery, grant operations, and financial management. The CMG includes monitoring content for WIOA Title I grants. The CMG does not yet include content relating to the *ETA Core Monitoring Guide Youth Supplement*. In addition, more general provisions appearing in the *ETA Core Monitoring Guide* relating to the Title III Wagner-Peyser Employment Service, Trade Adjustment Assistance Program, or other grants that have been or may be awarded to NDOL or any local workforce development area have not yet been fully incorporated into the CMG.

Earlier versions of this CMG are superseded and cancelled by this CMG, which is in effect as of April 11, 2023. Questions or comments about the CMG may be sent to Derek Ahrens, NDOL State Monitoring Unit Administrator, at derek.ahrens@nebraska.gov.

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I. Introduction

Purpose of this CMG

The Nebraska Department of Labor (NDOL) State Monitoring Unit (SMU) uses this Comprehensive Monitoring Guide (CMG) as a tool when performing on-site and virtual reviews of core activities of Nebraska's grant subrecipients. The purposes of SMU reviews are to evaluate:

- grant subrecipient management and administration of grants;
- quality of the grant programs and services; and
- performance of the grants to determine if the programs are operating in compliance with their respective grant agreements with NDOL; Federal and State laws, regulations, rules, guidance, and policies; and the Uniform Guidance and in a manner that ensures achievement of grant subrecipient goals and outcomes.

On-site and virtual monitoring are two of many oversight tools employed by the SMU that help in assessing grant subrecipient technical assistance needs to achieve success in program goals and deliverables. NDOL monitors its grant subrecipients to measure progress, ensure compliance, assess responsible use of Federal funds, and develop technical assistance plans.

Background

NDOL is responsible for oversight of its grant subrecipients. Oversight is performed in many ways, including on-site and virtual monitoring, risk assessments, desktop reviews, and analyses of performance and financial reports. NDOL relies on the professional judgement and experience of its staff, including SMU staff, State Policy Unit staff, and other Reemployment Services Division staff, including Finance Division staff, to carry out oversight functions successfully. This CMG does not relieve the individual reviewer of their obligations to represent fully and faithfully the interests of NDOL and the US Department of Labor Employment and Training Administration (ETA). Instead, this CMG serves as a reference tool and catalog of potential compliance issues.

Each grant subrecipient that provides a subaward to another entity (also a subrecipient) to carry out part or all of its grant responsibilities is defined as a pass-through entity (PTE). All grant subrecipients acting as PTEs are required, in turn, to conduct oversight and monitoring of their respective subrecipients (i.e., service providers) to ensure compliance with all Federal and State requirements applicable to their respective grants.

Development of this CMG

Development of this CMG is based on the US Department of Labor Core Monitoring Guide (dated July 2018) and applicable State laws, rules, regulations, and policies. This CMG replaces the NDOL Comprehensive Monitoring Guide (dated November 2019) and addresses and clarifies existing programmatic, administrative, and financial requirements applicable to NDOL's grant subrecipients and their respective subrecipients.

This CMG contains specific guidance for each grant program under NDOL review.

Structure and use

This CMG will be used broadly by SMU reviewers conducting reviews of Nebraska's grant subrecipients. In each grant subsection, this CMG calls attention to certain features that are unique to a particular grant program. However, guidance specific to different programs may be addressed in TEGLs or other supplements to this CMG.

This CMG provides:

- instructions for conduct of on-site and virtual monitoring, including pre-monitoring, on-site, virtual, and desktop reviews, post-review activities, and issuance of monitoring reports; and
- grant specific outlines for review of the three core activities:
    - Core activity 1: Service design and delivery;
    - Core activity 2: Grant operations; and
    - Core activity 3: Financial management;
- indicators to assess grant requirement expectations; and
- an appendix of tools and resources for reviewers.

Core activities, objectives, and indicators

Each core activity section in this CMG is organized around specific subject areas called objectives. The objectives address specific requirements or topics addressed in grant agreements with NDOL; Federal and State laws, regulations, rules, guidance, and policies; and the Uniform Guidance.

Indicators accompany each objective. The indicators are the criteria to be used to determine whether the objective and its requirement are being met. Indicators are labeled (C) or (E), or (C/E):

- (C) for compliance indicators that must be met;
- (E) for effectiveness indicators that may result in an area of concern or a finding if not addressed; or
- (C/E) for indicators the reviewer determines as (C) or (E) or both, identifying the appropriate citation applicable to the indicator as (C) or (E) or both when making determinations in a monitoring report.

Findings

If a compliance indicator (C) is not met, that will result in a finding. A finding is a violation of a specific compliance requirement defined in grant agreements with NDOL; Federal and State laws,

regulations, rules, guidance, and policies; and the Uniform Guidance that required specific corrective action. In the monitoring report, each finding description must contain:

- a topic sentence that describes the condition (i.e., the compliance violation);
- cause of the violation;
- criteria (citation of law, regulation, etc.) supporting the condition as a compliance issue; and
- requirements for appropriate corrective action by the grant subrecipient and/or its subrecipients, including timeframes for completion.

The descriptors in a finding described above are referred to as the 4 Cs (condition; cause; criteria; and corrective action). The 4 Cs are described in greater detail in Section VI.

Areas of concern or observations

If an effectiveness indicator is not met and the reviewer believes that may result in a finding at some later point if not addressed, that means an area of concern has been identified. Areas of concern are not specific compliance violations but may negatively impact the program or lead to a finding.

Traditionally, no corrective action is required for areas of concern; however, the reviewer may suggest recommended actions.

Core activity structure

1. Each core activity is organized around requirements that were derived from legislation, rules, and regulations, or promising practices that relate to that core activity. These requirements or expectations are called objectives.
2. Each objective includes a set of indicators, attributes, or criteria that attest that the objective or requirement is being met. The indicators are marked with a (C) for compliance indicators that must be met or an (E) for effectiveness indicators. For Core activity 1 only, the reviewer must review a list of documents to determine whether an indicator is a (C) or (E) or both.
3. Each (C) indicator in this CMG includes a citation for reference. For Core activity 1 only, the reviewer must identify the applicable citation.
4. Each indicator includes instructions that the reviewer uses to begin assessment of whether the indicator is present. The reviewer may expand upon use of the instructions or employ other means for assessment of the grant subrecipient's performance.
5. Some indicators include tips to help with the review.
6. Each indicator includes questions for review and discussion that will help when assessing the compliance or effectiveness of the subject area.

7. The reviewer records notes and specific findings at the indicator level, so that if a question arises later, the reviewer has a means for recreating the basis for a determination. There is also a tool in the appendix that can be used to record notes while reviewing on-site or virtually (Tool T: Summary of results and reviewer notes).

Appendix

The appendix to this CMG provides resources and tools for the reviewer to assist with performance of in-depth assessments of the indicators found in the CMG. In addition, the appendix includes a list of definitions found in this CMG.

Using this Comprehensive Monitoring Guide (CMG)

This CMG is designed to be used by the reviewer during pre-monitoring, on-site or virtual review, and post-review phases of a monitoring event.

✔ Prior to the review, the reviewer uses the CMG to plan and prepare for the review.

The pre-monitoring review helps the reviewer determine which core activities and indicators should be reviewed, the site(s) to be reviewed, and identify areas that may need deeper analysis during the review. The pre-monitoring review prepares the reviewer to dig deeper during the on-site or virtual review to determine causes and appropriate corrective actions.

✔ While conducting the on-site or virtual review, the reviewer uses this CMG as a probing tool to acquire context.

Context for performance deficiencies is provided through multiple on-site or virtual conversations, observations, and document reviews. Probing deeper in certain areas; looking into, for instance, financial and administrative policies, procedures and accounting, internal controls, and purchasing systems; and conducting sampling of transactions and documentation may expand the scope of the review or draw the reviewer deeper into identifying the root cause of identified issues. The reviewer uses the CMG to determine if the grant subrecipient has achieved core activity objectives based on the grant subrecipient's performance on the indicator(s).

✔ During the post-visit phase, use the CMG to translate data into a monitoring report.

The monitoring report communicates the results of the review to the grant subrecipient, identifying best practices, findings, and areas of concern. The report also provides the grant subrecipient with corrective actions that address the causes of the findings and recommended actions for areas of concern.

Training requirements for SMU reviewers

Before a reviewer conducts their review monitoring event, all reviewers complete the following monitoring eLearning Modules Series on WorkforceGPS.

- Overview Module: Framework for Monitoring and Oversight

- Element 1: Understand the Goals and Value of Monitoring and Oversight
- Element 2: Build Organizational Support and Capacity for Monitoring
- Element 3: Establish and Sustain Effective Partnerships
- Element 4: Conduct Data-Driven Analysis
- Element 5: Use Comprehensive and Current Monitoring Tools
- Element 6: Conduct Effective On-site Monitoring
- Element 7: Leverage Monitoring as a Tool for Continuous Improvement

Reviewers also review materials and watch recorded webinars on WorkforceGPS prior to conducting their first monitoring event.

- Webcast: An Overview of ETA Monitoring & Oversight Training Series and Introduction to the Framework for Monitoring & Oversight
- Webcast: Preparation and Planning for Monitoring
- Webcast: Understanding the Story: Participant File Review
- Live Session: The Importance of Collaboration and Communication – April 14, 2021
- Podcast: Monitoring for Governance
- Live Session: Digging Deeper into Entrance Meetings and Conducting Interviews – May 12, 2021
- Live Session: Effective and Efficient Monitoring Practices and Review Wrap-Up - June 2, 2021
- Podcast: The 4Cs of a monitoring report – Condition, Cause, Criteria and Corrective Action

II. Monitoring review

Purpose

The overall purpose of the monitoring review is to support and enhance the success of Nebraska's grant subrecipients in their implementation of grant subawards. The success of Nebraska's grant subrecipients translates to the success of the State's administration of its grants from ETA. In other words, the purpose of monitoring is to improve and enhance State-level and local-level performance.

A monitoring review is an oversight activity that may lead to opportunities for technical assistance and corrective action. For NDOL's purposes, a monitoring review is a process used to measure progress, identify areas of compliance, offer opportunities for technical assistance to help resolve non-compliance issues and ensure that Federal funds are used responsibly.

- *Measuring progress.* The reviewer makes:
    - judgments based on the information collected during all phases of the monitoring process; and
    - assesses the grant subrecipient's progress in meeting performance goals, and participant outcomes while ensuring fiscal integrity and transparency.
- *Identifying areas of compliance.* The reviewer assesses grant subrecipient compliance with applicable Federal and State laws, rules, regulations, guidance, policies, and other requirements by using the indicators identified for each of the core activities. Steps to ensure timely and adequate corrective action are also tracked.
- *Providing technical assistance.* The reviewer identifies technical assistance and training needs and promptly addresses them *following* collaboration with other SMU staff and the State Policy Unit.

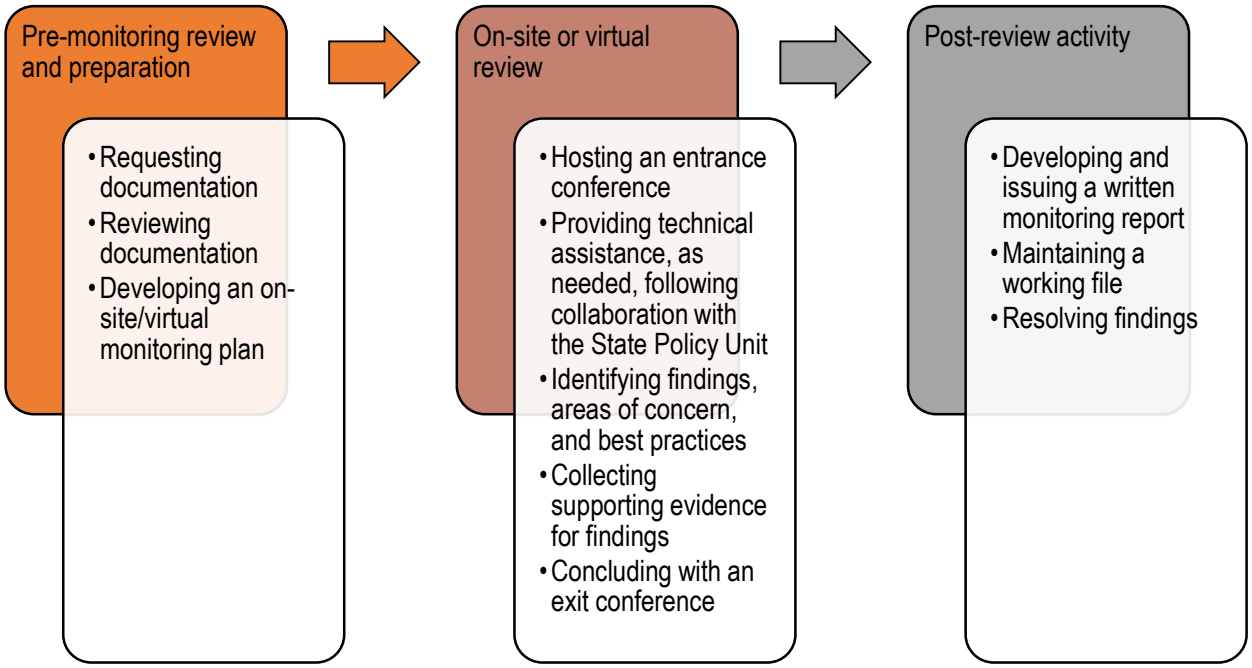
Whether the grant subrecipient is new to Federally or State funded programs or a long-time subrecipient, the reviewer needs to take several steps to prepare and plan for reviews. There are instances where grant subrecipients fail to realize that their common practices are not always in compliance with applicable Federal and State laws, regulations, rules, guidance, and policies. These instances are "blind spots" that may become visible with effective monitoring.

Proactive monitoring goes beyond looking only at compliance issues and extends to identifying ways to improve service design and delivery and effectiveness and efficiency of the grant operations conducted by the grant subrecipient.

3 components of the monitoring process

On-site monitoring reviews typically include three components: pre-monitoring review and preparation; on-site or virtual review; and post-review activity, as illustrated in Diagram 1.

Diagram 1. 3 components of the monitoring process



Roles of the reviewer

Good reviewers wear multiple hats. In addition to monitoring for compliance, reviewers are relationship builders, subject matter experts (SMEs), and drivers of continuous improvement. Reviewers build relationships within the SMU and with the State Policy Unit and grant subrecipients by maintaining open communication, managing expectations, and acting in a professional, respectful, and responsible manner. To accomplish these actions, reviewers should:

- consistently follow SMU protocols;
- be punctual, prepared, and courteous;
- acknowledge the complex challenges faced by grant subrecipient staff in implementation of programs and management of program funding;
- encourage improvements and/or the replication of best practices that lead to efficiencies;
- acknowledge that grant subrecipient staff have expertise, knowledge, skills, and competencies;
- meet deadlines and respond to emails and return phone calls in a timely manner; and
- connect the grant subrecipient with peers that are successful in areas with which the grant subrecipient is struggling.

Reviewers are expected to be SMEs; therefore, reviewers must:

- be well-versed in Federal, State, and local laws, rules, regulations, and policies relating to the grant subaward;
- have thorough knowledge of Nebraska's current state plan for its workforce system and current regional and local plan;
- be knowledgeable of practices regarding governance, service design and delivery, program management, performance management, and workforce development programs;
- be knowledgeable about the grant subrecipient through review of the grant file in order to gain familiarity with the status of grant activities;
- know where to conduct research during the review and who to contact when unsure about a question posed by a grant subrecipient; and
- prior to the start of a review, be knowledgeable of the information collected during the pre-monitoring review and preparation phase.

The reviewer is a member of the SMU, which includes the:

- Reemployment Services Director;
- Reemployment Services Administrator: Quality Control (SMU administrator and reviewer);
- State Monitoring Unit Supervisor (reviewer)
- State Monitoring Unit Reemployment Program Coordinator (reviewer); and
- State Monitoring Unit Reemployment Specialist (reviewer).

Working file

The grant file (aka, working file) consists of several types of information that when taken together contains all of the necessary documentation the reviewer needs to monitor the grant effectively. The information contained in the working file supports the reviewer's assessments of whether the grant subrecipient is fulfilling the specified requirements outlined its grant agreement, as well as Federal, State, and local laws, rules, regulations, and policies relating to the grant subaward.

The working file provides:

- documentation that is critical to decision making about the grant and grant operations;
- information on how to advise a grant subrecipient seeking technical assistance;
- furnishes a chronological record of grant activities; and
- allows for a smooth transition when there is a change in SMU staff.

In addition to the working file, critical information about grant activities may be available in the grant subrecipient's information management system; and grant subrecipient performance reports, which can be requested from the SMU Administrator.

The working file is maintained digitally. All documentation collected and generated during the monitoring process, including hard copies and email, *must* be stored digitally in the appropriate subfolder of the Monitor folder.

III. Pre-monitoring review and preparation

Authorities and requirements

Before conducting the monitoring review, the reviewer must be familiar with applicable Federal and State laws, rules, regulations, guidance, and policies. Also including, but not limited to, the following:

- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- Nebraska Open Meetings Act, Neb. Rev. Stat. §§ 84-1407 to 84-1414 (refer to the Nebraska Attorney General's website for current information on the Act);
- grant agreements between NDOL and grant subrecipients, when applicable (contact the SMU Administrator for current grant agreements);
- current Combined State Plan of Nebraska's workforce systems (contact the SMU Administrator for the current state plan);
- grant subrecipient's current regional and local plan (contact the SMU Administrator for the current the regional and local plan); and
- grant subrecipient's work plan (refer to next section for information on work plans).

Note. Refer to Resource C. Order of Precedence for an order of precedence tool that will assist in decision making in the event of any inconsistency between any of the sources listed above.

Work plan

The work plan is a combination of technical documents that explains how the grant subrecipient will accomplish, operate, and comply with the requirements of the grant award. Collectively, policies, operation manuals, and procedure guides must align and be compliant in relation to applicable Federal and State laws, rules, regulations, guidance, and policies. Taken together, the work plan dictates how the grant is to be operated by the grant subrecipient.

Components of work plan for review

Key components of a grant subrecipient work plan include:

- regional and local plan;
- service design and delivery plan, including:
    - grant subrecipient policies, including programmatic and administrative policies;

  - policies of the grant subrecipient's service providers, including programmatic and administrative policies;

- fiscal plan, detailed grant budget, financial records, and quarterly financial reports submitted to NDOL;
- staffing plan, including service provider staffing;
- contracts and subaward agreements;
- grant subrecipient and service provider operation manuals and procedure guides;
- program outreach and recruitment plans;
- performance accountability plan;
- monitoring plan and monitoring reports;
- memorandums of understanding (MOU);
- leveraged-resource agreements (i.e., agreements covering resources provided to grant programs at no cost to the programs); and
- bylaws and meeting minutes of the bylaws and meeting minutes of the governing board and its committees, subcommittees, workgroups, etc.

The reviewer may request additional documents, as needed.

Work plan review process

In general, the work plan review process must, at a minimum, focus on compliance. Consistency across the entirety of the work plan must also be considered. For example, the policies, operations manuals, and procedure guides of the grant subrecipient and its service providers must align, and they collectively must be compliant in relation to applicable Federal and State laws, rules, regulations, guidance, and policies.

Performance reports

Contact the SMU Administrator for performance reports applicable to the grant subrecipient and the monitoring period.

- Pursuant to state policy, grant subrecipients are required to submit quarterly financial reports by email to the NDOL Chief Financial Officer, as well as to the NDOL State Monitor mailbox.
- Programmatic and financial performance reports submitted quarterly and annually to ETA for local Title I programs are generated by NDOL through NEworks and NDOL's financial management system

Program performance

Program performance, success or failure, is determined based on *adjusted* levels of performance issued annually by NDOL's Reemployment Services Division, typically by February of each calendar year for the previous Program Year.[1] Contact the SMU Administrator for performance reports and adjusted levels of performance applicable to the time period being reviewed. (This may not be applicable to all programs covered under the CMG.)

Financial performance

Financial performance is not measured based on negotiated levels of performance. There are, however, several requirements established under law and regulation relating to expenditures and obligations using grant program funds.

Key components of a performance review

There are several key components of a performance review that the reviewer should consider:

- programmatic performance based on negotiated *and* adjusted levels of performance;
- financial expenditure and obligations rates; and
- past audits, monitoring reports, historical data, and grievances and complaints against the grant subrecipient's programs.

Performance review process

Performance goals attainment

- The reviewer must be knowledgeable of the negotiated levels of performance agreed upon during biennial performance negotiations with ETA.
- The reviewer assesses the grant subrecipient's progress toward meeting negotiated levels of performance.
- The reviewer makes a preliminary determination of whether the grant subrecipient is significantly off track to meet its negotiated levels of performance and whether technical assistance is needed.
- The reviewer determines that performance outcomes are the result of sound service delivery and accurate reporting practices.
- The reviewer evaluates adjusted levels of performance for the applicable previous Program Years for the grant subrecipient's programs. (Adjusted levels of performance are provided by the Reemployment Services Division to the grant subrecipient. Contact the SMU Administrator for annual adjusted levels of performance.)

[1] For Title I programs, a *Program Year* begins on July 1 and ends on June 30 of the following calendar year.

Expenditure rate and financial analysis

- The reviewer examines the grant subrecipient's expenditure rate to determine:
    - how the grant subrecipient utilizes grant program funds; and
    - whether the funds are spent appropriately and effectively.
- The reviewer evaluates the grant subrecipient's combined expenditure and obligation rates to determine whether grant funds allocated to the grant subrecipient for a given Program Year are being expended and obligated by the end of that Program Year at the expected rate of 80 percent.
- The reviewer compares the time elapsed between expenditures and cash drawdowns to cover the expenditures to determine if the drawdowns are timely and in compliance with State policy (drawdowns no less frequently than once per month and no more frequently that one per week).
    - Note. If the comparison reveals a narrow/short period between expenditures and cash drawdowns, that may be an indication of poor fiscal management.
- The reviewer determines whether grant program funds are being fully utilized throughout the period of performance.
- The reviewer determines whether available grant program funds may be exceeded prior to the conclusion of the performance period if expenditures continue at the current pace.

Past audits, monitoring reports, historical data, grievances, and complaints

- The reviewer examines past audits, monitoring reports, grievances, and complaints to understand risks that can affect grant performance.
- The reviewer identifies any open findings from previous audits and monitoring events and follows up with the grant subrecipient to ensure resolution of the findings.
- The reviewer identifies any material weaknesses documented during previous audits and monitoring reports.
- The reviewer identifies open and/or unresolved grievance incident reports and complaints against the grant subrecipient.
- The reviewer determines if there are any significant or recurring deficiencies that may affect the grant subrecipient's performance of current or future grant awards.

All documents reviewed during the performance review process are to be further analyzed and compared to actual activities while on-site.

Monitoring plan

Prior to monitoring, whether on-site or virtually, the reviewer must develop a monitoring plan, in coordination with the SMU Administrator. The monitoring plan shall include, but not be limited to, the activities listed below.

1. Determining core activities and indicators to be reviewed

The SMU Administrator and reviewer select the core activities and indicators to be reviewed during the on-site or virtual review. This is facilitated by information obtained and/or reviewed during the pre-monitoring review, including a review of the grant subrecipient's work plan, performance reports, participant files, and *other* applicable materials.

2. Determining the review period

Choose a timeframe deemed appropriate by the SMU Director and Administrator as the review period. The SMU Director and Administrator may choose the last full Program Year or an alternate period identified through a risk assessment.

3. Selecting a location

The SMU Director and Administrator choose locations to be reviewed. If the grant subrecipient has activity in multiple geographic areas, the SMU Director and Administrator will determine which areas pose the greatest risk and/or those that serve the greatest number of participants. This determination may be facilitated by the pre-monitoring review. For virtual reviews, which will occur only when circumstances prevent on-site reviews, the SMU Director and Administrator will choose locations to be reviewed based on criteria described above.

4. Establishing review dates

The SMU Administrator and the designated reviewer establish review dates. While review dates may be flexible, annual monitoring is a condition of the Title I grant award and is non-negotiable.

5. Creating the scheduling letter with an agenda and documentation request

The scheduling letter serves multiple purposes:

- functions as formal notification to the grant subrecipient of an upcoming monitoring event;
- establishes the duration of the review and time period to be reviewed; and
- provides an agenda and information on the core activities that will be reviewed, as well as the reviewer's plans for staff and participant interviews.

The monitoring notification letter also stipulates that requested documents must be submitted via email to the NDOL State Monitor mailbox at ndol.state_monitor@nebraska.gov, in advance of the physical or virtual review. The requested documents are those maintained by the grant subrecipient *but not* available to the SMU. (Refer to Resource D: Documentation request samples and data analyses.)

6. Reviewing requested documentation

The requested documentation is reviewed as soon as it is received. As stated above, the grant subrecipient maintains documentation that is not available to the SMU. This includes documentation that was not available during the pre-monitoring review, during the preparation phase, or during development of the monitoring timeline. The requested documentation should be reviewed as soon as the schedule permits. The requested documentation may include grant subrecipient policies and procedures, detailed accounting records, etc. Significant issues identified during the review of the requested documentation may call for changes to the final monitoring agenda. For that reason, it is critical to send scheduling letters and documentation requests to grant subrecipients as soon as feasible.

IV. On-site and virtual monitoring

Managing grant subrecipient expectations

Managing grant subrecipient expectations through communication starts, when feasible, prior to the review and continues through to the post-visit phase. Regular and appropriate communications with grant subrecipient staff maximizes understanding of and expectations when it comes to the review process and minimizes concerns about the process.

It is not possible to gather all necessary information from reports only or even during an on-site or virtual review. It is also not possible to identify every finding and area of concern. It is expected that the on-site or virtual review be conducted in an open and transparent manner that allows for reciprocal sharing of information and concerns.

The information reviewed during the pre-monitoring review and preparation phase tells an important story that is further explained only through communications with grant subrecipient staff. An on-site review presents an opportunity for the reviewer to engage with the grant subrecipient in-person and obtain context to support the data and information collected. In addition, reviewers may also have the opportunity to review additional documents while on-site. (Refer to Resource D: Documentation request samples and data analyses.)

While a virtual review is less personal and direct, a virtual review may be more appropriate at times, especially when it is not feasible to travel long distances. Use of video conferencing will minimize the effects of non-personal/non-direct virtual meeting.

Entrance conference

The review begins with an entrance conference. The entrance conference presents an opportunity to manage grant subrecipient expectations. During the entrance conference, the reviewer:

- introduces the members of the review team;
- reiterates the purpose of the review;
- reviews the agenda with the attendees;
- confirms logistics;
- initiates discussions on any perceived critical issues that were identified during the pre-monitoring document review; and
- describes the monitoring process, timelines for delivery of the monitoring report, and timelines for grant subrecipient responses to the monitoring report.

The entrance conference also provides the reviewer with an opportunity to let the grant subrecipient know that the SMU, in collaboration with the State Policy Unit, is available for technical assistance, as needed or requested. While compliance is important, the reviewer should also look for context that helps “connect the dots” regarding data already reviewed.

Using entrance and exit conferences as group discussions

The reviewer should view entrance conference (and exit conference) as an opportunity for group interviews. During the conferences, the reviewer can gather information, promote conversation, and discover new issues that may not be apparent in one-on-one interviews. Generally, it is advantageous for the reviewer to facilitate discussion in the group setting and focus on asking open-ended questions. Refer to Resource F: Using effective interviewing techniques for examples of types of questions.

On-site communications

At the end of each day during the on-site or virtual review, when feasible, it is recommended that the reviewer meet with appropriate grant subrecipient staff to update them on the status of the review and inform them of any potential issues that have been identified. (Refer to Tool U: Compliance determination tool.) End-of-day meetings can provide grant subrecipients with an opportunity to provide clarification or additional information regarding identified issues or concerns. End-of-day meetings can also provide opportunities to discuss and jointly determine causes of identified issues and identify corrective actions that should be taken to resolve issues and concerns. These conversations ensure transparency and build trust.

Technical assistance

The provision of technical assistance is generally part of the reviewer's role *only during* the monitoring event. The reviewer may be called upon to interpret applicable Federal or State laws, rules, regulations, and guidance; terms and conditions of grant agreements between NDOL and grant subrecipients; and State policies. During the monitoring event, the reviewer may also uncover trends or practices while reviewing documents or interviewing staff or participants that may trigger an immediate opportunity to provide technical assistance. In addition, the grant subrecipient may ask for help or guidance to improve its service design and delivery, grant operations, or administrative and financial management systems.

- Before providing any technical assistance, the reviewer *must* consult with the SMU Administrator before providing a definitive response to a technical assistance request.

- Also, the reviewer is not responsible for and *must not* provide technical assistant to grant subrecipients outside of the context of a monitoring event. That responsibility falls to the State Policy Unit. Should a grant subrecipient or its staff contact a reviewer for technical assistance outside of the context of a monitoring event, the reviewer *must* refer the grant subrecipient or its staff to the SMU Administrator and State Policy Unit for assistance.

- Contact information for the SMU Administrator and State Policy Unit:

    - SMU Administrator: ashley.pick@nebraska.gov

    - State Policy Unit: ndol.wioa_policy@nebraska.gov

4 Cs

While the monitoring report and the findings contained within it are generally written post-visit, the reviewer must collect and process information in a manner that leads to clearly and concisely written findings with understandable corrective actions that will result in correction of the cause of the identified condition and prevent it from happening again. This is accomplished using the format for developing written findings known as the 4 Cs (condition, cause, criteria, and corrective action).

1. In the finding, the condition is a clear, concise, and specific statement describing the violation of applicable Federal or State laws, rules, regulations, and guidance, and policies. This statement serves as the topic sentence of a finding in the monitoring report. The condition is identified through observations, interviews, analysis, and/or verification.
    - Example: Describe the problem
        - Physical inventory was not taken of equipment purchased with WIOA Title I funds for the period from July 1, 2020 through June 30, 2021.
2. In the finding, the cause is a statement that explains why the condition occurred or is occurring. For the purposes of this CMG, a cause may be a person, thing, or event that produces an undesirable condition. Sometimes the cause is not easy to identify, especially if the grant subrecipient is unaware of or wishes to conceal problems. The reviewer must assess whether the evidence they've gathered provides a reasonable and convincing argument for why the stated cause is the key factor contributing to the condition.
    - Example: Explain why the problem exists
        - The lack of written procedures and delegation of duties has resulted in the lack of compliance.
3. The criteria in the finding are the standards or requirements that are being violated. Criteria identify or prescribe the required or desired state with respect to the condition. Examples of criteria are laws, rules, regulations, policy and procedures, contracts, grant agreements, performance standards, business practices, and benchmarks. With criteria, always cite the highest authority available first, then add lower-level authority if it adds clarity. (Refer to Resource C: Order of precedence for additional information.)
    - Example: Specify the applicable authority (law, rule, regulation, policy, etc.)
        - 2 CFR § 200.313(d)(2) requires that, at a minimum, a physical inventory must be conducted every two years.
4. Corrective actions are actions that eliminate the cause, correct or cure the condition, and allow symptoms to disappear. An appropriate corrective action corrects the condition and prevents its recurrence. Corrective actions use direct language, such as "must", and describe the specific actions/documents needed to resolve the finding. Recommendations on detailed steps to take to correct the finding may be included when the reviewer is confident in knowing the cause of the problem and the appropriate remedy to correct the

cause.

- Example: Discuss the action necessary to remedy a situation
  - The grant subrecipient must develop and institute a new policy requiring, at a minimum, a biennial physical inventory of all grant award funded equipment. The grant subrecipient's staff must also conduct a physical count of all grant award funded equipment within the next six months and provide the results of the count to the SMU.

The results of the 4 Cs are documented in a finding template. Refer to Resource H: Monitoring report template.

Symptoms v. conditions and causes

A common reviewer error when developing a finding is to misidentify a symptom as a condition.

- Symptoms are surface-level problems that are easily identified through pre-monitoring review or preliminary conversations held during monitoring. Defining a monitoring finding in terms of its symptoms may obscure the real condition and cause and lead to superficial solutions that fail to correct the problem.

- In contrast, conditions and causes are often obscure. Identifying conditions and causes usually requires thoughtful examination of the evidence and application of the reviewer's professional experience and judgment.

When the reviewer identifies an issue, the reviewer should ensure the issue is not just a symptom of a yet to be identified condition. For example, it is premature to label the fact that a grant subrecipient is not meeting the required benchmark for its enrollment goal as a condition. This is information known before going on site and collected from performance reports without the context gained through on-site discussions, observations, and an evaluation of the grant subrecipient's service design and delivery implementation efforts.

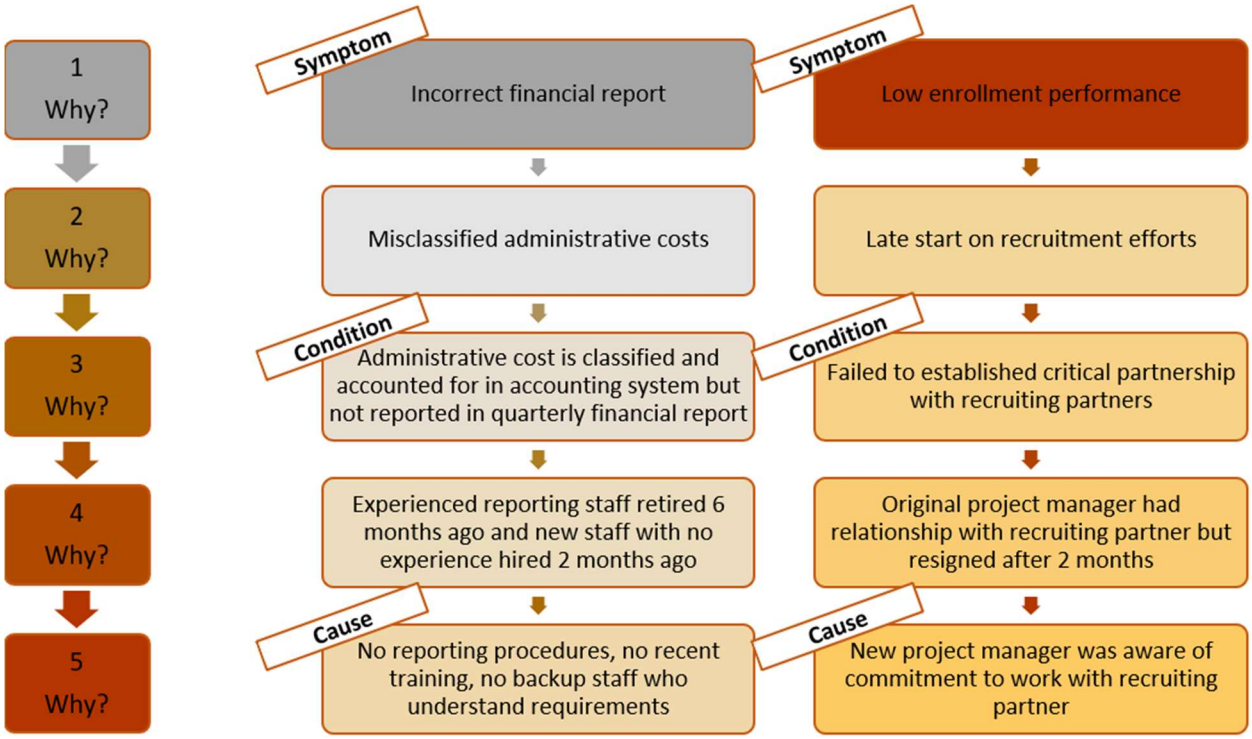
Signs of a symptom	Signs of a condition and cause
➢ Everybody knows "it".	➢ Few people have all the information needed to describe it.
➢ It recurs despite corrective action because the underlying condition and cause remain.	➢ Corrective action solves the problem and eventually eliminates the symptoms, condition, and cause.
➢ The form of resolution is not intuitive and may be elusive.	➢ Resolution is either obvious or lends itself to testing for results.

While it is difficult, at times, to detect the difference between symptoms v. conditions and causes, proper usage of this CMG when preparing the monitoring report requires that those differences be identified. When doing so, the reviewer must use their professional experience and consult with the SMU Administrator, as needed.

The “5 whys” technique

The reviewer may use a technique that can help to identify conditions and causes. That technique is called the “5 whys”. Asking “why” helps the reviewer move beyond the symptoms of a problem. Each answer forms the basis of the next question. The name of the technique stems from an anecdotal observation on the number of iterations typically needed to resolve a problem. The important concept is not simply the 5 whys. Iterative questioning is equally if not more important. As the reviewer moves from “why” to “why”, they uncover the condition and, ultimately, the cause. When the reviewer arrives at the cause, they can more easily identify corrective actions that can correct the problem and prevent it from happening again.

The diagram below shows the process for uncovering the conditions and causes using the 5 whys technique for two symptoms: (1) an incorrect financial report and (2) low-enrollment performance.



Many issues do not have a single cause. To uncover multiple causes, the reviewer must repeat the method asking a different sequence of questions each time. There are many different causes for low-performance outcomes or non-compliance with programmatic, administrative, or fiscal requirements. As a result, how the reviewer approaches the problem can and should be very different. Some possible causes are:

- lack of training;
- lack of resources;
- lack of knowledge/information;
- partnership problem;
- internal management;
- leadership;
- staffing;
- capacity;

- community/environmental factors;
- economic conditions;
- local/State/Federal policy changes;
- program design; or
- operations.

These are different issues that must be discussed, perhaps by continuing to use the 5 whys technique.

- Why are there no procedures?
- Why is there no training?
- Why are there no backups?
- Can any one of these particular problems be considered a finding requiring its own specific corrective action?

Keep in mind that this method provides no clear-cut rules about which line of questions to explore, or how long to continue the search for additional causes. So, even when the method is closely followed, the outcome still depends on the knowledge and persistence of the people involved.

Reasonable assurance

Reasonable assurance is the level of confidence or comfort that the reviewer gains from examining the grant subrecipient's records and reports. The reviewer must use their professional judgment based on interviews, understanding of grant operations, and testing performed to ascertain the performance of the grant subrecipient. The assurance that the reviewer obtains from answering the questions suggested for the applicable indicator and performing the various tests supports the reviewer's conclusion on grant operations. Some questions suggested for the applicable indicator ask the reviewer to use their professional judgment to assess whether a non-compliance issue is due to a *specific individual* or an *isolated factor* or a *systemic problem* that is inherent in grant operations.

Based on questions answered and tests performed in Core activities 1, 2, and 3, the reviewer may form an assessment of how the grant operations are being performed and whether grant operations support achievement of grant objectives.

Collection of reviewer-generated documentation

The reviewer should record their notes and specific findings at the indicator level of the core activity. If questions arise later, the basis for the finding is recorded. It is critical that any potential findings of compliance issues are supported with evidence, meaning observations and documents that demonstrate and support the finding. That documentation becomes part of the monitoring file.

Once principal aim of this CMG is to assist the reviewer organize and collect notes and documents in digital form through use of the resources and tools in the appendix to this CMG. It is the reviewer's option whether to make handwritten field notes or digital field notes. If the reviewer

records observations manually (i.e., handwritten), those records are considered original source documents and must be retained in the applicable subfolder within the Monitor folder. In addition, the handwritten notes must be transcribed by the reviewer into digital format and stored in the applicable subfolder within the Monitor folder.

Exit conference

Before the exit conference, the reviewer must review and discuss their observations with the SMU Administrator to ensure that observations are free from bias and that appropriate factors have been considered. The SMU Administrator will then discuss the reviewer's findings with the SMU Director prior to the exit conference.

During the exit conference, the reviewer should explain issues concisely and give grant subrecipient staff an opportunity to provide responses and ask questions. When identified issues may result in findings, the reviewer should be prepared to explain how their position is supported by Federal or State law, rule, regulation, guidance, or policy. Further, the exit conference provides the grant subrecipient an opportunity to clarify any of the issues that the reviewer noted during monitoring and a chance to rebut or correct any false conclusions or mistaken impressions the reviewer may have.

As mentioned above in the Entrance conference subsection, the exit conference provides an opportunity to review identified issues in a group setting and gather additional information. Before concluding the exit conference, the reviewer should explain follow-up activities that may be required of the grant subrecipient. Any new information discovered during the post-review phase following the exit conference should be communicated to the grant subrecipient, when feasible, prior to issuing the monitoring report. Depending on the severity of the issue identified, another exit conference may be warranted.

V. Post-review

Managing grant subrecipient expectations

Managing grant subrecipient expectations includes issuing an evidence-based monitoring report. The monitoring report is another form of timely communication and technical assistance. The monitoring report provides a written version of the issues discussed during the exit conference. Any new information discovered during the post-review phase should be communicated to the grant subrecipient, when feasible, prior to issuing the monitoring report.

Post-review activities

After the review, the reviewer must perform the following seven activities:

1. brief the SMU Administrator and, if necessary, perform more in-depth research on issues identified during each phase of the review process prior to drafting the monitoring report;

2. draft the monitoring report to address compliance findings, areas of concern, other observations, and best practices identified during the review and post-review phases;

3. finalize the draft monitoring report based on the outcome of the briefing with the SMU Administrator and any additional in-depth research on identified issues during the post-review phase;

4. submit the final draft monitoring report to the SMU Director and Administrator for review and approval;

5. finalize the draft monitoring report based on feedback from the SMU Director and Administrator;

6. issue the finalized monitoring report to the grant subrecipient in a timely manner, according to timelines established in the state's monitoring policy, as well as the timeline provided to the grant subrecipient at the outset of the monitoring event; and

7. track resolution of findings until all findings are resolved and regularly report progress on resolution of findings in writing to the SMU Director and Administrator.

Evidence-based monitoring reports

Writing an evidence-based report requires that the reviewer have the ability to write concisely and with clarity and the ability to not only organize the evidence collected but also report the facts so that the report provides useful information for grant subrecipient use, as well as use by the SMU Director and Administrator. At times, the reviewer may be the sole author. In other situations, the monitoring report may be produced through the collective effort of the SMU. In all cases, monitoring report writers must adhere to the following standards.

- *Using clear topic sentences*. Concisely state the main idea in each paragraph. In most instances, the topic sentence is the first sentence of the paragraph. The findings section of the report describes the condition. Stating the main idea in a topic sentence helps the author stay on topic and helps focus the main idea in the reader's mind.

- *Using active voice whenever possible*. Active voice sentences generally follow a subject + verb + object format and that has impact and gives readers a clear explanation of the 4 Cs.

Editing checklist for the overall report

- Is the report organized according to the required template?
- Are the main ideas prioritized in order of importance?
- Does the report include only the information necessary to support the findings and other observations?
- Are the 4Cs utilized in each finding?
- Does the topic sentence of each finding and area of concern clearly and concisely describe the condition?
- Will the reader understand how to give appropriate responses to findings and areas of concern?

Editing checklist for each finding

- Is the condition clearly stated?
- Is the cause included in the finding?
- Are criteria correctly defined based on applicable Federal and State laws, rules, regulations, guidance, and policies, as well as terms and conditions of the grant agreement between NDOL and the grant subrecipient?
- Is the corrective action clearly described, including identification of specific documents and/or corrective action plans needed to resolve or support resolution?
- Does the corrective action address the cause of the condition?

Monitoring report elements

A correct monitoring report contains the elements listed below. It is important to note that Personally identifiable Information (PII) *must not* be included in a monitoring report. Note that the SMU monitoring report template is accessible at L:\Employment and Training\Monitor\Comprehensive Monitoring Guide\Templates.

1. Cover letter

The cover letter is issued and signed by the SMU Administrator and addressed to the chair of the local workforce development board, with the local area CEO, the Commissioner of Labor, NDOL's General Counsel, the SMU Director, and the reviewer copied.

The cover letter must include the following information:

- dates of the review and programs reviewed;
- grant/programs reviewed;
- a statement that the report is attached; and
- identifies grant subrecipient response deadlines.

2. Executive summary

The executive summary recaps findings, areas of concerns, and best practices that are described fully in the report.

3. Scope of review

The scope of review outlines the following information:

- start and end dates of review;
- name(s) of SMU staff involved in the review;
- site(s) visited/reviewed;
- dates of entrance conference and names and titles of those in attendance at the conference;
- dates of exit conference and names and titles of those in attendance at the conference;

4. Purpose of the review

5. Grant/programs reviewed

6. Review period (time period for data covered in the review)

7. Tools used to conduct the review

8. Findings

Each finding, using the 4Cs, fully identifies the issue and its resolution. It's important to note the following.

- Compliance findings do not exist unless an authority has been violated (Federal or State

laws, rules, regulations, policies, etc.).

- Findings of non-compliance regarding questioned costs require special attention. Questioned costs include:
    - Federal or State funds expended in violation of provisions of applicable Federal or State laws, rules, regulations, policies, etc.;
    - expenditures that are not supported by adequate documentation to show that the cost is allowable; and
    - costs that appear to be unreasonable, even if they are not specifically unallowable.
- ETA's exception in the Uniform Guidance at 2 CFR 2900.3 allows costs to be questioned by an auditor, Federal Project Officer, a Grant Officer, or other authorized awarding agency representative, because of an audit or monitoring finding. Such findings must be adequately support by evidentiary documents and records obtained from original sources to the degree possible, such as copies of contracts, accounting records, bank statements, and data from NEworks or ECM documenting establishment of individual training accounts.

9. Areas of concern

This section lists activities related to effectiveness objectives or indicators that have not been met and could possibly result in a finding at some later point if not addressed. Areas of concern are not specific compliance violations but may have negatively impacted the program or could lead to a finding in the future if not corrected. No corrective action is specified or required for areas of concerns. Instead, recommend actions or suggestions for improvement are offered.

10. Best practices

This section lists practices deemed useful or that play an integral role in advancing the purposes of the grant. Such practices may be shared in the wider Nebraska grant subrecipient community later.

Monitoring file

The reviewer should organize a monitoring file that contains documents such as completed indicator sections, completed CMG tools, and any documents collected during the review.

- The file must be digital. Hard copy materials must be digitized, including handwritten notes made by the reviewer. As mentioned above, if the reviewer's handwritten notes are not fully legible, they must be transcribed into legible digitized format.
- The monitoring file should include digital reviewer's notes made during the resolution process.
- It is critical that any potential compliance issues identified on site be supported with documents that demonstrate and support the finding. This is especially true for questioned costs.

Example monitoring file content (list is not exhaustive)

- completed indicator sections
- completed CMG tools
- reviewer notes
- grant subrecipient policies and procedures
- policies and procedures of service providers (subrecipients of the grant subrecipient)
- list of the grant subrecipient's subrecipients and contractors
- subgrant agreements and contracts
- organizational charts
- grant subrecipient monitoring reports
- service provider monitoring reports
- procurement history file for goods and services
- bank reconciliation documents
- list of participant case files reviewed, with reviewer notes
- evidence of questioned/unallowable costs charged to the grant
- minutes of local board meetings

Resolution process

Each finding identified in the monitoring report must have a corresponding corrective action. The grant subrecipient must document the corrective action and provide sufficient evidence to resolve the finding. Alternatively, the grant subrecipient may be required to produce a Corrective Action Plan (CAP). If the reviewer does not accept the documentation, the response to the grant subrecipient should explain why the documentation was not accepted and what different or additional documentation is needed for resolution of the finding.

If the grant subrecipient provides a CAP as a response to findings, the reviewer must review and approve or disapprove each CAP submission following consultation with the SMU Director and Administrator. Well-developed CAPs identify actions that address the cause and provide a list of corrective actions to be taken and timelines for implementing the changes.

After the CAP is approved, the grant subrecipient must regularly communicate with the reviewer and report progress in implementing the required changes. The reviewer must document the progress using Tool U and provide the grant subrecipient with guidance and any technical

assistance that may needed, based on consultation with the SMU Director and Administrator. CAPs must be tracked until all findings are resolved. Useful CAPs answer the following questions:

- What must the grant subrecipient do to resolve the finding?
- Who is responsible for carrying out the corrective actions?
- What is the intended result?

Questioned costs

When resolving questioned costs, it is important to take *prompt* action. If the costs were lacking supporting documentation, the issue can be resolved if the appropriate documents are provided. If that is not possible, or if the costs were incurred in violation of Federal or State laws, rules, regulations, guidance, policies, cost principles, or grant terms and conditions, then:

- a non-Federal source of funding must be substituted; and
- documentation demonstrating that an alternative funding source has been used to cover the costs in question, which must be verified.

If resolution of questioned costs occurs during the grant period of performance, the substituted funds are returned to and become available to the program for allowable uses. If resolution of questioned costs occurs after the conclusion of the grant period of performance, the questioned costs using Federal funds must be returned to the State, again, using non-Federal funds.

Conclusion

This CMG is to be used by reviewers to support review of grant operations, financial systems, and policies and procedures generally applicable to ETA-funded grant activities. If instances arise where CMG objectives or indicators do not apply to the grant under review, the reviewer should develop alternative approaches to complete the compliance review.

VI. Core activities. General instructions

Introduction to the core activities

This CMG focuses on the programmatic, administrative, and financial requirements applicable to grant subrecipients regarding the three core activities: service design and delivery, grant operations, and financial management.

Note. Sections VII of this CMG provides grant specific activity activities, objectives, and indicators encompassing Title I grant programs.

How to use the core activities

There are essential core activities that must occur in order for any grant subrecipient to operate its grant within the boundaries of acceptable practices that are established primarily by Federal and State laws, rules, regulations, guidance, and policies. This CMG is an examination of three basic core activities and is intended to provide an examination of the readiness and capacity of the grant subrecipients to operate their respective grant subawards from NDOL. The narrow focus of the CMG subsections also means that the legislative authority[2] for compliance requirements is specific to those requirements that apply to funding allocated by NDOL to Nebraska's grant subrecipients.

Instructions for determining compliance and effectiveness described in indicators

In preparation for monitoring based on the core activities described in this CMG, the reviewer must become familiar with all requirements of NDOL's grant subawards to local areas to determine which objectives and indicators are compliance requirements. As previously discussed, indicators accompany each objective. The indicators are the criteria that are used to determine that objectives are being met. The indicators are labeled (C) for compliance requirements that must be met or (E) for effectiveness factors that may result in an area of concern or a finding later if not addressed. If a compliance indicator is not met, that results in a finding.

The questions for review and discussion in each core activity are designed to help the reviewer determine the presence of the indicators that identify the attributes or criteria of the objectives for the core activity and assess whether the objectives are being met. In some instances, the objectives or indicators may not apply to the grant, as mentioned above.

The reviewer needs to determine if each indicator has been met based on review of the indicators. The resources and tools found in the Appendix will help the reviewer perform an in-depth review of indicators and assist the review when documenting answers to core activities questions, primarily related to Core activities 2 and 3, to support determinations of compliance and effectiveness.

The instructions for core activity 1 list documents to review in order to determine whether its indicators are compliance or effectiveness indicators or both. Based upon applicable documents used to determine compliance, if the indicator is a compliance issue for the grant under review, the reviewer must provide the applicable citation. This is only pertinent in core activity 1 (with the

[2] Refer to Resource C. Order of precedence.

exception of Indicator 1.b.4: Required one-stop partners). Each indicator in Core activities 2 and 3 includes regulatory citations, as most are compliance indicators that must follow Uniform Guidance requirements as well as other statutory regulations. In addition, almost every core activity includes tips that the reviewer may consider when performing a review of a grant subrecipient's core activities.

Core activity 1. Service design and delivery

Core activity 1 addresses service design and delivery that guides and supports the grant subrecipient's strategy for accomplishing the goals of the grant subaward. It also addresses the systems, procedures, and program operational elements that are essential to the effective delivery of participant and employer services, and the development of a grant subaward delivery product, such as a regional or local plan.

Introduction

Core activity 1 is dissected into five objectives to help the reviewer determine compliance and effectiveness of the grant subrecipient's service design and delivery. Each grant program may have different service design and delivery requirements; and the reviewer must carefully examine each objective and its indicators to determine whether it applies to the program being monitored.

- Objective 1.a. Planning and program design.
    - The grant subrecipient has conducted all planning activities related to service design and delivery in order to accomplish all grant activities and goals.
- Objective 1.b. Implementation.
    - The grant subrecipient has implemented service design and delivery activities in order to accomplish all grant activities and goals.
- Objective 1.c. Products and deliverables.
    - The grant subrecipient has documented and/or developed the products or deliverables outlined in the grant subrecipient's work plan or as required under applicable Federal and State laws, rules, regulations, guidance, and policies.
- Objective 1.d. Business services and employer engagement.
    - The grant subrecipient has documented and performed all service delivery activities outlined in the in the grant subrecipient's work plan or as required under applicable Federal and State laws, rules, regulations, guidance, and policies related to serving businesses and engaging employer partners to ensure accomplishment of the grant goals.
- Objective 1.e. Participant services.
    - The grant subrecipient is implementing the required service delivery strategy outlined in its grant subaward or as required under applicable Federal and State laws, rules, regulations, guidance, and policies and is providing all required

services to participants as required under those laws, rules, regulations, guidance, and policies.

Instructions

Unlike Core activities 2 and 3, many indicators in Core activity 1 are marked with a (C/E), indicating they could be either compliance indicators or effectiveness indicators, or both, depending on the program and the specific requirements of the grant.

One additional and unique feature that separates Core activity 1 from Core activities 2 and 3 is that citations are not included as part of each indicator for Core activity 1. The compliance requirements for service design and delivery may vary between grant programs; therefore, applicable citations are not easily discernable. For that reason, the reviewer must determine whether an indicator is (C), (E), or both, and identify the appropriate citation applicable to the indicator based on the authorizing legislation for the program.

The reviewer needs to examine the following to determine compliance requirements:

- Federal and State laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- Grant agreements between NDOL and grant subrecipients;
- Combined state plan for Nebraska's workforce system; and
- regional and local plan.

As noted in the Introduction to the Core Activities, Federal and State laws, rules, regulations, guidance, and policies that establish compliance requirements for service design and delivery differ between grant programs; therefore, legislative authority and citations are not included in Core activity 1, except for Indicator 1.b.4: Required one-stop partners.

In preparation for monitoring, the reviewer must refer to the documents listed above to determine the applicable indicator categorization (C/E) for Core activity 1. As discussed previously, an objective and/or indicator may not apply to the program under review. In these cases, the reviewer will need to review the above documents to determine which objectives and/or indicators apply to the grant subrecipient's program. If the indicator is a compliance issue for the grant under review, the reviewer must provide the applicable citation used to determine compliance.

Core activity 2. Grant operations

Core activity 2 addresses grant operations that support the successful administration of the grant. The programmatic and fiscal operations of the grant help effective management the delivery of the services outlined in the grant subrecipient's work plan and required under Federal and State laws, rules, regulations, guidance, and policies.

Introduction

The purpose of Core activity 2 is to assist the reviewer in the evaluation of the grant subrecipient's operations that include the programmatic and fiscal administration of the project. Core activity 2 is dissected into nine objectives to help the reviewer determine compliance and effectiveness of the grant operations. Because each grant/program has different programmatic requirements, the reviewer must carefully review each objective and its indicators to determine whether it applies to the programs under review.

- Objective 2.a. Project management.
    - The grant subrecipient has an adequate system in place to manage the grant/program, including any specific award conditions, prior approval of project modifications, and closeout requirements.
- Objective 2.b. Budget.
    - The grant subrecipient has a financial management system or budget control mechanism in place to monitor spending, determine allowability of costs, compare and reconcile the budget to actual expenditures. The system also has triggers for budget modifications when deemed necessary.
- Objective 2.c. Property management.
    - The grant subrecipient maintains a property management system in accordance with all prior approval requirements, terms and conditions of the award, and written programmatic policies and procedures.
- Objective 2.d. Procurement and contract administration.
    - The grant subrecipient maintains an adequate procurement and purchasing system that includes written procedures and ensures that all contracting and procurement actions are performed in a manner that provides for full and open competition.
- Objective 2.e. Performance management.
    - The grant subrecipient maintains a performance management system to manage, track, and measure performance and operating goals, indicators, milestones, and expected outcomes that comply with the terms and conditions of the award.
- Objective 2.f. Subrecipient management and oversight.

  - When acting as a pass-through entity (PTE), the grant subrecipient manages all of its subrecipients and tracks their performance and compliance in meeting the terms and conditions of the subaward.

- Objective 2.g. Records management.
  - The grant subrecipient maintains a records management system and implements procedures to manage and secure all financial records, supporting documents, statistical records, and all other records pertinent to the grant award.

- Objective 2.h. Personnel.
  - Grant subrecipient management and staffing are aligned with the grant subrecipient's work plan and designed to assure responsible and ethical management of the grant and programs.

- Objective 2.i. Civil rights, complaints, grievances, and incident reporting.
  - The grant subrecipient has a system in place to ensure the Federal civil rights (non-discrimination and equal opportunity) complaints, program complaints, grievances, and incidents are documented and handled properly and in accordance with Federal and State laws, rules, regulations, guidance, and policies.

Instructions

Each indicator in Core activity 2 is identified as (C) for compliance that must be met or (E) for effectiveness that may become a compliance issue if not addressed. Issues identified as effectiveness issues may result in an area of concern and do not have to be formally addressed by the grant subrecipient in a formal response to the monitoring report. Regulatory citations are referenced in and throughout this activity, as most of these objectives are requirements of the Uniform Guidance.

- The reviewer looks at each of the objectives and indicators to determine if they applicable to the grant or program under review.

- If further review of any of these systems is necessary based on the reviewer's findings, obtain copies of all documents relevant to the reviewer's findings to share with the SMU Director and Administrator.

- If a compliance indicator is not met, it will result in a finding due to a violation (condition) of a specific compliance requirement contained in Federal and State laws, rules, regulations, guidance, and policies, including the Uniform Guidance, and the grant agreement. Negative responses to a compliance indicator will lead to a determination of noncompliance. Collect evidence as adequate documents must support written findings and be contained in the review file.

Core activity 3. Financial management

Core activity 3 addresses the financial management systems and funds used by the grant subrecipient to administer the grant in a manner that promotes transparency and accountability

and compliance with the requirements of the grant agreement and Federal and State laws, rules, regulations, guidance, and policies.

Introduction

The purpose of Core activity 3 is to assess the financial management systems and functions employed by the grant subrecipient to administer the grant and programs in a manner that promotes accountability and transparency and in compliance with the requirements of the grant agreement and Federal and State laws, rules, regulations, guidance, and policies.

- Objective 3.a. Internal controls.
    - Effective control, integrity, and accountability are maintained for achievement of the grant's objectives in operational effectiveness and efficiency, reliable financial reporting, and compliance with Federal and State laws, rules, regulations, guidance, and policies.
- Objective 3.b. Accounting system and financial reporting.
    - An accounting system is in place that allows the grant subrecipient to maintain accurate, current, and complete disclosure of the grant's financial results and those of its subrecipients
- Objective 3.c. Payment and cash management.
    - The grant subrecipient has a payment and cash management system in place to accurately track the receipt, disbursement, and recording of funds between the NDOL and the grant subrecipient. Such systems should readily track the handling of grant funds provided to contractors and subrecipients (i.e., service providers), including those expended for the benefit of grant program participants.
- Objective 3.d. Match and leveraged resources.
    - If applicable, the grant subrecipient has written policies and procedures in place to record and support any required match or leveraged resources committed or identified in the grant award or program regulations.
        - Note. Title I funding allocations to grant subrecipients do not require matching or leveraged resources as a condition of the grant award; however, Federal law, rules, and regulations and State policy require written agreements when a Title I youth program utilizes leveraged (no cost) resources for the provision of youth program elements.
- Objective 3.e. Program income.
    - The grant subrecipient has written policies and procedures in place to accurately record and expend any and all program income in compliance with applicable Federal and State laws, rules, regulations, guidance, policies, terms and conditions of the grant agreement.

- Objective 3.f. Allowable costs and cost classification.
    - The grant subrecipient has a system and procedures in place to ensure that it is incurring necessary, reasonable, and allowable costs to the grant and that such costs are accurately classified in its accounting system. The grant subrecipient also monitors the costs incurred by its contractors and subrecipients to ensure allowability and accurate cost classification.
- Objective 3.g. Cost allocation/indirect costs.
    - The grant subrecipient allocates costs, including indirect costs, to the benefitting cost objectives based on relative benefits received and treats allocated costs consistently within its accounting system.
- Objective 3.h. Audits and audit resolution.
    - The grant subrecipient adheres to single audit requirements or program-specific audit requirements and has an audit resolution process in place, including debt collection from its subrecipients.

Instructions

Each indicator in Core activity 3 is identified as (C) for compliance that must be met or (E) for effectiveness that may result in a compliance issue if not addressed. Issues identified as effectiveness issues may result in an area of concern and do not have to be formally addressed by the grant subrecipient in a formal response to the monitoring report. Regulatory citations are referenced in and throughout this core activity, as most of these objectives are requirements of the Uniform Guidance.

- The indicators focus specifically on management systems that relate to internal controls, financial reporting, payment and cash management, match and leveraged resources, program income, allowable costs/cost classification, cost allocation and indirect costs, and audits and audit resolution.
- If further review of any of these systems is necessary based on the reviewer's findings, the reviewer obtains copies of all documents relevant to the reviewer's findings to share with the SMU Director and Administrator.
- If a compliance indicator is not met, it will result in a finding due to a violation (condition) of a specific compliance requirement contained in Federal and State laws, rules, regulations, guidance, and policies, including the Uniform Guidance, and the grant subrecipient's grant agreement with NDOL. Negative responses to a compliance indicator will lead to a determination of noncompliance. The reviewer must collect evidence, as adequate documents must support written findings and be contained in the review file.

VII. WIOA Title I

General Information

As the WIOA Title I grant recipient for the State of Nebraska, and as a pass-through entity, the Nebraska Department of Labor (NDOL) is required to monitor the activities of its Title I subrecipients to ensure that Title I subawards are used for authorized purposes in compliance with Federal statutes, regulations, terms and conditions of subaward agreements, and State policy. NDOL's State Monitoring Unit (SMU) meets this requirement by conducting monitoring of Nebraska's local workforce development areas and their use of subawarded Title I funds.

Core activity 1. Service design and delivery

Core activity 1 addresses service design and delivery that guides and supports the grant subrecipient's strategy for accomplishing the goals of the grant subaward. It also addresses the systems, procedures, and program operational elements that are essential to the effective delivery of participant and employer services, and the development of a grant subaward delivery product, such as a regional or local plan.

The goal is to ensure the grant subrecipient has conducted all planning activities related to service design and delivery to accomplish all Title I grant activities and goals.

Objective 1.a. Planning and program design

The grant subrecipient has conducted all planning activities related to service design and delivery to accomplish all grant activities and goals.

(C/E) Indicator 1.a.1. Strategic planning

The grant subrecipient has developed a strategic approach to accomplish the goals specified in the grant subrecipient's grant agreement with NDOL and Federal and State laws, rules, regulations, guidance, and policies.

Citation

- For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
  - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
  - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;

  - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
  - Training and Employment Guidance Letters (TEGLs); and
  - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- quarterly/annual programmatic reports;
- grant subrecipient's work plan; and
- relevant labor market information (LMI).

Assess if the indicator is compliance (C) or effectiveness (E) for the grant. If identified as a (C), provide the applicable citation.

Identify key strategic elements of the approach to grant-funded services.

Review the vision, goals, and strategies of the grant subrecipient organization, as described in the regional and local plan, as well as action planning documents. Compare these with the vision, goals, and strategies described in the state plan.

Interview the grant subrecipient's administrative staff responsible for strategic planning.

Questions for review and discussion

1. How did the grant subrecipient develop its strategic approach to accomplish the goals of the grant?
   a. What organizations were consulted?
   b. Which partners provided input?
   c. What economic or labor market information was used?
2. Is the grant subrecipient's strategic approach aligned with the local workforce development board's priorities for meeting the workforce and economic needs of the local area?
3. What plans or procedures has the grant subrecipient created to track the progress of its strategic plan?

4. How do the strategic plan goals and objectives align with the goals of the state plan and regional and local plan?

5. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal funds, do the grant subrecipient and its subrecipients clearly state the following:

    a. percentage of the total costs of the program or project which will be financed with Federal funds;

    b. dollar amount of Federal funds for the project or program; and

    c. percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

(C/E) Indicator 1.a.2. Service design

The grant subrecipient has designed a local one-stop delivery system sufficient to accomplish the requirements of the applicable provisions of WIOA Title I, the grant subrecipient's grant agreement with NDOL; and the grant subrecipient's regional and local plan which supports the purposes of the state plan for Nebraska's workforce system.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan; and

- quarterly/annual programmatic reports.

Identify the government and non-government agencies, organizations, and partners (including industry sector partners) that contribute to the local one-stop delivery system.

Determine whether the design of the local one-stop delivery system addresses the shared vision, goals, and strategies for the state and local one-stop delivery system as defined in the state plan, as well as the grant subrecipient's regional and local plan.

- The state plan provides the framework for the statewide one-stop delivery system.

- The regional and local plan supports the state plan and defines implementation of the vision, goals, and strategies defined in the state plan.

Questions for review and discussion

1. With which Federal, State, and local agencies and organizations has the grant subrecipient, local board, and local area administrative entity partnered to develop the local one-stop delivery system?

2. What are the shared vision, mission, and goals for the one-stop delivery system among the grant subrecipient, local board, and local area administrative entity?

3. Are the shared vision, mission, and goals for the one-stop delivery system defined in the regional and local plan or are they different? If they differ, determine how they differ and why.

4. How are employers and local area industry sector leaders engaged in the development of the local one-stop delivery system?

5. What services are available through the local one-stop delivery system beyond what is required under Federal and State laws, rules, regulation, guidance, and policies?

6. How do the local CEO, local board, and local area administrative entity ensure access to the full range of services that must be provided through the one-stop delivery system for program participants and other one-stop delivery system customers pursuant to Federal and State laws, rules, regulation, guidance, and policies?

7. Does the local one-stop delivery system have a clearly documented sequence of services or service pathways that:

    a. combines education, training, and other services necessary to meet participant needs; and

    b. align with employer demands?

8. What challenges do the grant subrecipient, local board, local area administrative entity, and their subrecipients (i.e., service providers) experience regarding the provision of services to individuals with barriers to employment as defined at WIOA Sec. 3(24)?

    a. Note. Examples of barriers may include the physical location of the one-stop

center, lack of fluency in participant and other customers' primary language, lack of assistive technology, etc.

9. Does the local one-stop delivery system provide multiple entry and exit points that enable participants to enter and exit at various levels of skill development or employment status?

10. What funding needs, sources, and resources have been identified by the local CEO, local board, or local area administrative entity to cover program development and maintenance and participant costs?

(C/E) Indicator 1.a.3. Coordination and integration

Integration and coordination of the local one-stop delivery system is supported, codified in policy, measured, and evident at the local CEO and local board leadership levels.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
  - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
  - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
  - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;

  - Training and Employment Guidance Letters (TEGLs); and
  - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- local CEO/local board policies; and
- memorandums of understanding (MOUs) with required and additional one-stop partners.

Review local CEO and local board policies to determine how they support integrated approaches to local one-stop delivery system design and service delivery.

Determine how the grant subrecipient and local board align operations, work, and efforts with the larger priorities of the state's workforce system (i.e., beyond the "boundaries" of the local one-stop delivery system) and other Federally and State led efforts, as applicable.

Tips

Below are examples of integration and coordination activities of the local one-stop delivery system:

- common or shared service-delivery procedures/processes, such as intake and assessment;
- data and information sharing that facilitates integration with the local one-stop delivery system;
- co-enrollment of participants in required and additional one-stop partner programs;
- initiatives designed to combine and leverage resources and multiple funding sources in an integrated way to address local one-stop delivery system priorities;
- overarching performance measures that focus on performance and outcomes for the local one-stop delivery system, rather than focusing only on formula grant performance standards or individual program measures; and
- local area policy alignment with the state's common exit policies.

It is important to note the following regarding Title I (and Title III) programs.

- Co-enrollment is mandated under state policy and must occur whenever participant eligibility permits.

- There is a misunderstanding in the field that co-enrollment may occur only when a participant agrees.
- Participants should not be asked if they agree with co-enrollment. Instead, the co-enrollment process should be invisible to the participant; and the participant should work with a single case manager that oversees and coordinates services provided through other partner programs in which the participant is enrolled.

- Common exit is mandated under state policy.

Questions for review and discussion

1. How are the local CEO and local board integrating and partnering its Federally funded programs into the local one-stop delivery system?
2. What policies, procedures, or MOUs have the local CEO and local board implemented to coordinate and integrate Title I program activities into the local one-stop delivery system?
3. How do the grant subrecipient's policies, systems, and service design:
    a. reduce duplication of effort and services within the local one-stop delivery system;
    b. maximize the reach of resources;
    c. ensure appropriate customer service across funding streams; and
    d. reduce administrative overhead?

Objective 1.b. Implementation

The grant subrecipient has implemented service design and delivery activities to accomplish all grant activities and goals.

(C/E) Indicator 1.b.1. Designating and hiring personnel and staff

The grant subrecipient has the necessary staff to successfully conduct its administrative and operational duties under the grant.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following grant subrecipient documents, as applicable:

- grant subrecipient's work plan;
- project timeline;
- organizational chart; and

- staffing plan.

Use the grant subrecipient's work plan and the project timeline as the foundation upon which determination is made as to the proper staffing levels for the grant and programs.

Compare the organizational chart and the project staffing plan to determine whether grant staff perform other roles within the organization that may affect the amount of time they can dedicate to the grant.

Determine whether staff time allocated to the grant and/or program is sufficient for staff to effectively perform their assigned tasks, particularly in cases where staff perform multiple roles within the organization.

Use the staffing plan to determine whether the grant subrecipient or its subrecipients have hired or will hire new staff for the grant and/or program. If so, ensure that qualified staff have been or will be hired and are or will be properly trained on requirements under Federal and State laws, rules, regulations, guidance, and policies, as well as grant subrecipient policies and procedures and the policies and procedures of its subrecipients.

Tips

Failure to identify, assign, and/or hire qualified personnel in a timely manner to implement the grant and programs may be the cause of other compliance violations identified during the review.

If new staff are hired for this grant, the reviewer needs to that ensure the grant subrecipient followed its standard hiring practices to fill vacancies.

When staff allocate a percentage of their time to this grant, the reviewer must confirm that proper time management methodology is in place to ensure accurate time allocation to the grant.

Review of these and other personnel-related topics is also addressed in Indicator 3.g.1. Cost allocation principles.

If the grant subrecipient has not hired or identified sufficient staff to support the grant and programs and it does not have a written action plan for rectifying this situation, the SMU Administrator and reviewer should work with the grant subrecipient to create a timeline for hiring staff.

Questions for review and discussion

1. Has the grant subrecipient hired and retained sufficient staff for this grant, consistent with the grant subrecipient's work plan?

2. Given the grant subrecipient's work plan, do staffing levels seem adequate for successful completion of the goals of this grant?

3. If the grant subrecipient has not hired additional staff, will current staff assigned to the grant and programs have sufficient time to work on the grant and programs and perform their normal duties?

4. What training have staff received to ensure they have skills and knowledge necessary to perform their assignments?

5. If the grant subrecipient has not hired staff as indicated in the grant subrecipient's work plan/staffing plan, what is impeding progress on hiring necessary staff?

6. If the grant subrecipient has not hired staff, has this led to known performance deficiencies or will this impact performance if not resolved?

(C/E) Indicator 1.b.2. Participant recruitment activities

The local CEO, local board, and local area administrative have developed a methodology and partnership action plan:

- to map participant recruitment activities;
- for targeting and recruiting eligible program participants; and
- engaging required and additional one-stop partners and community partner networks to maximize outreach efforts.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's grant agreement with NDOL;

- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- local area outreach plan, materials, and timelines.

Review the grant subrecipient's progress toward achievement of the goals and strategies defined its regional and local plan, outreach plan and materials, and outreach project timeline.

Review outreach materials sent to potential participants and community partners and partner networks.

Inquire about the other methods of outreach and success rates with those other outreach methods.

Interview local area administrative staff and applicable program staff (i.e., service provider staff) and discuss the plans for recruiting participants. If technical assistance is necessary because of apparent difficulties with participant recruitment, the state will assist local area administrative staff and applicable program staff (i.e., service provider staff) with creation of a new outreach plan or plans.

Tips

Refer to Indicator 2.e.2. for program performance review criteria.

Grant subrecipients that do not have an effective participant outreach methodology inevitably fail to meet performance goals. This indicator may help the reviewer identify the cause of low enrollment or performance outcomes. For example:

- Symptom. The grant subrecipient is not meeting its enrollment goal or has an insufficient enrollment goal.
- Condition. The grant subrecipient, local board, local area administrative entity, and/or subrecipient (i.e., service provider) failed to establish critical partnerships.
- Cause. The local CEO, local board, and/or local area administrative entity leadership have different priorities.

Questions for review and discussion

1. What is the grant subrecipient's participant outreach plan?
2. Is the participant outreach plan consistent with the regional and local plan?
3. On which target populations is the grant subrecipient focusing its recruiting efforts?
4. How does the grant subrecipient's participant outreach plan address each target population?
5. What results is the grant subrecipient seeing from current outreach activities?

6. Are there particular target populations that are not being reached?

7. What role do one-stop delivery system partners play in the grant subrecipient's outreach plan?

8. How is the grant subrecipient evaluating the effectiveness of its current outreach activities?

9. How does the grant subrecipient adjust its strategies to improve its outreach results?

10. Are the grant subrecipient's enrollment goals reasonable in contrast to the local area funding allocations for the applicable programs?

11. If participant enrollment in services has already begun, is the grant subrecipient's outreach strategy supporting its expected level of participant enrollments, which should be reasonable when considering Federal funding provided for implementation of the applicable program?

12. What adjustments need to be made to the grant subrecipient's outreach strategy to ensure enrollment goals are met?

13. If the grant subrecipient is behind in outreach activities or has not begun enrolling participants, has this led to known performance deficiencies?

    a. If yes, what are the specific performance indicators for which the grant subrecipient is deficient?

14. Will known performance deficiencies impact performance if not resolved?

    a. If yes, how will known performance deficiencies impact performance on which performance Indicators?

(C/E) Indicator 1.b.3. Partnerships

The grant subrecipient continues to engage with required one-stop partners. MOUs formalizing relationships between the local CEO, local board, and required one-stop partners have been signed. The grant subrecipient, local board, and required one-stop partners meet with reasonable frequency to discuss program progress and address issues as they arise. Required one-stop partners are held accountable for their responsibilities and play an active role in one-stop center activities and program functions.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's regional and local plan;
- MOUs with required one-stop partners and additional one-stop partners;
- letters of commitment with partners providing leveraged (no cost) resource services;
- partnership project timelines;

Determine which partner relationships are required and which partner relationships are meant for program enhancement.

Review signed MOUs with required one-stop partners and additional one-stop partners.

Assess whether the responsibilities outlined in the MOUs are being accomplished through interviews with local area administrative entity staff and required one-stop partners and additional one-stop partners.

Tips

Reviewers may want to ask for partner meeting minutes, copies of partner activity tracking mechanisms or methodologies, and other pertinent documentation that demonstrates:

- quality of relationships between the local CEO, local board, local area administrative entity, and their partners; and
- adherence to the commitments outlined within MOUs.

Questions for review and discussion

1. Who are the required one-stop partners for the local area one-stop center(s)?
2. How is each required one-stop partner (and each additional one-stop partner, if applicable)

fulfilling the roles and activities outlined in MOUs and letters of commitment for leveraged resources?

3. How are the local CEO, local board, and local area administrative entity working with each required one-stop partner, additional one-stop partners, and leveraged resources to ensure all partnership commitments are fulfilled?

4. Have the local CEO and local board established an MOU or letter of commitment outlining the responsibilities of each required one-stop partner, additional one-stop partner, and leveraged resource?

    a. If not, how will the local CEO and local board ensure partnership commitments and requirements are met?

5. Who are the additional one-stop partners that the local CEO, local board, and local area administrative entity works with that they are not expressly required to work pursuant to Federal and State law, rules, regulations, guidance, and policies, the state plan, and/or regional and local plan?

    a. How do these additional partners contribute to the performance of the grant?

6. How do the local CEO, local board, and local area administrative entity track and document activities with required one-stop partners, additional one-stop partners, and leveraged resources?

(C/E) Indicator 1.b.4. Required one-stop partners

If the subrecipient (i.e., service provider) of the grant subrecipient is a required one-stop partner in the local one-stop delivery system as prescribed in WIOA Sec. 121(b)(1)(B), it fulfills its roles and responsibilities as a required one-stop partner.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator. Applicable law, rules, regulations, and guidance include, but are not limited to:

- WIOA Sec. 121(c);
- 20 CFR §§ 678.305(b) – (d), 678.310, 678.405(b), 678.430, 678.435, 678.500, 678.505, 678.755, 678.760, 678.800(b), 678.900(a) and (c) – (d); and
- TEGLs 16-16 and 16-16 Change 1.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan; and
- MOUs with required one-stop partners.

Determine whether the subrecipient (i.e., service provider) of the grant subrecipient is a required one-stop partner in the local one-stop delivery system.

Review signed MOU(s) with required one-stop partners.

Determine whether the subrecipient (i.e., service provider) of the grant subrecipient is fulfilling all responsibilities as a required one-stop partner through:

- interviews with the local area administrative staff and program staff (i.e., service provider staff; and
- review of applicable MOUs.

Tips

Technical assistance on MOUs and funding agreements is accessible at WorkforceGPS: https://ion.workforcegps.org/resources/2017/03/23/13/30/Sample_MOU_Infrastructure_Costs_Toolkit.

Required one-stop partner programs are listed in the table below.

Required one-stop partner	Authorizing legislation
1. Adult Education and Family Literacy Act (AEFLA) program	WIOA Title II

Required one-stop partner	Authorizing legislation
2. Adult, dislocated worker, and youth programs	WIOA Title IB
3. Career and technical education programs at the postsecondary level	Carl D. Perkins Career and Technical Education Act of 2006
4. Employment and training activities carried out by the Department of Housing and Urban Development	Jobs Plus grant subrecipients
5. Employment and training activities carried out under the Community Services Block Grant	42 USC § 9901 et seq.
6. Ex-offender programs	Second Chance Act of 2007, Section 212
7. Job Corps	WIOA Title IC
8. Jobs for Veterans State Grants program	38 USC Chapter 41
9. Migrant and seasonal farmworker programs	WIOA Title ID
10. Indian and Native American programs	WIOA Title ID
11. Programs authorized under Nebraska's Unemployment Compensation law	Neb. Rev. Stat. § 48-617
12. Senior Community Service Employment Program	Older Americans Act, Title V
13. Trade Adjustment Assistance programs	Trade Act of 1974, Title II, Chapter 2
14. Nebraska Commission for the Blind and Visually Impaired	Rehabilitation Act of 1973, Title I, as amended by WIOA Title IV
15. Nebraska Vocational Rehabilitation Program	Rehabilitation Act of 1973, Title I, as amended by WIOA Title IV
16. Wagner-Peyser Act Employment Service program	Wagner-Peyser Act, as amended by WIOA Title III
17. Work, education, and training activities carried out by the Temporary Assistance for Needy Families (TANF) program	Social Security Act, Title IV, Part A
18. YouthBuild programs	WIOA Title ID

One-stop partner roles and responsibilities

CITATION

- 20 CFR §§ 678.305(b) – (d), 678.310, 678.405(b), 678.430, and 678.435; and
- TEGLs 16-16 and 16-16 Change 1

QUESTIONS FOR REVIEW AND DISCUSSION

1. Are all required one-stop partner programs represented in the local one-stop delivery system?

2. How do required one-stop partner programs provide access to their respective programs or activities through the local one-stop delivery system (co-location or direct linkage)?

3. Does each required one-stop partner program provide access to its services through affiliate sites (i.e., affiliate one-stop centers) or specialized one-stop centers in the local area?

    a. If the answer is yes, is access to required one-stop partner program services provided on site by a program staff member, via cross training of other one-stop partner staff, or through direct linkage by technology?

4. Does each required one-stop partner program provide career services through AJCs or other one-stop centers in the local area?

    a. What are the specific career services the required one-stop partner programs are providing through AJCs and one-stop centers in the local area?

Memorandums of understanding

CITATION

- 20 CFR §§ 678.500, 678.505, 678.755, and 678.760

QUESTIONS FOR REVIEW AND DISCUSSION

1. Has the local board, with the agreement of the CEO, developed and entered into a signed MOU with all required one-stop partners?

2. Does each MOU contain:

    a. a description of services provided through the one-stop delivery system, including the manner in which services will be coordinated and delivered;

    b. one-stop operating budgets identifying the costs of the services and the operating costs of the system, including a funding agreement covering:

        i. infrastructure costs in accordance with 20 CFR §§ 678.700 – 678.755; and

        ii. shared services (i.e., additional costs) of the one-stop delivery system described in 20 CFR § 678.760;

    c. a description of methods for referring individuals among the one-stop operator and one-stop partners for appropriate services and activities;

    d. a description of methods for ensuring that the needs of job seekers, including youth and individuals with barriers to employment, are addressed when providing access

to services, including access to technology and materials that are available through the one-stop delivery system;

e. identification of the duration of the MOU and procedures for amending it;

f. assurances that the MOU will be reviewed and updated no less frequently than once every three years to:

i. ensure appropriate funding and delivery of services; and

ii. reflect any changes regarding:

1. signatory officials for the local CEO, local board, and one-stop partners; and

2. funding of infrastructure and additional costs of one-stop delivery system operations, including any changes to the partners' required cost contributions under the State funding mechanism;

g. once fully executed, the signatures of the local CEO, local board chair, and representative(s) of the one-stop partner that have authority to bind the partner to the MOU.

3. Does each MOU contain the following information in the funding agreement in relation to funding of infrastructure costs (20 CFR § 678.755):

a. duration of the funding agreement, which may differ from the duration of the MOU;

b. budget for infrastructure and additional costs that must be reconciled periodically against actual costs incurred and adjusted accordingly to ensure that it:

i. reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to the one-stop partner in proportion to its use of the one-stop center and relative benefit received, in accordance with 2 CFR § 200.405; and

ii. complies with Uniform Guidance or any corresponding similar regulation or ruling;

c. identification of the local CEO, local board, and partner participating in the agreement;

d. steps the local CEO, local board, and partner used to reach consensus or an assurance that the local area followed the requirements of the state's policy regarding MOUs and funding agreements;

e. description of the process to be used among the local CEO, local board, and partner to resolve issues during term of the agreement when the parties are at an impasse or consensus is not reached; and

f. description of the periodic review and modification process to ensure equitable benefit among all one-stop partners.

4. Does the MOU contain descriptions in the funding agreement in relation to funding of additional costs (i.e., shared costs) for:

   a. costs associated with provision of the applicable career services provided by the partner;

   b. other additional costs, such as shared services, which may include:

      i. costs of shared services authorized for and commonly provided through the one-stop partner program to any individual, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to other one-stop partners, and business services; and

      ii. shared costs of the local board's functions;

   c. one-stop partner contributions for funding of additional costs related to operation of the one-stop delivery system, which may be cash, non-cash, or third-party in-kind contributions, consistent with 20 CFR § 678.720(c); and

   d. the one-stop partner's share of additional costs which are allocated according to the proportion of benefit received by the partner, consistent with the Federal legislation authorizing the partner's program, and consistent with all other applicable legal requirements, including Federal cost principles described in the Uniform Guidance or any corresponding similar regulation or ruling requiring that costs are allowable, reasonable, necessary, and allocable.

5. Does the subrecipient (i.e., service provider) of the grant subrecipient use a portion of its subawarded Title I funds to pay its proportionate share of the additional costs relating to the operation of the one-stop delivery system as prescribed under 20 CFR § 678.760?

Common Identifier

CITATION

- 20 CFR § 678.900(a) and (c) – (d)

QUESTIONS FOR REVIEW AND DISCUSSION

1. Does the grant subrecipient use and require use of the approved common identifiers (listed below) on all products, signage, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system:

   a. "American Job Center" common identifier used as a general reference to the local one-stop center; or

   b. "a proud partner of the American Job Center network" tagline?

(C) Indicator 1.b.5. Establishing contracts and subawards

The grant subrecipient has established contracts and/or subawards to successfully operate and fulfill the requirements of the grant award from NDOL.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- State policies;
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan; and
- list(s) of the grant subrecipient's contracts and subawards.

Identify services or goods procured or to be procured.

Determine whether the grant subrecipient established necessary contracts and/or subawards in accordance with applicable Federal, State, and local procurement requirements.

Tips

If the grant subrecipient has not procured services or goods that are required pursuant to Federal, State, and local procurement requirements and no action plan is in place, work with the grant subrecipient to create a timeline with milestones for the successful completion of procurement necessary to accomplish the purposes of the grant subrecipient's grant agreement with NDOL and Federal and State laws, rules, regulations, guidance, and policies.

This indicator considers only the timely establishment of contracts and subawards necessary to successfully implement the purposes of the grant subrecipient's grant agreement with NDOL and Federal and State laws, rules, regulations, guidance, and policies. Refer to Objective 2.d. Procurement and contract administration for additional information.

Questions for review and discussion

1. Has the grant subrecipient established contracts and subawards necessary to accomplish the purposes of the grant subrecipient's grant agreement with NDOL and Federal and State laws, rules, regulations, guidance, and policies?

2. What, if any, challenges or delays has the grant subrecipient encountered in establishing necessary contracts or subawards?

3. What is the grant subrecipient's action plan to establish the necessary contracts and/or subawards to accomplish the purposes of the grant subrecipient's grant agreement with NDOL and Federal and State laws, rules, regulations, guidance, and policies?

4. How will delay in establishing the necessary contracts and subawards impact the overall implementation and successful outcomes of the grant subrecipient's grant agreement with NDOL and Federal and State laws, rules, regulations, guidance, and policies?

5. If development of contracts and subawards are in process at the time of review, at what phase are they in development (drafting, finalization, execution)?

(C) Indicator 1.b.6. Timely equipment purchases

The grant subrecipient has purchased equipment outlined in the grant subrecipient's work plan or requested approval to purchase equipment subsequent to the grant award or grant subaward.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- State policies;
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- grant subrecipient's work plan;
- equipment modifications and requests to purchase;

- list(s) of the grant subrecipient's contracts; and
- list(s) of equipment purchased.

Determine what equipment the grant subrecipient has identified as necessary to accomplish the goals of the grant award and Title I programs.

Identify whether the equipment has been purchased or is in the process of being purchased.

Determine any impact a delay of equipment purchases may have on the overall success of the grant and programs.

Tips

To review financial and administrative compliance of all equipment purchases, refer to Objective 2.c. Property management to determine if the delegation of written prior approval authority is specified.

Questions for review and discussion

1. What equipment or services, if any, did the grant subrecipient specify would be procured?
2. When must the equipment or service be purchased and in place to fully support the work outlined in the grant subrecipient's work plan?
3. If the grant subrecipient is behind in the purchasing of necessary equipment or services, how will the delay impact the overall implementation and outcome success of the grant and programs?
4. What can the grant subrecipient do to ensure all equipment and services are purchased and in place to support successful execution of all grant and program activities?

Objective 1.c. Products and deliverables

The grant subrecipient has documented and/or developed the products or deliverables outlined in the grant subrecipient's work plan, grant subrecipient's regional and local plan, and as required in applicable Federal and State laws, rules, regulations, guidance, and policies.

(C/E) Indicator 1.c.1. Sustainability plan

The grant subrecipient has developed a plan for the continuation of grant goals, principles, and outcomes beyond the life of the grant. The sustainability plan has a clear vision that:

- defines which principles and goals the grant subrecipient will sustain;
- outlines strategies to build collaboration between partners;
- defines strategies and methods for sustainability; and
- provides action steps.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- grant subrecipient's sustainability plan;

If a sustainability plan has not yet been developed, interview key staff to identify the timeline for developing a sustainability plan.

Determine whether the grant subrecipient needs technical assistance to successfully create a sustainability plan.

Tips

The sustainability plan is a plan for the continuation of the grant's goals, principles, and efforts to achieve desired outcomes through activities that are consistent with the current conditions and workforce development needs of the local area.

- Sustainability plans strengthen partner commitment by creating relationships that last beyond the life of the grant.
- Sustainability plans can be used to market a project to potential funders and other possible partners once Federal funding has ended and guide the ongoing management of the grant and programs.

Questions for review and discussion

1. How is the grant subrecipient planning for sustainability throughout the life of the grant?
2. What actions is the grant subrecipient taking to prepare for successful sustainability?
3. Has the grant subrecipient identified other resources to sustain the grant following grant conclusion?

4. What aspects of the grant will continue after the grant ends?

5. How will all practices be continuously evaluated to determine importance to program operations?

6. What will it take to continue practices deemed crucial after the grant ends?

7. What functions, services, and/or activities are critical to sustain grant outcomes (case management, supportive services, etc.)?

8. What resources have been identified to sustain grant and program operations (allocated staff, training funds, etc.) following grant conclusion?

9. How is the grant subrecipient training personnel during the grant to institutionalize the knowledge needed to continue the grant and programs after the grant ends?

10. How will deliverables produced during the grant (new curricula, new websites, expanded marketing campaigns, etc.) continue to support grant operations after the grant ends?

11. Describe any changes in grant subrecipient management structure, policies, and/or procedures anticipated during the grant that help improve the efficiency and effectiveness of operations and support sustainability.

(C) Indicator 1.c.2. Product development

Specific products required in the grant agreement and/or applicable Federal or State guidance and outlined in the grant subrecipient's work plan have been developed.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- State policies;

- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan; and
- grant subrecipient's work plan.

Identify any products or deliverables the grant subrecipient is required to develop and determine progress toward product development.

Questions for review and discussion

1. What is the grant subrecipient's plan and timeline for developing the product or deliverable?
2. What challenges does the grant subrecipient foresee in developing the product or deliverable on time?
3. If the product or deliverable is not developed in a timely manner, what grant outcomes will be impacted, if any?
    a. What is the grant subrecipient's corrective action plan to deliver on time?
4. What resources, partnerships, and/or contracts are needed to develop the product or deliverable on time?
    a. Does the grant subrecipient have these contracts in place, if necessary?
5. What is the grant subrecipient's plan for distributing or posting grant products, if required?

Objective 1.d. Business services and employer engagement

The grant subrecipient has documented and performed all service delivery activities outlined in its work plan, regional and local plan, and Federal and State laws, rules, regulation, guidance, and policies related to serving businesses and engaging employer partners to ensure accomplishment of the grant goals.

(C/E) Indicator 1.d.1. Sector strategies

The grant subrecipient engages in employer-driven sector partnerships with industry, education and training, and other stakeholders that focus on workforce needs of key industries in a regional labor market to develop sector strategies.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- meeting minutes from sector strategy/partnership meetings; and
- relevant LMI.

Determine the degree to which the grant subrecipient is engaged in industry sector strategies and partnerships.

Identify how the grant subrecipient decided upon the targeted industry sectors and how the grant subrecipient has subsequently engaged key industry partners.

Interview industry partners, to the extent possible or feasible, to understand their role in the sector partnership and the extent to which the partnership hears and responds to their stated needs.

Tips

Prior to the review, request meeting minutes and background documentation (LMI, skills gap analyses, etc.) that support the selection of targeted industry sectors, as well as the initiatives that are being implemented to address the needs of those sectors.

Questions for review and discussion

1. What data is the grant subrecipient using to make decisions about target industry sectors and education and training investments?

2. How are employers in the targeted industry sectors involved in designing the programs and delivery of services to ensure their workforce needs are met?

3. How do the local CEO, local board, local area administrative entity, and industry sector and other partners facilitate the delivery of workforce solutions to ensure they are responsive to the needs of workers and the targeted industry sector(s)?

4. How do the local CEO, local board, local area administrative entity measure industry sector strategy outcomes?

5. How will the local CEO, local board, local area administrative entity financially sustain industry sector work across time?

6. What personnel, policies, vision, and resources do the local CEO, local board, local area administrative entity have in place to continually support sector strategy outcomes?

(C/E) Indicator 1.d.2. Career pathways programs and systems

The grant subrecipient has designed and implemented, or participates in the design and implementation, of career pathway programs and systems.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system; and
- grant subrecipient's regional and local plan.

Determine local CEO, local board, local area administrative entity roles and responsibilities relating to career pathway programs and systems pursuant to Federal and State laws, rules, regulations, guidance, and policies, as well as the state plan for Nebraska's workforce system.

Through interviews, determine how the local CEO, local board, local area administrative entity have approached the creation of career pathway programs and systems.

Assess the level of partner participation in the design and implementation of career pathway programs and systems through discussions with pertinent partners and meeting minutes.

Tips

Career pathway program v. career pathway system

- A career pathway program offers a clear sequence of stackable credits and credentials, combined with supportive services, that enable program participants to obtain industry-relevant skills, certifications, and credentials and advance to higher levels of education and employment in in-demand occupations.

- A career pathway system is made up of multiple career pathway programs that span educational institutions, workforce, and partners providing supportive services. These programs are oriented around a shared understanding of the needs of a particular industry sector. Often, tools like career pathway maps are used to talk with program participants about how they can progress through education and training experiences to obtain employment.

- Refer to the Career Pathways Toolkit: An Enhanced Guide and Workbook for System Development for additional information and resources to share with the local CEO, local board, local area administrative entity.

Questions for review and discussion: Career pathway programs

For the local CEO, local board, local area administrative entity involved in developing career pathway programs:

1. How were industry sectors chosen for the career pathway program being developed?

2. What labor market data/analyses were used for decision making regarding design and implementation of the career pathway program?

3. How are employers or industry leaders engaged in the design and implementation of the career pathway program?

    a. What are the specific roles of the employers or industry leaders in design and implementation of the career pathway program?

4. Determine how the career pathway program offers a clear sequence or pathway that combines education and/or work-based training that leads to stackable credits and credentials.

5. How is the grant subrecipient measuring and documenting skills attainment along the

career pathway?

Questions for review and discussion: Career pathway systems

For the local CEO, local board, local area administrative entity developing career pathway systems:

1. How were industry sectors chosen for career pathway system development?

2. With which Federal, State, and local agencies or organizations have the local CEO, local board, local area administrative entity partnered to develop career pathway systems?

3. Who are the members of the multi-agency career pathway systems leadership team?

    a. What are the roles of each member?

4. What are the shared vision, mission, and goals of the leadership team for the multi-agency career pathway system?

5. What labor market data analyses were used for decision making regarding design and implementation of the career pathway system?

6. How are employers and industry sector leaders engaged in design and implementation of the career pathway system?

    a. What are the specific roles of the employers or industry sector leaders in design and implementation of the career pathway system?

7. Determine whether the career pathway system has the following characteristics:

    a. clear sequence or pathway that combines education, training, and other services to meet participant needs and align with employer demands;

    b. system that helps an individual enter or advance within a specific occupation or occupational cluster; and

    c. system that provides multiple entry and exit points to enable individuals to enter and exit at successively higher levels of skill development.

8. What funding needs and sources did the local CEO, local board, local area administrative entity identify to cover design, implementation, and maintenance of the career pathway system, as well as participant costs?

9. Are the local CEO, local board, local area administrative entity reforming local policy to align with vision and implementation of a coordinated workforce and education system?

    a. If so, what changes are being or were made and how will the changes support the implementation of a coordinated workforce and education system?

10. What are the short- and long-term career pathway system outcomes (including participant outcomes) the local CEO, local board, local area administrative entity have identified, developed, and defined to measure career pathway system change and performance?

(C/E) Indicator 1.d.3. Business services

The local CEO, local board, local area administrative entity maintains strong relationships with the local area business community and collaborates with other workforce system partners to provide coordinated business services. The local CEO, local board, local area administrative entity utilizes work-based training models to meet the needs of businesses in the local area, such as internships, on-the-job training (OJT), Registered Apprenticeship programs, customized training, and incumbent worker training, as outlined in the State Plan, State policy, and regional and local plan.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system
- grant subrecipient's regional and local plan; and
- documentation pertaining to provision of business services by the grant subrecipient/local board/local area administrative entity, including the availability of brochures, calendars of events, business services handbooks or policies, outreach materials, assessment tools, etc.

Determine through interviews how the local CEO, local board, local area administrative entity:

- conduct business services;
- make determinations on business customer needs; and
- evaluate effective services to business customers.

Tips

The reviewer should carefully examine approaches taken by the local CEO, local board, local area administrative entity regarding outreach and engagement with businesses. The approaches should be based primarily on listening and responding to the needs of businesses, as business needs may go beyond presentation of information regarding programs and services.

The local CEO, local board, local area administrative entity should demonstrate a capacity and willingness to customize business services where possible to meet specific business customer needs.

Questions for review and discussion

1. What are the strategies of the local CEO, local board, local area administrative entity for serving businesses?
2. How do the local CEO, local board, local area administrative entity identify which businesses to target?
3. How do the local CEO, local board, local area administrative entity partner with other agencies, programs, or organizations to coordinate outreach to businesses?
4. How do the local CEO, local board, local area administrative entity identify needs of businesses and tailor services to business needs?
5. How are local area staff members trained to provide business services?
6. What resources are used to provide business services?
7. How do the local CEO, local board, local area administrative entity track engagement with businesses?

Objective 1.e. Participant services

The grant subrecipient is implementing the required service delivery strategy outlined it its grant award and regional and local plan and is providing all required services to participants.

(C) Indicator 1.e.1. Service delivery

The local CEO, local board, local area administrative entity provides access to the full array of participant services stipulated in the grant subrecipient's grant agreement with NDOL, Federal and State laws, rules, regulations, guidance, and policies.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- grant subrecipient's grant agreement with NDOL;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies; and
- grant subrecipient and service provider policies, procedures, and operations manuals.

Ensure the local CEO, local board, local area administrative entity have made available all services in accordance with the requirements of the grant subrecipient's grant agreement with NDOL; Federal laws, rules, regulations, and guidance; state and regional and local plan; and state and local policies and procedures.

Determine customer flow and participant referral methods, including methods for processing referrals and enrolling referred eligible participants.

Assess service integration efforts and MOU implications relating to service delivery to participants.

Questions for review and discussion

1. How do the local CEO, local board, local area administrative entity ensure access to the full range of one-stop center services for potential and actual program participants?
2. Does the service flow and customer flow in the one-stop center promote access to the full array of services available through grant subrecipient programs (i.e., Title I programs)?
3. What management information system(s) and other tools support access to the full array

of services that must be made available through the one-stop delivery system?

4. What is the formal referral policy for individuals who need services that are not available through Title I programs?

    a. Does practice appear to conform to this policy?

5. How do subrecipients (i.e., service providers) of the grant subrecipient engage in joint case management with partners that ensures coordination of services and tracking of participant progress toward goals achievement?

6. How many case managers are assigned to and providing services for each Title I program (adult, dislocated worker, and youth)?

7. What is the case manager to participant ratio for each of the grant subrecipient's Title I programs?

8. What is the case-manager turnover rate for each of the grant subrecipient's Title I programs?

(C) Indicator 1.e.2. Priority of service

The grant subrecipient has an effective documented system for ensuring priority of service for Veterans and adult program participants.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;

- state and local policies;
- service provider policies; and
- written procedures and processes for priority of service.

Confirm that the grant subrecipient ensures priority of service in accordance with Federal and State laws, rules, regulations, guidance, and policies; state and regional and local plan; and state and local policies, procedures, and processes.

Review information from the grant subrecipient regarding service priorities, including any additional populations identified as service priorities.

Tips

The reviewer should examine the one-stop center triage/intake area for prominent signs, brochures, and/or flyers that inform participants of adult priority of service and Veteran's priority.

Questions for review and discussion

1. How do the grant subrecipient and service provider policies, procedures, and processes ensure priority of service for Veterans and covered spouses and adults?
    a. For Veterans, priority access to training services must be provided to Veterans and covered spouses.
    b. For adults, priority access to individualized career services and training services must be provided to all adults who are:
        i. basic skills deficient;
        ii. receiving public assistance benefits (SNAP, TANF, etc.); or
        iii. otherwise considered low-income pursuant to Federal law, rules, regulations, and guidance, as well as state policy.
2. How do the grant subrecipient and service provider policies, procedures, and processes embed service priorities into customer flow and decision making?
3. How does the grant subrecipient and service provider conduct outreach to priority populations, i.e., Veterans and covered spouses and adults?
4. How does the service-delivery design reflect priority of service for Veterans and covered spouses and adults?
5. Do service delivery statistics indicate that Veterans and covered spouses and adults are being served on a priority basis by the grant subrecipient?

(C) Indicator 1.e.3. Eligibility/enrollment

The grant subrecipient and service provider adhere to Federally established eligibility requirements when enrolling participants.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies;
- subawards and contracts;
- policies, procedures, and tools the grant subrecipient and service provider may have developed and/or utilizes to support accurate eligibility documentation by service provider staff, such as a checklist or desk reference;
- grant subrecipient and service provider operations manuals developed to support accurate eligibility documentation by service provider staff, such as a checklist or desk reference; and
- grant subrecipient and service provider data collection requirements for eligibility determinations.

Interview program staff, including case managers, to determine how eligibility is documented.

Review forms used to document eligibility of potential program participants and determine if the forms comply with Federal and State laws, rules, regulations, guidance, and policies.

Review a random sample of case files to ensure:

- required eligibility documentation was obtained and correct eligibility determinations were made; and
- eligibility was verified prior to the provision of services.

Tips

If errors or omissions are identified, note the specific exceptions and advise the grant subrecipient that reverification of eligibility is required for any participant for whom eligibility is in question.

- If there appears to be a pattern of incorrect or incomplete eligibility determinations, advise the grant subrecipient to perform a complete and thorough review of case files to ensure that all participants are eligible.
- Note. The reviewer may also want to include this as a required action in the monitoring report.

If any participants are determined as ineligible for Title I program services, advise the grant subrecipient that all costs associated with services provided to ineligible individuals are questioned costs and that those costs must be repaid to the applicable program using non-Federal funds.

Questions for review and discussion

1. How do staff correctly determine that all participants are eligible for services prior to service delivery?
2. What tools do staff use to gather eligibility documentation and make decisions about eligibility?
3. Does the grant subrecipient provide initial and ongoing training to staff on eligibility determination and documentation requirements?
4. Has the grant subrecipient established limitations on the provision of program services for participants?
5. If the grant subrecipient has established limitations on the provision of program services for participants:
    a. to which participants do the limitations apply and why; and
    b. what are the limitations (restricting services based on past program participation, established cost limits for OST and supportive services, etc.)?

File review

1. Is documentation in each case file sufficient to fully support eligibility determination?
2. Determine the date eligibility was established and when the first service was provided and

ensure eligibility was verified prior to the provision of services.

3. Are there any participants who are ineligible based on the file review?

(C/E) Indicator 1.e.4. Assessment

The grant subrecipient ensures that assessment tools accurately gauge participant capacities and aptitudes and identify participant skills and interests. The results of assessments are used to customize participant service strategies and ensure positive outcomes for each participant. The grant subrecipient ensures assessments are one of many tools used ensure the provision of quality services to participants.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this indicator is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws and guidance, including but not limited to: Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies;
- subawards and contracts;
- policies, procedures, and tools the grant subrecipient and service provider may have developed and/or utilizes relating to participant assessments that accurately:
    - gauge participant capacities and aptitudes; and
    - identify participant skills and interests by staff, such as a checklist or desk reference.

Determine through case manager and participant interviews how assessments inform participant services.

Describe how adjustments are made to the IEP[3]/ISS[4] and documented, as necessary, during program participation.

Review a sample of case files to ensure assessments accurately gauge participant capacities and aptitudes and identify participant skills and interests.

Determine through case file review whether the assessment process is generally effective in matching participants with appropriate service options to achieve desired outcomes.

Tips

The reviewer should determine whether the assessment process is effective in matching participants with appropriate service options. Appropriate service options should include partner services.

Questions for review and discussion

1. What assessments are required pursuant to Federal and State laws, rules, regulations, guidance, and policies?

2. How are assessments used to customize participant services and inform development of IEPs/ISSs?

3. How are assessments used to determine suitability for training, educational course work, and/or employment?

4. How are assessments documented?

5. Which assessment tools are used to:

    a. gauge participant capacities and aptitudes (CASAS, TABE, etc.); and

    b. identify participant skills/interests?

6. How are assessments used to gauge participant progress (i.e., measurable skills gains) during program participation?

7. At what point in service delivery are assessments conducted?

8. Are individuals asked about any other assessments they may have completed with a partner program or organization during the previous six months?

    a. If so, do service provider staff contact the partner program and request documentation of the outcome of the assessments?

[3] *IEP* refers to individual employment plans for adult and dislocated worker program participants.
[4] *ISS* refers to individual service strategies for youth program participants.

File review

1. Are assessments included in reviewed case files?

(C/E) Indicator 1.e.5. Participant IEP/ISS

Participant IEPs and ISSs are developed based on participant assessments and include an appropriate combination of services to address participant needs and support desired outcomes. The IEPs and ISSs are revisited and updated periodically to reflect participant progress and address service delivery needs that may have changed over time.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies;
- subawards and contracts;
- policies, procedures, and tools the grant subrecipient and service provider may have developed and/or utilizes relating to participant assessments that accurately:
    - gauge participant capacities and aptitudes; and
    - identify participant skills and interests by staff, such as a checklist or desk reference.

File review

Before conducting case manager and participant interviews, review randomly selected participant records to determine:

- whether the grant subrecipient creates an IEP or ISS for each participant;
- whether the participant IEP or ISS is periodically updated to reflect progress and/or changing service needs; and
- if the grant subrecipient has written policies and procedures that address modification of the IEP/ISS as participant service needs change over time.

Refer to the *File Review* section below for detailed instructions for performing file reviews.

Case manager and participant interviews

After reviewing randomly selected participant records:

- determine through case manager and participant interviews:
    - the degree to which participants are engaged in IEP/ISS development; and
    - extent to which the IEP/ISS is used as a tool to guide participant service delivery.
- interview a sample of participants and ask:
    - if they actively participated in the development of their IEP/ISS;
    - if they are fully aware of their employment goals as described in the IEP/ISS; and
    - how the IEP/ISS is intended to help them reach the goals outlined in the IEP/ISS.

Grant subrecipient and service provider leadership interviews

Refer to the *Questions for review and discussion* section below, which provides a list of questions that may be asked of local area administrative entity staff and service provider staff (management, supervisor, and case manager level).

Tips

The development of the IEP/ISS plays a critical role in the participant's success. It helps participants understand how their goals are met through the delivery of certain services and specific employment and training activities.

File review

1. Is the IEP/ISS included in the participant file?
2. Does the IEP/ISS reflect the participant's needs and barriers identified during the assessment process?

3. Is there evidence in the participant case file that:

    a. the case manager discussed assessment results with the participant; and

    b. the participant and case manager jointly developed the IEP/ISS?

4. Does the IEP/ISS include both short-term and long-term goals?

5. Do the short-term and long-term goals in the IEP/ISS align with the performance indicators for the program in which the participant is enrolled (i.e., employment at second and fourth quarters after program exit, median earnings second quarter after exit, measurable skills gains, and credential attainment)?

6. Do case notes in the participant case file document:

    a. ongoing contact between the case manager and the participant;

    b. tracking of participant progress in relation to the IEP/ISS; and

    c. updating of the IEP/ISS when changes in the participant's circumstances, goals, or planned activities and services occur?

7. Do participant case files indicate extended lapses in service? If yes, ask case managers to explain why.

Questions for review and discussion

1. How does the grant subrecipient and service provider ensure that the IEP/ISS identifies and meets specific needs of each individual participant?

2. Are both short-term and long-term goals documented in the IEP/ISS? If not, why?

3. Do the short-term and long-term goals in the IEP/ISS align with the performance indicators for the program in which the participant is enrolled (i.e., employment rates at second and fourth quarters after program exit, median earnings second quarter after exit, measurable skills gains, and credential attainment)?

4. Does the case manager discuss assessment results with the participant?

5. How do case managers engage participants in the development of the IEP/ISS?

6. Do the case manager and participant jointly develop the IEP/ISS?

7. How does the IEP/ISS include integrated services delivered by other one-stop center partners, as appropriate, to meet individual outcomes?

8. Are case managers required to:

    a. document ongoing contact between the case manager and the participant;

    b. track participant progress in relation to the IEP/ISS; and

c. update the IEP/ISS when changes in the participant's circumstances, goals, or planned activities and services occur?

(C) Indicator 1.e.6. Supportive services

Supportive services are provided to participants, as appropriate, to overcome their respective barriers to participation in and completion of their IEP/ISS.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this INDICATOR is (C), (E), or both and identifies citations applicable to this indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
  - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
  - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
  - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
  - Training and Employment Guidance Letters (TEGLs); and
  - Training and Employment Notices (TENs);
- State policies;
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- grant subrecipient policies, procedures, and operation manuals; and
- service provider policies, procedures, and operation manuals.

Determine whether supportive services are an allowable cost under the program in which the participant is enrolled. If not, determine how the grant subrecipient works with partners to obtain necessary supportive services. Note any budgetary limitations.

Review state and local policies and procedures governing supportive services.

Through case file review, determine whether:

- participants requiring supportive services are offered supportive services; and
- supportive services were provided in accordance with Federal and State laws, rules,

regulations, guidance, and policies, as well as grant subrecipient and service provider policies, procedures, and operations manuals.

Tips

Supportive service resources may include, but are not limited to, transportation, childcare, dependent care, housing, and needs-related payments necessary to enable a participant to participate in grant activities. (Refer to the State's policies on adult and dislocated worker programs and youth programs, as well as 20 CFR Part 680 Subpart G and 20 CFR § 681.570.)

If participants who have received Title I funded supportive services are determined as ineligible, advise the grant subrecipient that all costs associated with ineligible participants receiving supportive services are questioned and that those costs must be repaid to the applicable program using non-Federal funds.

Questions for review and discussion

1. Have the grant subrecipient and service provider written policies and procedures for the provision of supportive services for adult, dislocated worker, and youth program participants?

    a. If not, how does the grant subrecipient ensure compliant provision of supportive services under the programs?

    b. If yes, are staff initially and regularly trained on the requirements and limitations for supportive services established under Federal and State laws, rules, regulations, guidance, and policies.

2. Does the grant subrecipient provide needs-related payments?

    a. If so, are there an established local written policies and procedures for the provision of needs-related payments?

    b. How do the policies and procedures ensure that needs-related payments are essential to participant engagement in program activities?

    c. What documentation is required for needs-related payments?

3. How do the grant subrecipient and service provider determine participant eligibility for supportive services, including needs-related payments?

4. How do the grant subrecipient and service provider determine participant supportive service needs?

    a. What financial needs analyses are conducted to identify and document financial barriers to participation that can be overcome through supportive services?

5. How do the grant subrecipient and service provider coordinate the provision of supportive services with one-stop delivery system partners?

    a. If supportive services are provided by partner organizations, what are the partner-

provided services?

b. What mechanism is used to request support from partners?

c. What follow-up is conducted to ensure that the participant received partner-provided supportive services?

File review

1. Do participant files, including case notes, identify barriers that may prevent the participant from participating in and successfully completing the participant IEP/ISS?

2. Is there evidence that supportive services have been provided in accordance with Federal and State laws, rules, regulations, guidance, and policies; state and regional and local plan, and grant subrecipient and service provider policies and procedures?

(C/E) Indicator 1.e.7. Training services

Participants receive training as needed to progress toward achieving their employment goals; and training is in an in-demand occupation and delivered by an accredited, licensed, authorized, or approved provider, as applicable.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
  - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
  - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
  - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
  - Training and Employment Guidance Letters (TEGLs); and
  - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies;
- grant subrecipient and service provider policies, procedures, and operations manuals; and

- MOUs, work-based training agreements, or on-the job training (OJT) agreements or contracts.

Determine requirements for provision of training services pursuant to Federal and State laws, rules, regulations, guidance, and policies.

Through the case manager interviews, assess how training eligibility determinations are made in according with Federal and State laws, rules, regulations, guidance, and policies.

- Note. Eligibility determinations for training services must not include an income test, except in the case of adult program participants as defined in Federal and State laws, rules, regulations, guidance, and policies.

Through participant interviews and case file reviews, ensure that:

- consumer choice requirements have been met;
- participants have been involved in training program selection; and
- training is appropriate for the participant within state or local labor markets.

Determine the extent to which the grant subrecipient and service providers utilize work-based training models for training services.

- Through review of the regional and local plan, grant subrecipient and service provider policies, and interviews with staff, determine how the grant subrecipient engages employers to provide work-based training.
- Review work-based training contracts to ensure compliance with Federal and State laws, rules, regulations, guidance, and policies.

Review participant and employer files to ensure all work-based training requirements are met and documented in the file.

Interview employers who provide work-based training to determine satisfaction with grant subrecipient interactions and work-based training experiences.

Questions for review and discussion

1. Are the grant subrecipient and service provider providing the full range of training services stipulated in Federal and State laws, rules, regulations, guidance, and policies? If not, why?
2. Does the range of training options include work-based training?
    a. If so, does the grant subrecipient/service provider have MOUs or work-based training agreements and/or OJT contracts in place?
3. For participants receiving training to advance along a career pathway, what training costs does the grant subrecipient/service provider cover?

a. Are training costs covered through financial aid or through leveraged resources or other resources?

b. How does the grant subrecipient/service provider ensure that the applicable Title I program is the "funding source of last resort"[5]?

4. Has the grant subrecipient established limitations on the provision of training services for participants? If so, which participants and why?

5. Does the grant subrecipient/service provider coordinate with other one-stop center partners and other one-stop delivery system and workforce system partners to identify other funding sources to ensure participants can continue along the chosen career pathway?

6. How does the grant subrecipient ensure participants can continue along their chosen career pathway without continued funding from a Title I program or other partner program?

7. How has the grant subrecipient/service provider engaged employers and educators in designing the work-based training components to ensure meaningful skills development for participants?

8. What roles do sector strategies play in the development of work-based training programs?

9. Has the grant subrecipient/service provider developed plans with employers to support entry and advancement into a career pathway with the business or industry sector?

10. If training services are needed to meet the participant's employment goals, does the participant case file include an ISS/IEP that includes a training plan consistent with achieving the employment goal?

11. Do participant files reflect regular contact between case managers and participants to discuss the participant's progress toward employment goals?

12. If a participant is not on track to complete training services, what does the case manager do to address barriers to completion of training services?

File review

1. If training services are needed to meet the participant's employment goals, does the participant case file include an ISS/IEP that includes a training plan consistent with achieving the employment goal?

2. Do participant files reflect regular contact between case managers and participants to discuss the participant's progress toward employment goals?

3. If the participant is not on track to complete training services, what does the case manager do to address barriers to completion of training services?

[5] *Funding source of last resort* refers to the requirements established under 20 CFR § 680.230 regarding Title I funding of training services, use of Pell Grants, and coordination of services.

4. Is there evidence in the case file demonstrating case manager efforts to address barriers to completion of training services (recorded program activities, case notes, supportive services, coordination of services with other partner programs, etc.)

(C/E) Indicator 1.e.8. Placement

Grant subrecipient provides job search, referral, and other services that help participants obtain subsidized and unsubsidized employment.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies; and
- grant subrecipient's and service providers' policies, procedures, and operations manuals.

Determine employment placement requirements and goals as prescribed under the documents described above.

Through case manager, job developer, and/or business services representative interviews, assess participant employment and placement strategies.

Questions for review and discussion

1. What job search or other job development services does the grant subrecipient/service provider provide to support participant placement in subsidized and/or unsubsidized employment?

2. How are participants served after occupational skills training, or other training, to support placement in employment and retention and advancement along a career pathway?

3. What measures were taken by the grant subrecipient/service provider to ensure that employment placement fell within the industry sector/occupation for which the participant was trained?

(C/E) Indicator 1.e.9. Follow-up services

Grant subrecipient/service provider case managers maintain frequent contact with participants and provides allowable follow-up services to help ensure successful grant-related outcomes.

Citation

For Core activity 1 only, the SMU Administrator and reviewer determine whether performance on this Indicator is (C), (E), or both and identifies citations applicable to this Indicator.

Instructions

Review the following documents:

- Federal laws, rules, regulations, and guidance, including but not limited to:
    - Uniform Guidance (2 CFR Part 200 and 2 CFR Part 2900);
    - Workforce Innovation and Opportunity Act of 2014 (WIOA) and other applicable laws;
    - Joint Final Rule, Labor-only Final Rule, and other applicable regulations;
    - Training and Employment Guidance Letters (TEGLs); and
    - Training and Employment Notices (TENs);
- state plan for Nebraska's workforce system;
- grant subrecipient's regional and local plan;
- State policies; and
- grant subrecipient's and service providers' policies, procedures, and operations manuals.

Determine through case manager interviews and case file reviews:

- the extent to which follow-up services are provided to participants that have obtained unsubsidized employment or have exited the applicable program; and
- adherence to follow-up services requirements defined in Federal and State laws, rules, regulations, guidance, and policies.

Questions for review and discussion

1. Does the grant subrecipient have written plans, policies, and procedures for providing follow-up services to program participants who successfully completed the program? If not, why?

2. What follow-up services are being provided to participants pursuant to the grant subrecipient/service provider written plans, policies, and procedures?

3. Do case managers stay in frequent contact with participants following program completion?

4. Does the grant subrecipient/service provider have established procedures that define and require "frequent follow-up contact" with participants based on participant need rather that a fixed interval for all participants?

    a. If yes, how is "frequent follow-up contact" defined by the grant subrecipient/service provider (weekly, monthly, quarterly, etc.)?

    b. How does the grant subrecipient/service provider ensure achievement of the defined "frequent follow-up contact" standard?

5. For participants who do not complete the program or failed to achieve program goals such as employment or completion of training services, does the grant subrecipient have written plans, policies, and procedures that require follow-up with those participants, in compliance with Federal and State laws, rules, regulations, guidance, and policies?

    a. If yes, what are the characteristics of those follow-up services (communication methods, timeframes for conduct of follow up, strategies for reaching unresponsive participants, etc.)?

Core activity 2. Grant operations

Core activity 2 addresses grant operations that support the successful administration of the grant. The programmatic and fiscal operations of the grant help effective management the delivery of the services outlined in the grant subrecipient's work plan and required under Federal and State laws, rules, regulations, guidance, and policies.

The goal is to ensure the grant subrecipient has an adequate system in place to manage the grant and programs, including any specific award conditions, project modifications, and closeout requirements.

Objective 2.a. Project management

The grant subrecipient has an adequate system in place to manage the grant and programs, including any specific award conditions, project modifications, and closeout requirements.

(C/E) Indicator 2.a.1. Specific award conditions

The grant subrecipient may have award conditions that include an industry focus, occupational targets, certain populations to be served, and allowable grant activities specified by ETA and/or NDOL to which the grant subrecipient must adhere.

Citation

- 2 CFR § 200.207

Instructions

Review the grant subrecipient's grant agreement with NDOL for any specific award conditions that were imposed by ETA or NDOL.

Questions for review and discussion

1. What systems, policies, processes, or procedures does the grant subrecipient have in place to monitor varying specific award *conditions* of the grant (industry focus, occupational targets, certain populations to be served, and allowable grant activities) that will allow the grant subrecipient to meet the terms and conditions of the grant agreement, as well as Federal and State laws, rules, regulations, guidance, and policies?

    a. How is the grant subrecipient adhering to and satisfying these *conditions*?

2. If the grant subrecipient is not meeting one or more additional or unique award *conditions* of the grant, what steps or procedures does the grant subrecipient have in place to correct or remedy these issues and meet those *conditions*?

(C) Indicator 2.a.2. Prior approval of project modifications

The grant subrecipient is aware of the grant modification process that requires prior written approval from NDOL for certain changes to the grant and/or the grant subrecipient's regional and local plan. The process implemented by the grant subrecipient regarding modifications ensures that prior written approval is obtained in a timely manner.

Citation

- 2 CFR §§ 200.308 and 200.407
- 2 CFR § 2900.9 – 2900.12
- 20 CFR § 683.235
- State policies
- grant subrecipient's regional and local plan
- grant subrecipient's grant agreement with NDOL

Instructions

Interview key personnel to understand modification processes regarding the grant subrecipient's grant and regional and local plan.

Review grant subrecipient procedures for assessing the grant and regional and local plan and the need for possible modifications.

Tips

The Uniform Guidance contains the areas and items of costs requiring prior approval. Please refer to Resource I: List of items requiring prior approval.

Review the terms and conditions of the grant subrecipient's grant agreement with NDOL, Federal and State laws, rules, regulations, guidance, and policies to determine if prior approval authority is the responsibility of NDOL or ETA. If no such language exists in the grant agreement or Federal and State laws, rules, regulations, guidance, and policies, then prior approval criteria in the Uniform Guidance applies.

During sample testing of transactions as described in Objective 3.f. Allowable costs and cost classification, ensure that proper prior approval was given before action was taken by the grant subrecipient.

Questions for review and discussion

1. Does the grant subrecipient have policies and procedures in place when grant or regional and local plan modifications need to be made?
2. Do grant subrecipient policies and procedures allow for a maximum 30-day public notice/review period?
3. Are grant subrecipient administrative entity staff aware of modifications that require prior approval?
4. Are grant subrecipient administrative entity staff aware of ETA-specific requirements related to revisions of program plans including pre-approval, timeliness of requests, and authority for revision of the grant/regional and local plan? (Refer to Objective 2.b. Budget.)

5. Has the grant subrecipient made non-compliant changes to the approved regional and local plan without prior approval?

    a. If so, has the grant subrecipient been notified that such change is not recognized by the Governor?

6. Has the grant subrecipient complied with the prior-approval requirements of the grant in relation to non-budget related modifications requiring prior approval (equipment, renovations, etc.)?

    a. Did the grant subrecipient receive approval prior to the action taken or cost incurred?

(C) Indicator 2.a.3. Closeout requirements

The grant subrecipient has a process in place for timely completion of closeout of its grant award (from NDOL) and subawards to its subrecipients.

Citation

- 2 CFR §§ 200.16, 200.331(a)(6), 200.333, 200.343
- 2 CFR § 2900.15

Instructions

Obtain the grant subrecipient's written grant closeout policies and procedures and review the closeout policies and procedures with administrative entity staff to ensure that any required closeout documentation is submitted appropriately and timely to NDOL.

Verify that the closeout policies and procedures specify the following actions to be completed at the end of the grant period of performance (2 CFR § 200.343(a) – (g)):

- no later than 90 calendar days after the end date of the period of performance, submit all financial, performance, and other reports, as required by the terms and conditions of the grant agreement and applicable Federal and State laws, rules, regulations, guidance, and policies;
- liquidate all accruals incurred under the grant no later than 90 calendar days after the end date of the period of performance, as specified in the terms and conditions of the grant subrecipient's grant agreement with NDOL and applicable Federal and State laws, rules, regulations, guidance, and policies (2 CFR § 2900.15);
- obtain timely invoices and make prompt payments to subrecipients and contractors of the grant subrecipient for allowable reimbursable costs under the grant in accordance with the grant subrecipient's grant agreement with NDOL and applicable Federal and State laws, rules, regulations, guidance, and policies;
- refund any balances of unexpended and unobligated funds to that were paid in advance the grant subrecipient or were paid but not authorized to be retained by the grant subrecipient;

- make a settlement for any upward or downward adjustments to the grant after closeout reports are received from its subrecipients and contractors, accounting for any real or personal property acquired with Federal funds or received from NDOL or ETA;[6] and

- complete all closeout actions for the grant no later than one year after receipt and acceptance of all required final reports, if applicable, when the grant subrecipient is acting in the capacity of PTE.

Review the grant subrecipient's closeout policies and procedures for subawards and verify that closeouts are completed on a timely basis.

Tips

Closeout does not affect other subsequent actions that NDOL or ETA may take regarding the grant award or that a PTE may take against a subrecipient. Closeout does not affect the following circumstances:

- recovery of disallowed costs;

- recovery of unused funds;

- debts owed to the Federal government;

- access to records;

- property management; and

- audit requirements.

Please be aware that ETA is required to follow the Grants Oversight and New Efficiency Act (GONE Act), signed into Public Law 114-117 on January 28, 2016. ETA must close out grants within two years from the expiration of the grant period of performance. Therefore, it is imperative that PTEs, including grant subrecipients, have timely grant closeout policies and procedures.

During review of subaward closeout, ensure the grant subrecipient addresses all of its subrecipients' records that are related to the grant. Also, in the event that a grant subrecipient or its subrecipients cannot meet these requirements, the grant subrecipient must properly maintain grant records. Grant subrecipient policies and procedures should include a request- and-transfer process for all of its subrecipients records.

Questions for review and discussion

1. Does the grant subrecipient have a procedure in place to assure timely submission of required closeout documentation within 90 calendar days of the end date of the grant period of performance?

2. Does the grant subrecipient have a procedure in place to accurately accrue costs at the end of the grant period of performance and liquidate those accruals during the 90-day

[6] Refer to Objective 2.c. Property management regarding disposition of Federally funded real and personal property.

closeout period?

3. How does the grant subrecipient ensure and accurately report accrued costs to NDOL and liquidate those accruals prior to NDOL's submission of the closeout ETA-9130 Financial Report?

4. Does the PTE (i.e., grant subrecipient) have closeout policies and procedures for subawards?

    a. If yes, do they address the following:

        i. property and supply disposition;

        ii. final payment;

        iii. prepaid costs;

        iv. final deliverable of performance outcomes; and

        v. post-closeout adjustments?

5. Does the PTE (i.e., grant subrecipient) incorporate appropriate terms and conditions in its subawards agreements concerning closeout requirements?

6. Are PTE subrecipients made aware of and compliant with the records access and retention requirements of the grant?

7. Has the PTE ensured that the records of its subrecipients pertinent to the grant will be retained by the subrecipients or transferred to the PTE for the duration of the applicable retention period?

Objective 2.b. Budget

The grant subrecipient has a financial management system or budget control mechanism in place to monitor spending, determine allowability of costs, and compare and reconcile the budget to actual expenditures. The system also has triggers for budget modifications when deemed necessary.

(C) Indicator 2.b.1. Budget controls

The grant subrecipient has an approved budget that is compared to actual expenditures to ensure that funds are obligated and spent within the authorized period of performance.

Citation

- 2 CFR §§ 200.302(b)(5) and 200.308

Instructions

Interview the administrative entity staff primarily responsible for the budget.

Review the grant subrecipient's most current approved budget and budget narrative.

Compare what is budgeted to actual expenditures.

Tips

The financial standards applicable to all Federal awards contain the requirement for a "planned v. actual" analysis. The standards state that the financial system must provide for "comparison of expenditure with budget amounts for each Federal award". Prior approval authority has been granted to Governors for formula grants, but the provisions remain in effect for all other awardees.

Questions for review and discussion

1. How does the grant subrecipient know when a budget modification is required, including allowable budget line-item flexibility?

2. Are grant subrecipient administrative entity staff and service provider staff regularly informed of changes in the budget or given routine updates comparing budgeted items to actual costs?

3. Does the grant subrecipient have a process to review budget v. actual expenditures?

4. What is the frequency of the budget-to-actual expenditure analysis?

Tools

Use Tool E: Budget comparison tool to assist with this indicator.

(C) Indicator 2.b.2. Budget modifications

The grant subrecipient is aware of the budgetary realignments that require prior written approval from NDOL and has developed procedures to request prior written approval in a timely manner.

Citation

- 2 CFR §§ 200.308 and 200.407
- 2 CFR §§ 2900.9 – 2900.12
- 20 CFR § 683.235
- grant agreement between NDOL and the grant subrecipient

Instructions

Interview the staff primarily responsible for modifying the budget.

Review the grant subrecipient's last approved budget and the grant's most current budget.

Tips

Local areas have the authority and the flexibility to shift dollar resources among allowable cost categories or budget line items. Unless specified under Federal and State laws, rules, regulations, guidance, and policies or the grant agreement between NDOL and the grant subrecipient, the authority to grant or deny approval resides with NDOL for those items requiring prior approval under Title I, such as transfer of funds between adult and dislocated worker programs.

Questions for review and discussion

1. Does the grant subrecipient have written policies and procedures that identify when budget modifications need to be made?

2. Did the grant subrecipient receive prior approval for budget modifications from NDOL whenever required pursuant to Federal and State laws, rules, regulations, guidance, and policies?

Objective 2.c. Property management

The grant subrecipient maintains a property management system in accordance with all prior approval requirements, terms and conditions of the grant agreement between NDOL and the grant subrecipient and Federal and State laws, rules, regulations, guidance, and policies.

(C) Indicator 2.c.1. Insurance coverage

The grant subrecipient has at least the minimum equivalent insurance coverage for real property and/or equipment acquired or improved with grant funds.

Citation

- 2 CFR § 200.310

Instructions

Review a listing of the grant subrecipient's real property, equipment purchased, or capital improvements that were purchased with grant funds.

Review the grant subrecipient's insurance policy for the real property and equipment or capital improvements.

Tips

Federally owned property need not be insured unless required by the terms and conditions of the grant agreement.

Questions for review and discussion

1. Does the grant subrecipient have minimum insurance coverage for real property and equipment acquired with grant funds?

(C) Indicator 2.c.2. Real property

The grant subrecipient has policies and procedures in place for the acquisition, management, and disposition of real property purchased with grant funds.

Citation

- 2 CFR § 200.311
- 20 CFR § 683.240
- grant agreement between NDOL and the grant subrecipient

Instructions

Verify that the grant subrecipient is authorized to purchase real property under the grant.

Review the grant subrecipient's property management system for proper acquisition, use, and disposition of real property.

Review property records, including financial statements, for accuracy and accountability of real property.

If real property was purchased using grant funds, ensure that the grant subrecipient received approval from NDOL and/or ETA, as required, prior to the purchase of the property.

Tips

Grant subrecipients cannot spend grant funds on construction, purchase of facilities or buildings, or other capital expenditures for improvements to land or buildings, except with the prior written approval of the Secretary of Labor.

Formula or state grant subrecipients (WIOA Title I programs and WIOA Title III Wagner-Peyser Employment Service):

- For WIOA Title I and Title III grants with Federal equity in the real property, please refer to 20 CFR § 683.240 for instructions for using real property with Federal equity.

If the grant subrecipient purchases a building with grant funds, it cannot charge depreciation to the grant for the same building. If so, depreciation costs charged to the grant would be unallowable.

Questions for review and discussion

1. Does the grant subrecipient have policies and procedures in place when acquiring, managing, and disposing of real property purchased with grants funds?
2. For any real property that was purchased with grant funds, was prior approval received prior to the acquisition or disposition of that property?
3. WIOA Title I and Title III grants only:

a. Grant actions not delegated to the Governor include:

   i. disposal of real property; and

   ii. disposition or sale of JTPA- and WIA-funded real property.

b. For items that have not been delegated to the Governor for prior approval, did the grant subrecipient receive prior approval from the Federal Grant Officer or the Secretary of Labor prior to performing the action?

(C) Indicator 2.c.3. Equipment

The grant subrecipient has a policies and procedures in place for the acquisition, management, and disposition of equipment purchased with grant funds.

Citation

- 2 CFR § 200.313
- grant agreement between NDOL and the grant subrecipient

Instructions

Review the grant subrecipient's policies and procedures on purchasing, managing, and disposing of equipment.

Proceeds from the sale or disposition of equipment purchased with grant funds must adhere to requirements established under 2 CFR § 200.313(e).

Accompany grant subrecipient personnel to verify the existence and condition of the equipment.

Tips

Formula or state grant subrecipients must use, manage, and dispose of equipment in accordance with state and local laws and procedures.

Buy American Act (BAA).

- By drawing down funds, the grant subrecipient agrees that it will comply with Secs. 8301 – 8303 of Title 41, United States Code (commonly known as the "Buy American Act").
    - The Buy American Act requires the grant subrecipient to use, with limited exceptions, only:
        - unmanufactured articles, materials, and supplies that have been mined or produced in the United States; and
        - manufactured articles, materials, and supplies that have been manufactured in the United States substantially all from articles, materials or supplies that were mined, produced, or manufactured in the United States.

- Those exceptions are for:

    1. articles, materials, or supplies for sale outside of the United States;

    2. articles, materials, or supplies of the class or kind to be used, or articles, materials, or supplies from which they are manufactured, are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and

    3. manufactured articles, materials, or supplies procured under any contract with an award value that is not more than the micro-purchase threshold (currently $3,500).

- In order to claim an exception under options 1 or 2, the grant subrecipient must get prior approval from NDOL and the Federal grant officer. Prior approval is not needed for purchases under the micro-purchase threshold.

If the grant subrecipient purchases equipment with grant funds, it cannot charge or apply depreciation costs for the same equipment. If so, depreciation costs charged to the grant would be unallowable.

Questions for review and discussion

1. For equipment that was purchased with grant funds, was prior approval received prior to the acquisition or disposition of that equipment?

2. Does the grant subrecipient have policies and procedures governing the acquisition, management, and disposition of equipment?

3. Is the grant-funded equipment currently in use for the authorized purposes of the grant for which it was acquired?

4. Are equipment records maintained with the following required data elements:
    a. description of equipment;
    b. serial number;
    c. acquisition cost and date;
    d. percentage of federal participation in the purchase;
    e. titleholder;
    f. current use, condition, and location;
    g. disposition information;
    h. Federal Award Identification Number (FAIN); and
    i. sales price and date of disposition.
5. Is a physical inventory of the equipment done and reconciled with the property records at least once every two years?
6. Is an adequate control system in place to prevent loss, damage, or theft of the equipment?
7. Is the equipment maintained in good condition with adequate maintenance procedures?
8. Does the grant subrecipient have a system in place for disposition of equipment?
9. Do the disposition procedures mirror the disposition instructions outlined in 2 CFR § 313(e)?
10. Can the grant subrecipient attest or confirm that it has made efforts where required or applicable to Buy American products or goods?

(C) Indicator 2.c.4. Rental or leasing costs for property

The grant subrecipient has determined whether rental costs for real property and equipment are reasonable.

Citation

- 2 CFR § 200.465
- grant agreement between NDOL and the grant subrecipient

Instructions

Obtain a full listing of all rental property and real and personal property.

Select from the listing and obtain the related lease or rental agreement.

Verify that the grant subrecipient performed a purchase v. lease analysis as prescribed in 2 CFR § 400.465(c)(5).

For leases, verify that rental costs under leases are only allowable up to the amount that would be allowed had the grant subrecipient purchased the property on the date the lease agreement was executed.

Tips

Rental costs are allowable to the extent that the rates are reasonable based on factors such as rental costs of comparable property; market conditions in the area; alternatives available; and the type, life expectancy, condition, and value of the property leased.

When negotiating leases for space, grant subrecipients must consider:

- idle capacity due to fluctuations in workload or program requirements and funding;
- duration of funding; and
- favorable termination clauses.

Additional background regarding Capital Leases:

- The provisions of GAAP[7] must be used to determine whether a lease is a capital lease.
- For those considered capital leases, a purchase v. lease analysis must be performed as prescribed in 2 CFR § 200.465(c)(5).
- Rental costs under leases are only allowable up to the amount that would be allowed had the grant subrecipient purchased the property on the date the lease agreement was executed.

Unallowable costs include amounts paid for profit, management fees, and taxes that would not have been incurred had the grant subrecipient purchased the property.

Questions for review and discussion

1. Do the agreements have a schedule of payments and are they signed by a grant signatory that is authorized to sign on behalf of the organization?
2. If equipment was purchased or leased, did the grant subrecipient make a “best option” determination (lease v. purchase)?
    a. Was a cost and/or price analysis performed to determine if the grant subrecipient selected the best option?

[7] Details on GAAP are accessible at https://www.investopedia.com/terms/g/gaap.asp.

3. For "sale and leaseback" arrangements, did the grant subrecipient sell ETA-owned property and use grant funds to lease it back?

    a. If so, this sale and leaseback transaction is considered unallowable to ETA grant funds.

4. Did the grant subrecipient sell property that was purchased with non-Federal funds and lease it back using grant funds up to the amount that would have been allowed had the grant subrecipient continued to own the property?

5. Are rental agreements reviewed periodically to determine if circumstances have changed and other options are available?

    a. Does the grant subrecipient have any capital leases as prescribed in GAAP?[8]

    b. If so, was a purchase versus lease analysis performed?

    c. Are rental costs only as much as if the grant subrecipient were to purchase the personal property?

    Note. If rental costs are more than what the grant subrecipient would have paid for the purchase of the personal property on the date the lease of agreement was executed, then the overage would be unallowable (2 CFR § 200.465(c)(5)).

6. Look at the lease terms. Are any lease terms beyond the grant's period of performance? If so, does the grant subrecipient have plans to cover the lease's rental payments with non-grant dollars?

7. If the grant subrecipient has idle facilities or idle capacity that are being charged to the grant, are they necessary:

    a. to meet workload requirements, or

    b. when initially acquired and are not idle because of changes in the program requirements or other causes which could not have been reasonably foreseen?

    Note. If not meeting criteria outlined above, costs related to idle facilities or idle capacity would be unallowable.

8. If idle facilities or idle capacity is allowable, are costs allowable for a reasonable period of time (ordinarily not to exceed one year) and normal costs of doing business? Note. These costs could be charged as direct or indirect costs to the grant.

(C) Indicator 2.c.5. Supplies

The grant subrecipient has policies and procedures in place to manage the use of supplies acquired with grant funds.

[8] Details on GAAP are accessible at https://www.investopedia.com/terms/g/gaap.asp.

Citation

- 2 CFR § 200.314
- grant agreement between NDOL and the grant subrecipient

Instructions

Review the grant subrecipient's purchasing policies and procedures for acquisition and management of supplies acquired with grant funds.

Determine whether the grant subrecipient has a system in place to:

- recognize when supplies or equipment are purchased with Federal funds; and
- ensure that proper prior approval is obtained prior to purchasing supplies pursuant to established local policies and procedures.

Review local polices for procedures regarding handling of excess supplies purchased with Federal funds after the grant period of performance ends.

Tips

A computing device is considered a supply if the acquisition cost is the lesser of the capitalization level for the grant subrecipient or $5,000.

Upon termination or at the end of the grant period of performance, if there are unused supplies exceeding $5,000 in total aggregate value and are not needed for any other Federal awards, the grant subrecipient has the option to retain the supplies for use on other activities or sell them. For either option, the grant subrecipient must compensate ETA/NDOL for its respective share.

Questions for review and discussion

1. Does the grant subrecipient have written policies and procedures covering acquisition and management of supplies purchased with Federal funds?
2. Does the grant subrecipient need prior approval for purchase of supplies pursuant to the WIOA grant agreement?
3. What policies and procedures does the grant subrecipient have in place to recognize and differentiate when supplies v. equipment are purchased with grant funds?
4. Does the grant subrecipient have policies and procedures in place to compensate ETA/NDOL if the residual inventory of unused supplies exceeds $5,000 in total aggregate value upon termination or completion of the grant?

(C) Indicator 2.c. Intangible Property

The grant subrecipient's or subrecipient's policies and procedures for the acquisition, management, and disposition of intangible property are sufficient in meeting the requirements of the grant.

Citation

- 2 CFR § 200.315
- 2 CFR § 2900.13
- grant agreement between ETA and NDOL
- grant agreement between NDOL and the grant subrecipient

Instructions

Review the grant subrecipient's policies and procedures on intangible property.

Tips

Intangible property is property that has no physical existence, such as trademarks, copyrights, patents and patent applications, inventions, data, and software. This is not an all-inclusive list; please refer to the definition of intangible property at 2 CFR § 200.59.

In addition to the guidance set forth in 2 CFR § 200.315(d), ETA requires intellectual property developed under a competitive Federal award process to be licensed under a *Creative Commons Attribution* license. This license allows subsequent users to copy, distribute, transmit, and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the recipient. Note. Unless otherwise specified in the grant agreement between NDOL and the grant subrecipient, 2 CFR § 2900.13 *does not* apply to formula programs, such as WIOA Title I and WIOA Title III programs.

Questions for review and discussion

1. Has the grant subrecipient acquired or developed any intangible property with grant funds?

2. Does the grant subrecipient have policies and procedures covering intangible property? If not, how do they ensure compliance?

3. Are there documents proving that intangible property developed under a competitive grant are licensed under a *Creative Commons Attribution* license?

4. If grant funds were used to pay a contractor to produce or acquire intangible property for grant use, does the agreement ensure that the grant subrecipient retains the right to continued use?

5. When no longer needed for the originally authorized purpose, and if required by the terms and conditions of the Federal award to NDOL and the grant agreement between NDOL and the grant subrecipient, did the grant subrecipient receive disposition instructions from NDOL or ETA when disposing of the intangible property?

Objective 2.d. Procurement and contract administration

The grant subrecipient maintains an adequate procurement and purchasing system that includes written procedures and ensures that all contracting or procurement actions are performed in a manner that provides for full and open competition.

(C) Indicator 2.d.1. Procurement standards

Grant subrecipient's documented policies and procedures conform to Federal and State laws, rules, regulations, guidance, and policies and procurement standards identified in the Uniform Guidance (2 CFR Part 200).

Citation

- 2 CFR §§ 200.113 and 200.317 – 200.326
- grant agreement between NDOL and the grant subrecipient
- grant subrecipient's policies and procedures

Instructions

Interview key personnel regarding processes for conducting procurement activities.

Review the grant subrecipient's written policies and procedures on procurement and purchasing of goods and services.

Interview staff responsible for purchasing to determine compliance with written policies and procedures on procurement and purchasing of goods and services.

Examine local area documentation to determine if the grant subrecipient verifies potential contractor or subrecipient status in the debarment or exclusion list maintained by SAM.gov.

During transaction testing for Objective 3.f. Allowable costs and cost classification, sample procurement transactions to ensure policies and procedures are in use and up to date.

Tips

Grant subrecipients are required to report certain civil, criminal, or administrative proceedings to the System for Award Management (SAM) of the General Services Administration (SAM.gov). Failure to make required disclosures can result in remedies for noncompliance, including suspension or debarment.

If applicable, grant subrecipients should follow their own procurement procedures that reflect applicable state and local procurement laws and regulations, provided they are not in conflict with Federal and State laws, rules, regulations, guidance, policies, and standards and the Uniform Guidance (2 CFR Parts 200 and 2900).

Questions for review and discussion

1. Does the grant subrecipient conduct procurement activities in a manner that promotes full and open competition and is not restrictive of competition?

2. Does the grant subrecipient have separate procurement and purchasing policies regarding:

    a. micro-purchases;

    b. small purchases;

    c. sealed bids/formal advertising;

    d. procurement by competitive proposals;

    e. noncompetitive purchases (sole source); and

    f. professional and/or qualifications-based services?

3. Does the grant subrecipient maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts/purchase orders?

4. Does the grant subrecipient maintain written codes of conduct:

    a. covering conflicts of interest;

    b. governing the actions of employees and local board members engaged in the selection, award, and administration of contracts; and

    c. requiring written and signed conflict-of-interest statements?

5. Does the grant subrecipient ensure that applicants or entities submitting bids and/or proposals are disclosing in writing and in a timely manner all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the grant agreement between NDOL and the grant subrecipient?

6. Does the grant subrecipient take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used whenever possible?

7. Determine if the grant subrecipient, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, clearly states the following:

    a. percentage of the total costs of the program or project which will be financed with Federal funds;

    b. dollar amount of Federal funds for the project or program; and

    c. percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

    Note. Some affirmative steps are outlined in 2 CFR § 200.321.

Tools

- Refer to Resource A: Selected definitions and acronyms.
- Use Tool F. Procurement and purchasing policy checklist.

(C) Indicator 2.d.2. Competition

The grant subrecipient performs all procurement transactions in a manner providing full and open competition.

Citation

- 2 CFR § 200.319
- grant agreement between NDOL and the grant subrecipient
- grant subrecipient's policies and procedures

Instructions

Interview staff responsible for procurement or, if applicable, interviews staff from an external purchasing agency or department responsible for grant subrecipient procurement activities.

Review the grant subrecipient's procurement policies, processes and procedures or other written guidelines that are used in the procurement of both goods and services by the grand subrecipient.

Tips

Procurement by noncompetitive proposals (otherwise known as "sole source") is procurement through solicitation of a proposal from only one source and may be used only when one or more of the circumstances outlined in 2 CFR § 200.320(f) apply.

Questions for review and discussion

1. What is the grant's recipient's process for procurement activities?
2. Does the grant subrecipient ensure that it conducts procurement activities in a manner to ensure full and open competition and is not restrictive of competition as described in 2 CFR § 200.319(a)(1) – (7) regarding:
    a. unreasonable requirements;
    b. requiring unnecessary experience and excessive bonding;
    c. noncompetitive pricing practices;
    d. noncompetitive contracts to consultants;
    e. organizational conflicts of interest;
    f. specifying only a "brand name" product instead of allowing "an equal" product to

be offered; and

g. any arbitrary action on the procurement process.

3. Does the grant subrecipient have noncompetitive procurement (sole source) procedures that procedures conform with 2 CFR § 200.320(f)?

4. For noncompetitive procurement (sole source), are noncompetitive procurement determinations appropriately documented?

    a. Do one or more of the circumstances outlined in 2 CFR § 200.320(f)(1)-(4) apply for noncompetitive procurement:

        i. item is available only from a single source;

        ii. public exigency or emergency for the requirement does not permit a delay resulting from competitive solicitation;

        iii. NDOL expressly authorize noncompetitive proposals in response to a written request from the grant subrecipient; or

        iv. after solicitation of a number of sources, competition is determined inadequate.

(C) Indicator 2.d.3. Methods of procurement

The grant subrecipient uses an appropriate method of procurement prescribed under 2 CFR Part 200.

Citation

- 2 CFR § 200.320
- grant agreement between NDOL and the grant subrecipient
- grant subrecipient's policies and procedures

Instructions

Review the grant subrecipient's policies and procedures to gain an understanding of when different procurement methods are used at various dollar thresholds.

During transaction testing for Objective 3.f. Allowable costs and cost classification:

- review the procurement methods used; and
- ensure that methods are used in accordance with the grant subrecipient's procurement policy and Federal, State, and local laws, rules, regulations, guidance, and policies.

Obtain a full listing of all contracts the grant subrecipient entered into during the applicable grant period of performance.

Tips

2 CFR Part 200 describes the five methods of procurement:

1. micro-purchases (less than $3,500[9]);
2. small purchases (less than $150,000[10]), also known as simplified acquisitions;
3. sealed bid (formal advertising) purchases;
4. competitive proposal purchases; and
5. noncompetitive purchases (special circumstances which are applicable for all purchase levels).

Note. Monetary threshold levels are subject to change, so it is important to verify thresholds before each monitoring event.

All five procurement types listed above must comply with the general procurement standards established under 2 CFR § 200.318.

- Purchases of supplies or services under $3,500 are treated as “micro-purchases”.
    - Micro-purchases are procurements without soliciting any competitive quotations if the grant subrecipient considers the costs to be reasonable and equally distributes these purchases among qualified suppliers.
    - Be aware of like purchases that are disaggregated to avoid the documentation requirements of the next higher purchasing threshold.
- All purchases between $3,500 and $150,000 may be made using small purchases procedures.
    - Small purchase procedures are relatively simple and informal as price or rate quotes are obtained from an adequate number of qualified sources.
    - The grant subrecipient should use its discretion to determine adequate numbers of qualified sources (i.e., any number greater than one) and methods of obtaining the price or rate quotations (writing, orally, vendor price list on website, generated via online search engine, etc.).
    - 2 CFR Part 200 excludes the small purchase method from the cost and/or price analysis requirement.

Questions for review and discussion

1. For the purchase of goods and/or services, did the grant subrecipient appropriately use

[9] The micro-purchase and simplified acquisition thresholds are subject to change based on inflation. Please review the Federal Acquisition Regulation (FAR) for updated threshold amount at 48 CFR Subpart 2.1 (Definitions).
[10] Ibid.

one of the procurement methods outlined above?

2. Does the procurement history file demonstrate that the grant subrecipient used one of the procurement methods listed above?

3. Does the procurement history file contain enough evidence to support full and open competition?

Note. Review of a procurement history file can be done in conjunction with cost testing in Objective 3.f. Allowable costs and cost classification.

(C) Indicator 2.d.4. Cost or price analysis

The grant subrecipient performs a cost or price analysis on all procurement actions in excess of the Simplified Acquisition Threshold, including contract modifications. The method and degrees of analysis are dependent on the procurement situation, but the grant subrecipient must make independent estimates prior to receiving bids or proposals.

Citation

- 2 CFR 200.323
- grant agreement between NDOL and the grant subrecipient
- grant subrecipient's policies and procedures

Instructions

Review the grant subrecipient's procurement policies to gain an understanding of when and how the entity performs a cost or price analysis while making procurement decisions.

While reviewing contracts, verify if the determination is appropriate to the nature of the agreement (fixed price, performance-based, cost reimbursement, etc.).

Tips

- Independent estimate of costs using a cost or price analysis must be done prior to receiving bids and proposals. A price analysis is performed when price is the primary criterion for selection of the goods and/or services. A cost analysis is performed when price comparisons are not available. The requirement for a cost/price analysis not only applies to the original contract agreement but applies to contract modifications as well.
- The type of contract determines the cost and performance risks which are placed on the contractor. The contract types are grouped into two broad categories: fixed price and cost reimbursement contracts.
- The Uniform Guidance prohibits the use of *cost plus a percentage of cost* contracts as specified in 2 CFR § 200.323. Such contracts may also be considered *cost plus fixed fee* in which the contractor is paid based on its costs and negotiated fixed fee, minimizing the risk and responsibility in achieving performance.

- WIOA allows for performance-based contracts, specifically the WIOA pay-for-performance contract strategy described in 20 CFR § 683.500. Performance-based contracting is a results-oriented contracting method that focuses on outcomes that may tie at least to the achievement of specific measurable performance standards and requirements. Its purpose is to obtain better performance for grant awards.

- The Uniform Guidance states that a grant subrecipient may not earn or keep profit resulting from Federal financial assistance unless it is expressly authorized by the terms and conditions of the Federal award or Federal laws, rules, regulations, and guidance.

    - Under WIOA Secs. 121(d), 122(a), and 134(b), for-profit entities are eligible to be one-stop operators, service providers, and eligible training providers.

    - Income earned by a public or private nonprofit entity funded by WIOA may be retained by such entity only if such income is used to continue to carry out the program.

    - When selecting a for-profit entity as a subrecipient, the guidelines on allowable profits apply.

        - The grant subrecipient must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed.

        - 2 CFR § 200.323 requires that profit is reasonable and fair and be based on the contractor's efforts and risks in achieving performance results that align with the performance measures outlined in the contract.

    - Other entities may not earn profit under Federal awards. When selecting a for-profit entity as a subrecipient, guidelines on allowable profits apply.

Questions for review and discussion

1. From the selection of contracts obtained in the previous indicator, did the grant subrecipient use a cost/price analysis for contracts in excess of the Simplified Acquisition Threshold?

    a. How does the grant subrecipient use cost/price analysis?

    b. Note that this review of a procurement history file can be done in conjunction with cost testing in Objective 3.f. Allowable costs and cost classification.

2. Is the determination appropriate to the nature of the agreement (fixed price, performance-based, cost reimbursement, etc.)?

3. Are the amounts paid consistent with the terms of the agreement?

4. Does the grant subrecipient negotiate profit as a separate element of the price for each contract?

5. For performance-based contracts, are the levels of performance reasonable for the level

of payment?

6. Are performance levels specified and negotiated in the contract met before payment is made?

7. Is profit recognized in whole dollars (not as a percentage of cost) and reasonable in terms of the services rendered or goods provided?

8. Did the grant subrecipient consider the following risk factors to determine the amount of profit to be earned under the contract:

    a. complexity of work;

    b. risk borne by contractor;

    c. contractor's investment;

    d. amount of subcontracting;

    e. record of past performance; and

    f. industry profit rates in the geographic area for similar work?

Tools

Use Tool G: Procurement history file to assist in completing this indicator.

(C) Indicator 2.d.5. Contract administration

The grant subrecipient maintains a system for administration of contracts/subaward agreements. All contracts/subawards must contain the applicable provisions described in 2 CFR Part 200 Appendix II (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards).

Citation

- 2 CFR § 200.326
- grant agreement between NDOL and the grant subrecipient
- grant subrecipient's policies and procedures

Instructions

Interview staff who are involved or familiar with local procurement and contracting/subawarding processes.

Tips

2 CFR § 200.324 states that the grant subrecipient and its subrecipients must make available, upon request of the State, technical specifications on proposed procurements where the State believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.

Under certain instances, a grant subrecipient and or its subrecipients may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency or State's right to survey the system. Under a self-certification procedure, the Federal awarding agency or State may rely on written assurances from the grant subrecipient, contractor, and subrecipient of the grant subrecipient that each is complying with the Federally established standards. The grant subrecipient must cite specific policies, procedures, regulations, or standards as being compliant with the requirements and make its procurement system available for review.

Questions for review and discussion

1. Does the grant subrecipient make procurement documents available upon request for review by ETA and State pre-procurement review, such as requests for proposals, invitations for bids, and independent cost estimates?

2. Are specific individuals responsible for signing contracts/agreements on behalf of the grant subrecipient?

3. Does the grant subrecipient have established contract templates for contractors and subrecipients? If so, are required provisions included?

4. Are the individuals designated as responsible parties for procurement actions appropriately designated?

5. How does the grant subrecipient administer contracts/subaward agreements and determine that terms and conditions of contracts/subaward agreements are being met by contractors/subrecipients?

6. Does the grant subrecipient have a process for the closeout of contracts/subaward agreements?

7. Do grant subrecipient contract/subaward agreement closeout policies and procedures address final payments and final deliverable of goods and/or services?

8. Examine contracts/subaward agreements and confirm that they contain the essential elements of a legally executed and binding written agreement as specified under contract law, which must contain at a minimum the following:

    a. offer;

    b. acceptance;

    c. consideration;

    d. authorized purpose; and

    e. names and signatures of authorized officials/signatories.

9. The contract/subaward agreement should include a specified statement of work outlining goods or services to be rendered in consideration of specified payments. The contract/subaward agreement should also specify the period of performance (start and end date of the contract) and the total amount of the contract/subaward agreement. Review the contracts/subaward agreements for the following content.

    a. Authorized officials and purpose. Authorized officials are persons authorized to enter into and sign legally binding agreements. They must be on record as the signatory official. Signatures of all parties to the contract/subaward agreement must be evident and part of the written contract.

    b. Additional contractual terms and conditions. Contracts/subaward agreements must include standard terms and conditions required under Federal, State, and local laws, rules, regulations, guidance, and policies.

    Note. Refer to the grant agreement between NDOL and the grant subrecipient and 2 CFR Part 200 Appendix II.

10. Determine if the grant subrecipient maintains records sufficient to detail the history of the procurement, by looking for the following:

    a. rationale for the method of procurement;

    b. selection of contract type;

    c. basis for contractor selection or rejection; and

    d. basis for contract price.

Tools

- Refer to Resource K: Background for contract provisions for a listing of applicable contract/subaward agreement provisions.

- Use Tool H: Subaward review worksheet to assist in completing this indicator.

- Use Tool I: Contract review checklist to assist in completing this indicator.

Objective 2.e. Performance management

The grant subrecipient maintains a performance management system to manage, track, and measure performance and operating goals, indicators, milestones, and expected outcomes that comply with the terms and conditions of the award.

(C) Indicator 2.e.1. Performance reporting

The grant subrecipient adheres to requirements for the grant award including accurate, complete, and timely submission of reports that compare actual results to planned results, describes obstacles to achievement of grant objectives, and provides details on corrective actions.

Citation

- WIOA Sec. 185(a)(2)
- 2 CFR § 200.328(b)(1)
- quarterly and annual performance reports for the grant subrecipient's local area for the applicable Program Year(s)
- negotiated and adjusted levels of performance for the applicable Program Year(s)
- grant agreement between NDOL and the grant subrecipient
- State's performance accountability policy

Instructions

Examine the grant subrecipient's most recently available performance reports that apply to the monitoring period.

Compare adjusted levels of performance for each performance Indicator with planned performance from the beginning of the applicable Program Year(s) through the most recent quarter.

Tips

Outcomes for program performance indicators are the end results (negotiated/adjusted levels of performance) the grant is expected to accomplish:

- employment rate, second quarter after exit;
- employment rate, fourth quarter after exit;
- median earnings rate, second quarter after exit;
- credential attainment rate; and
- measurable skills gains.

Visit the ETA Performance webpage for Federal performance reporting guidance, questions and answers, training tutorials, timelines, and links to reporting formats required under WIOA.

Questions for review and discussion

1. Does the grant subrecipient have a process in place to properly identify, collect, record, validate, and report the performance data required for the grant award under Federal and State laws, rules, regulations, guidance, and policies?

2. Are all local area staff responsible for entering Title I program data into the State-approved management information system (NEworks) properly trained on performance reporting requirements, performance outcome definitions, and effective use of NEworks?

3. Have quarterly financial reports been submitted on a timely basis according to timelines in the State's policy on quarterly financial reporting?

(C) Indicator 2.e.2. Progress monitoring

The grant subrecipient has a performance monitoring tool that compares planned results to actual results, identifies causes of low performance, establishes corrective action plans, and focuses on continuous improvement through regular review and analysis of relevant program performance data.

Citation

- 2 CFR § 200.328(b)(2)(i)
- quarterly and annual performance reports for the grant subrecipient's local area for the applicable Program Year(s)
- negotiated and adjusted levels of performance for the applicable Program Year(s)
- grant agreement between NDOL and the grant subrecipient
- State's performance accountability policy

Instructions

Review the grant subrecipient's progress to date in meeting its negotiated levels of performance and the capacity to use performance data to evaluate and improve the quality of services and products delivered.

Examine the most recently available enrollment reports and compare the number of participants currently being served to the number of enrollments planned for this period in the grant's implementation plan. Refer to budget plans for applicable Program Year(s), which available upon request to the SMU Administrator.

Questions for review and discussion

1. Does the grant subrecipient have grant-specific monitoring tools to:

a. assess compliance with requirements of the grant agreement between NDOL and the grant subrecipient;

b. monitor progress on meeting negotiated levels of performance; and

c. compare negotiated levels of performance to actual and adjusted levels of performance?

2. Does the grant subrecipient compare planned v. actual program and financial performance?

3. Are the results of the compared programmatic and financial performance documented and used by the local board and administrative entity for continuous improvement of Title I programs?

4. How do the local board and administrative entity use compared and actual programmatic and financial performance data to improve performance for Title I programs?

5. Do the local board and administrative entity identify challenges to programmatic and financial performance and take corrective action?

6. How are challenges and efforts to correct challenges to programmatic and financial performance communicated to the State?

7. What corrective actions have been taken by the grant subrecipient to address current and past challenges to the programmatic and financial and performance?

Objective 2.f. Subrecipient management and oversight

When acting as a pass-through entity (PTE), the grant subrecipient manages all of its subrecipients and tracks their performance and compliance in meeting the terms and conditions of the subaward.

(C) Indicator 2.f.1. Subrecipient and contractor determination

The grant subrecipient, when acting as a pass-through entity (PTE), has determined whether each subaward agreement/contract appropriately casts the applicable third party in the role of a subrecipient or contractor.

Citation

- 2 CFR §§ 200.330 (a)-(b) and 200.331(a)

Instructions

Interview key personnel to understand the relationship between the PTE and the applicable third-party subrecipient or contractor.

Tips

It is important to understand distinctions between the subrecipient and contractor roles defined in 2 CFR §§ 200.330 (a)-(b) and 200.331(a).

- A subaward is an award to a subrecipient and the term applies only to the relationship between the PTE and the subrecipient. Under 2 CFR Part 200, the PTE is responsible for the actions of its subrecipients, as subrecipients are acting on behalf of and as agents of the PTE when carrying out part of a Federally funded program (i.e., Title I programs).

- A contract, on the other hand, is not a subaward; instead, it is contract for procurement of goods or services from a contractor.

The PTE is required to make case-by-case determinations as to whether each subaward agreement/contract it enters into involving disbursement of Federal program funds appropriately casts the third party receiving the funds in the role of subrecipient or contractor. Below is a list of characteristics that determine if the third-party is a subrecipient or a contractor.

Characteristic	Classification
Determines who is eligible to receive what Federal assistance	Subrecipient
Performance is measured by whether objectives of the Federally funded program are met	Subrecipient
Has responsibility for programmatic decision making	Subrecipient
Responsible for adhering to applicable requirements for the Federally funded program	Subrecipient
Uses Federal funds to carry out a program for a public purpose	Subrecipient
Funded by a subaward from the grant subrecipient	Subrecipient
Provides similar goods or services to many different purchasers	Contractor
Provides goods and services regarding normal business operations	Contractor
Provides goods of services that are ancillary to the operation of the Federally funded program	Contractor
Not subject to compliance requirements for the Federally funded program	Contractor
Provides goods and services for the grant subrecipient's own use, therefore creating a procurement relationship	Contractor
Funded by a procurement contract	Contractor

Questions for review and discussion

1. Has the PTE correctly identified each third-party as a subrecipient or a contractor?

2. Does the PTE understand the roles of subrecipient and contractors in accordance with the Uniform Guidance?

(C) Indicator 2.f.2. Pre-award risk analysis

The grant subrecipient, when acting as PTE, must identify requirements and methods for conducting pre-award risk assessment and subrecipient selection.

Citation

- 2 CFR §§ 200.205, 200.207, 200.213, 200.318, and 200.331
- 2 CFR § 2900.3
- TEGL 2-12

Instructions

Review the PTE's written procedures for pre-award risk assessment (factors used to evaluate service providers prior to subaward) and subrecipient selection.

Review the PTE's required conflict-of-interest provisions for subaward agreements and determine if any specific subaward conditions were imposed by the PTE on any or all subaward recipients.

Tips

The System for Award Management (SAM) is the Federal awards system (managed by the GSA), for reporting on the performance and integrity of recipients/subrecipients of Federally funded subawards. This system is available to the public and can be used by the PTE as part of its pre-award risk analysis to ensure that it is awarding subawards to reputable subrecipients.

Questions for review and discussion

1. Does the grant subrecipient, when acting as a PTE, evaluate each potential subrecipient's risk of compliance with Federal statutes, regulations, and the terms and conditions of the subaward?
2. Does the PTE have written procedures and evaluation factors for selecting subrecipients?
3. Does the pre-award risk assessment consider the following factors:
    a. financial stability;
    b. quality of management systems and ability to meet management standards;
    c. history of performance;
    d. reports and findings from audit performed under 2 CFR Part 200 Subpart F – Audit Requirements;
    e. ability to effectively implement and meet statutory, regulatory, and other requirements; and
    f. findings and questioned costs from past monitoring reports?

4. As a result of the pre-award risk assessment of potential subrecipients, did the PTE establish any specific awards conditions as described in 2 CFR § 200.207?

5. Does the PTE have procedures in place to check whether a potential subrecipient is not debarred or a suspended party regarding eligibility to receive Federal funds prior to making a subaward?

6. Did the PTE check SAM.gov to ensure that potential subrecipients and contractors are not disbarred or suspended from receiving Federal funds?

7. Does the PTE have procedures for reporting allegations of fraud, program abuse, or criminal conduct involving subrecipients receiving Federal funds from the grant subrecipient?

Tools

- Use Tool S: Risk assessment worksheet to assist in completing this indicator.

(C) Indicator 2.f.3. Post-subaward responsibilities

The grant subrecipient, when acting as a PTE, must ensure that all applicable records management requirements are observed by subawardees.

Citation

- 2 CFR §§ 200.331, 200.333, and 200.338
- grant subrecipient's local records management policies
- grant subrecipient's agreements with its subrecipients (i.e., subawardees)
- subawardee record management policies

Instructions

Interview key personnel to gain an understanding how the PTE performs the additional duties with its subawardees outlined in additional subsections below.

Tips

PTEs have additional responsibilities, and it is important to emphasize that the subawardees carry out an integral part of the Federal program on behalf of the PTE. The subawardee is, in effect, an agent of the PTE and acts on behalf of the PTE in the same manner as if the PTE itself were doing the work. However, subawardees must also comply with all of the rules and requirements that apply to the grant subrecipient's use of Federal funds.

Questions for review and discussion

1. Does the PTE provide technical assistance to its subawardees in a timely matter?

2. Do the PTE's subawardees have budget controls in place to ensure allowability of costs and analysis of results?

3. Does the PTE require its subawardees to submit timely modifications to the subaward agreements prior to taking actions proposed in the modifications?

4. Did the PTE ensure that subawardees have systems in place to track and report performance and financial data as required under the State's policies?

5. Does the PTE review subawardee costs to verify they are reasonable, necessary, allowable, and allocable?

6. Do subawardees submit all financial reports to the PTE based on an accrual method of accounting?

7. Has the PTE identified any of its subawardee as noncompliant with Federal and State laws, rules, regulations, guidance and State policies or the terms and conditions of the WIOA grant agreement? If so, did the PTE enforce additional actions to remedy noncompliance?

8. Does the PTE have policies and procedures regarding subawardee noncompliance that include actions as outlined in 2 CFR § 200.338(a) – (f), such as:

    a. temporarily withholding cash payments pending correction of the deficiency by the subawardee or more severe action by the PTE;

    b. disallowing all or part of the cost of the activity or action not in compliance;

    c. wholly or partly suspending or terminating the subaward;

    d. initiating suspension or debarment proceedings pursuant to 2 CFR Part 180 and applicable ETA regulations;

    e. withholding further subawards for the project or program; and

    f. taking other remedies that may be legally available.

9. If the PTE decided to terminate a subaward early, were actions outlined in 2 CFR §§200.339 and 200.340 followed?

(C) Indicator 2.f.4. Subrecipient monitoring

The grant subrecipient, when acting as a PTE, has implemented processes to perform monitoring of subawardees and issuing accurate performance reports on monitoring findings of subawardees to the local area CEO, local board, and the State. In addition, the PTE has established processes for resolution of subawardee compliance findings in a timely and effective manner.

Citation

- 2 CFR § 200.331
- 20 CFR § 679.310(i)
- grant subrecipient's written monitoring and oversight policies and procedures

Instructions

Interview grant subrecipient staff responsible for monitoring and oversight of subawardees to:

- determine if the grant subrecipient and subawardee have established policies and procedures for monitoring and oversight of the subawardee, including verification and documentation of the data reported to the grant subrecipient and the State by the subawardee;

- understand how the grant subrecipient's policies and procedures surrounding subawardee monitoring and oversight are implemented; and

- evaluate each subawardee's risk of noncompliance to determine appropriate grant subrecipient monitoring and oversight activities.

Note that WIOA and 2 CFR Part 200 establish requirements for monitoring of subawardees receiving Federal funds.

Tips

For WIOA Title I program grants defined under WIOA Secs. 128 and 133, the Governor is responsible for developing the State monitoring system and must provide a process for:

- annual onsite monitoring of local areas:
    - regarding compliance with the Uniform Guidance;
    - regarding achievement of substantial compliance with WIOA requirements;
    - regarding compliance with EO requirements of WIOA Sec. 188 and 29 CFR Part 38; and
    - to ensure compliant monitoring and oversight of activities for services to adults, dislocated workers, and youth;
- ensuring grant subrecipient monitoring and oversight of subawardees:
    - use of Federal funds for authorized purposes; and
    - compliance with Federal law, rules, regulations, and guidance, State policies, and the terms and conditions of the subaward, which must comply with Federal law, rules, regulations, and guidance and State policies;
- ensuring subawardee performance goals are achieved.

Questions for review and discussion

1. Does the local area administrative entity have written policies and procedures, tools and guides, and resources and methods in place for monitoring and oversight of subawardees, to ensure compliance with Federal and State laws, rules, regulations, and guidance, and policies?

2. Does the local area administrative entity, on behalf of the local CEO and local board, have written processes for:

    a. managing and overseeing subawardee responses to monitoring and oversight reports regarding compliance findings and areas of concern; and

    b. timely resolution of compliance findings and areas of concern relating to subawardee performance and activities?

3. Does the local area administrative entity perform regular and frequent monitoring and oversight of subawardees, on behalf of the local CEO and local board, to ensure subawards are used for authorized purposes in compliance with Federal and State laws, rules, regulations, and guidance, and policies?

4. Have local area administrative entity staff members responsible for subawardee monitoring and oversight received initial and ongoing training Federal and State laws, rules, regulations, and guidance, and policies?

5. Are monitoring and oversight reports regularly and frequently issued by the local area administrative entity to the local CEO and local board?

6. Are the monitoring and oversight reports issued by the local area administrative entity to the local CEO and local board provided during public meetings of the local board?

7. Do the reports contain corrective action plans for resolution of identified findings and areas of concern regarding subawardee performance?

8. How are subawardee corrective action plans tracked to determine progress and resolution?

9. Does the local area administrative entity have written policies and procedures for communication of information to subawardees regarding findings, areas of concern, and other monitoring/oversight observations?

Tools

- Use Tool J: Subrecipient monitoring reports worksheet to assist in completing this indicator.

Objective 2.g. Records management

The grant subrecipient maintains a system and implements procedures to manage and secure all financial records, supporting documents, statistical records, and all other records pertinent to the Federal award.

(C) Indicator 2.g.1. Record retention

The grant subrecipient has established appropriate policies and procedures for the retention of and access to records pertinent to the Federal award that meets requirements of Federal and State laws, rules, regulations, guidance, and policies.

Citation

- WIOA Sec. 185(a)
- 2 CFR § 200.333
- State policy on records management
- grant subrecipient and subawardee record retention and access policies

Instructions

Interview staff responsible for local area record retention and access. Responsibilities for record retention area apply to all levels of implementation of the grant award, including grant subrecipient, local board, local area administrative entity, and subrecipient/subawardee levels.

Review the grant subrecipient and subawardee record retention and access policies.

Tips

The State's records management policy:

- requires that all program related records must be documented electronically in NEworks (the State's MIS of record); and
- states that paper records are not permitted and are not considered for data validation and monitoring purposes.

Financial records, supporting documents, statistical records, and all other records pertinent to a Federal award of Title I program funding must be retained for a minimum period of three years from the date the final expenditure report was submitted, regardless of whether the documents are from the grant subrecipient or its subawardees.

There are situations that may extend the standard three-year record retention period. In addition, some specific types of records have their own record retention period-triggering activities. Some exceptions to the regular retention period include:

- written notification to extend, litigation, claim, audit, monitoring, real property and equipment, records transfer, indirect cost records, and WIOA Title I complaints (review 2 CFR § 200.333 and 29 CFR Part 38 in detail for record retention requirements); and
- record retention requirements established at State, regional, and local levels.

Note. Record retention requirements for the Greater Nebraska Workforce Development Area are subject to additional retention requirements. For additional information relating the Greater Nebraska, Workforce Development Area, refer to the Nebraska Department of Labor retention schedule at https://sos.nebraska.gov/records-management/department-labor-schedule-45.

Questions for review and discussion

1. Have the grant subrecipient, local board, and local area administrative entity properly

identified all financial records, programmatic documents, supporting documents, statistical records, and all other records pertinent to the Federal award that must be retained pursuant to Federal and State laws, rules, regulations, guidance, and policies?

2. Do the local CEO, local board, and local area administrative entity have written record retention policies that meet all requirements established under Federal and State laws, rules, regulations, guidance, and policies?

3. Have the local CEO, local board, and local area administrative entity established a written record retention schedule for grant related records with appropriate dates when records are no longer subject to retention and should be securely retired?

4. Have the local CEO, local board, and local area administrative entity designated staff members as custodians responsible for record retention?

5. Regarding records retained through electronic mediums:

    a. are records subject to additional retention periods retained through electronic mediums; and

    b. are the mediums likely to be outdated in three years and no longer accessible?

Tools

- Refer to Resource L: Retention of records table for additional information.

(C) Indicator 2.g.2. Accessibility

The local CEO, local board, and local area administrative entity must maintain accessible records and access to records for the duration of record retention periods mandated under Federal, State, and local laws, rules, regulations, guidance, and policies. Access includes making personnel available for interviews and discussions related to retained records.

Citation

- 2 CFR § 200.336
- State policy on records management
- grant subrecipient and subawardee record retention and access policies

Instructions

Interview staff responsible for local area record retention and access. Responsibilities for record retention and access apply to all levels of implementation of the grant award, including the local CEO, local board, local area administrative entity, and subawardees.

Review the local CEO, local board, and local area administrative entity record retention and access policies and procedures.

Tips

ETA, the ETA Inspector General, Comptroller General of the United States, NDOL, and/or any of their authorized representatives have the right of access to any documents, papers, or other records (including electronic writings and records) of the local CEO, local board, and local area administrative entity pertinent to the Federal award to make audits, monitoring reviews, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to local CEO, local board, and local area administrative entity staff for interviews and discussions related to such documents. For WIOA Title I grant subrecipients, the Director of the Office for Civil Rights has the same rights of access described pursuant to requirements established under 29 CFR Part 38.

Questions for review and discussion

1. Are records accessible and available for timely review by authorized officials and representatives?

2. Are staff responsible for the creation, maintenance, and retention of records available for interview upon request?

(C) Indicator 2.g.3. Protected personally identifiable information (PII)

The local CEO, local board, and local area administrative entity take reasonable measures to safeguard protected personally identifiable information (PII) and other information deemed sensitive or confidential according to Federal, State, and local privacy laws and obligations of confidentiality.

Citation

- 2 CFR §§ 200.303 and 200.337
- TEGL 39-11
- grant agreement between NDOL and the grant subrecipient
- State policies
- grant subrecipient and subawardee policies and procedures regarding PII

Instructions

Review local CEO, local board, and local area administrative entity policies and procedures on PII to ensure that safeguards are in place to protect PII of all Title I program participants.

Tips

- The grant subrecipient's record retention and access policies and procedures must contain internal controls sufficient to mitigate the possibility of unauthorized access to PII, whether such records are paper or electronic, including email transmission. The controls must prevent the release of information that would allow the identification of an individual.

- Note that a grant subrecipient may not limit public access to records that are pertinent to the Federal award (financial records, performance records, etc.); however, the public does not have access rights to PII.

Questions for review and discussion

1. Does the grant subrecipient have reasonable and acceptable internal controls in place and in effect to safeguard PII consistent with the requirements of Federal, State, and local laws, rules, regulations, guidance, and policies regarding PII; and the grant agreement between NDOL and the grant subrecipient?

2. Does the grant subrecipient appropriately secure sensitive and confidential information collected and retained for the purposes of the grant award, including restricted access limited to necessary personnel?

(C) Indicator 2.g.4. Custody and transfer

The grant subrecipient's record retention policy has safeguards to ensure the maintenance and custody of grant records under various circumstances.

Citation

- 2 CFR § 200.334
- 2 CFR § 2900.18

Instructions

- Review the grant subrecipient's record retention and maintenance policy to ensure that there are procedures regarding the custody and transfer of grant records.

Tips

- ETA allows for contingency provisions at 2 CFR § 2900.18 for record retention and transfer of records. The grant subrecipient should set aside grant funds for record retention activities subsequent to the grant's period of performance.

Questions for review and discussion

1. Does the record retention requirement address circumstances under which custody of subawardee records must be transferred to the grant subrecipient?

2. Is there a disaster plan in place to ensure that records are adequately safeguarded in a time of a disaster? Are there back up files?

3. If applicable, does the PTE have procedures to retain subawardee records as directed by ETA after the grant's period of performance?

4. Does the grant subrecipient have procedures in place to set aside grant funds for record retention activities subsequent to the grant's period of performance?

Objective 2.h. Personnel

The grant subrecipient's management and staffing are aligned with the work plan, state plan, regional and local plan, or project plan and designed to assure responsible and ethical management of the grant.

(C) Indicator 2.h.1. Personnel policy and procedures

The grant subrecipient has a current written personnel policy, including provisions addressing hiring processes and procedures, that meets the requirements of applicable Federal and State laws, rules, regulations, guidance, and policies and enforces the requirements of the personnel policy.

Citation

- 2 CFR § 200.430(a)(1)-(2)

Instructions

- Review the grant subrecipient's personnel policy(ies).
- Interview the staff responsible for personnel/human resources for the organization.
- Review a listing of the grant subrecipient's job openings for the previous 12 months.

Questions for review and discussion

1. Do personnel practices conform to the grant subrecipient's written policy?
2. Are personnel practices reasonable for the services rendered?
3. Do personnel practices comply with applicable Federal, State, and local laws, rules, regulations, guidance, and policies governing employment?
4. Are personnel practices consistently applied to both Federal and non-Federal activities?
5. Do records indicate that hiring procedures were conducted according to the grant subrecipient's personnel policy?
6. Does the grant subrecipient's "EO (Equal Opportunity) is the Law" notice provide contact information for the grant subrecipient's EO officer(s), an overview of the discrimination complaint process, and information on how complaints may be filed?
7. Does the grant subrecipient have a written discrimination complaint procedure?
    a. If not, why?
    b. If yes, does the procedure comply with applicable Federal and State laws, rules, regulations, guidance, and policies?

(C) Indicator 2.h.2. Staff positions

The grant subrecipient fills staff positions with responsible individuals.

Citation

- 2 CFR §§ 200.113 and 200.427
- 20 CFR § 683.620
- TEGL 2-12

Instructions

- Review documentation that lists organizational chart positions, qualifications for the positions as delineated on job descriptions, and the qualifications of staff currently employed in each position.
- If appropriate, make a sample to document and interview grant staff.

Questions for review and discussion

1. Are positions currently filled with responsible individuals?
2. Review the grant subrecipient's insurance policy.
    a. Are appropriate grant staff properly insured and bonded?
    b. If not, is the grant subrecipient conducting background or qualification checks (past employment records, criminal activity, etc.)?
3. For persons working on the grant, has the grant subrecipient confirmed and disclosed in a timely manner, in writing, to NDOL all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the grant subrecipient's award?

(C) Indicator 2.h.3. Salaries

Salaries and bonuses are reasonable and comparable to the local labor market and within the Executive Level II threshold established by the Office of Personnel Management (OPM).

Citation

- Federal Funding Accountability and Transparency Act (P.L. 109-282)
- WIOA Sec. 194(15)(A)-(B)
- 2 CFR § 200.430(b)
- 5 USC § 5313
- TEGL 5-06

Instructions

- Interview the executive staff person responsible for the direction and management of the organization.

- Obtain a list of full-time and part-time personnel charging time to the grant.

Tips

- Pursuant to WIOA Sec. 194(15)(A)-(B):

    - (15)(A) None of the funds available under this title shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under 5 USC § 5313.

    - (15)(B) The limitation described in subparagraph (A) [above] shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. In a case in which a state is a recipient of such funds, the state may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, considering factors including the relative cost of living in the state, the compensation levels for comparable state or local government employees, and the size of the organizations that administer the Federal programs involved.

  Note. The term “vendor” has been replaced with the term “contractor” as defined at 2 CFR § 200.23, in which, a contractor is an entity that receives a contract as defined in 2 CFR § 200.22.

Questions for review and discussion

1. Are salaries and fringe benefits reasonable to the extent that they are comparable to those paid for similar work in the same labor market?

2. Are bonuses, raises, leave practices, etc. covered in written personnel policies?

3. Select a sample from the top positions within the organization and validate the compensation packages for each.

    a. Is compensation for top positions reasonable/in-line with local labor market information?

4. Is there sufficient documentation to support the salaries and fringe benefits charged to the grant? (Refer to Objective 3.g. Cost allocation/indirect costs.)

5. Are salaries and bonuses paid from grant funds in compliance with the salary and bonus limitation of the Executive Level II on the Federal Executive pay scale under 5 USC § 5313?

Tools

Use Tool R: Documentation of personal services to assist in completing the indicator.

(E) Indicator 2.h.4. Organizational chart

The local CEO, local board, local area administrative entity, and subawardee staff members and their respective job descriptions sufficiently demonstrate ability to perform grant functions and implement the grant award pursuant to Federal and State law, rules, regulations, guidance, and policies; the WIOA grant agreement (including its Attachment I); and subawardee agreements.

Instructions

Interview local area administrative entity staff and subawardee management staff responsible for the direction and management of grant and subawardee staff.

Review the grant subrecipient's organizational chart, including all staff at the:

- local area administrative entity level; and
- subawardee level.

Questions for review and discussion

1. Is the grant subrecipient organizational chart current for all local area administrative entity and subawardee staff?
2. Does the organizational chart represent a staffing structure that provides capacity for execution of the grant?
    a. In the event that high turnover is discovered within the subawardee staffing structure, how is the grant subrecipient addressing high turnover rates within the subawardee staff structure?
3. Are there evident or apparent gaps in staffing structures of the grant subrecipient, local area administrative entity, and subawardee organizations?
4. Review job descriptions for key/primary staff responsible for key grant award functions.
    a. Do the job descriptions delineate responsibilities; duties; and required experience, skills, and qualifications that clearly describe the expectations and requirements of the positions sufficient to provide organizational capacity in key functional areas?

Objective 2.i. Civil rights, complaints, grievances, and incident reporting

The grant subrecipient has a system in place to ensure that Federal Civil Rights complaints, program complaints, grievances, and incidents are handled properly and in accordance with Federal requirements.

(C) Indicator 2.i.1. Policies and procedures

Policies and procedures are in place that demonstrate grant subrecipient compliance and commitment to requirements of applicable Federal and State laws (including civil rights laws), rules, regulations, guidance, and policies.

Citation

- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975
- The Americans with Disabilities Act of 1990
- ADA Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973
- WIOA Sec. 188
- 2 CFR §§ 200.300 and 2900.4
- 29 CFR Parts 31, 32, 35, 37, and 38
- 49 CFR Part 25

Instructions

There are three types of allegations:

- discrimination;
- program related complaints and grievances; and
- fraud or other forms of criminal misconduct.

Each allegation type has its own unique requirements and actions that the grant subrecipient must take.

- Discrimination. Interview the grant subrecipient's EO officer and staff assigned with responsibility for ensuring the organization's compliance with the following requirements:
    - Title VI and Title VII of the Civil Rights Act of 1964;
    - Title IX of the Education Amendments of 1972;
    - Age Discrimination Act of 1975;
    - The Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008;

- Section 504 of the Rehabilitation Act of 1973;
- WIOA Sec. 188;
- 2 CFR §§ 200.300 and 2900.4;
- 29 CFR Parts 31, 32, 35, 37, and 38; and
- 49 CFR Part 25.

- Program related complaints and grievances. Interview the grant subrecipient's EO officer and staff who are responsible for ensuring the organization's compliance with the following requirements:
  - WIOA Sec. 181; and
  - 20 CFR §§ 683.600 and 683.610.
- Fraud and other forms of criminal misconduct. Interview the grant subrecipient's EO officer and staff responsible for ensuring the organization's compliance with the following requirements:
  - 20 CFR § 683.620; and
  - TEGL 2-12.

Policies and forms distributed by the grant subrecipient and its subawardees must refer to the new regulations at 29 CFR Part 38, 20 CFR §§ 683.600 – 683.650, and 20 CFR Part 658, wherever applicable.

Tips

- An essential element of the workforce development system is its accessibility to everyone. Regulations at 29 CFR Part 37 were released in 1999 and updated in 2016 and eventually replaced by requirements established under WIOA Sec. 188 and 29 CFR Part 38.
- In short, programs and activities covered under 29 CFR Part 38 may not refuse to offer or provide services to individuals because of their race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Beneficiaries, applicants, and participants, as defined by 29 CFR Part 38, cannot be denied covered services because of their citizenship status and cannot be denied their rights because of participation in a WIOA Title I financially assisted program or activity.
- Additionally, requirements relating to complaints and grievances reporting and management are required for all Title I grant subrecipients and may be found at 20 CFR §§ 683.600 – 683.650 and 20 CFR Part 658.

Questions for review and discussion

1. Does the grant subrecipient have written discrimination, grievances and complaints, and incident procedures?

2. Does the grant subrecipient maintain a log of submitted discrimination, grievances and complaints, and incidents? If not, why?

3. How does the grant subrecipient resolve the alleged complaints, regardless of logging of the complaints?

4. Are services provided at the grant subrecipient's one-stop centers accessible to all eligible individuals?

5. Does the grant subrecipient use wording required by 29 CFR § 38.34 in publications, materials, and brochures?

    a. Grant subrecipients must indicate that the Title I financially assisted program or activity in question is an "equal opportunity employer/program", and that "auxiliary aids and services are available upon request to individuals with disabilities."

6. Has the grant subrecipient established a system for periodically monitoring its compliance with the EO law?

7. Does the grant subrecipient prominently post an "EO is the Law" notice with wording mirroring 29 CFR § 38.35?

8. Does the grant subrecipient have any previously submitted cases awaiting decision from the Civil Rights Center? If yes, contact the Civil Rights Center Office of External Enforcement at 202.693.6502 for updates on the cases.

(C/E) Indicator 2.i.2. Notices

Notices (in languages appropriate to the populations served) are visibly posted to inform staff, service providers, participants, and other individuals of the discrimination complaint process, EO, and Section 504 policies (policies addressing the requirements of Section 504 of the Rehabilitation Act of 1973).

Citation

- Section 504 of the Rehabilitation Act of 1973
- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Age Discrimination Act of 1975
- The Americans with Disabilities Act of 1990
- ADA Amendments Act of 2008
- WIOA Sec. 188
- 2 CFR § 200.300

- 2 CFR § 2900.4
- 29 CFR Part 31
- 29 CFR Part 32
- 29 CFR Part 35
- 29 CFR Part 37
- 29 CFR Part 38
- 49 CFR Part 25

Instructions

- Do a walkthrough of the grant subrecipient's office and observe the notices that the grant subrecipient has posted to inform individuals of their rights related to complaints regarding compliance with EO and Section 504 of the Rehabilitation Act of 1973.

Questions for review and discussion

1. Are notices prominently posted in a reasonable number of places, including electronic medium, to include administrative and service delivery areas, and are they available in appropriate formats to individuals with visual impairments?

2. If a significant number of the population eligible to be served speaks a language or languages other than English, has the grant subrecipient taken reasonable steps to provide the notice in the appropriate language(s)?

3. Do employment notices, participant recruitment flyers, or other written materials published by the grant subrecipient contain a statement providing the required written EO notice?

(C) Indicator 2.i.3. Facilities

The grant subrecipient's location and facility, or part of the facility, is physically accessible to and usable by people with disabilities, individuals with limited English proficiency, individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child or have related medical conditions.

Citation

- Section 504 of the Rehabilitation Act of 1973
- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Age Discrimination Act of 1975
- The Americans with Disabilities Act of 1990

- ADA Amendments Act of 2008
- WIOA Sec. 188
- 2 CFR §§ 200.300 and 2900.4
- 29 CFR Parts 31, 32, 35, 37, and 38
- 49 CFR Part 25

Instructions

- Perform a "walkthrough" of the grant subrecipient's office(s) and make observations of the location.

Tips

- Facilities for workforce programs or other programs subject to the requirements of 29 CFR Part 38 must ensure and enhance access to the workforce system, in particular for people with disabilities, individuals with limited English proficiency, individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child or have related medical conditions.
- For additional information, please refer to US Department Office of Disability Employer Policy website.

Questions for review and discussion

1. Does the grant subrecipient's location(s) and facility(ies) meet physical accessibility requirements?
2. Are services provided at the grant subrecipient's location(s) and facility(ies) accessible to individuals with disabilities?
3. Does the grant subrecipient's location(s) and facility(ies) meet the requirements for individuals with limited English proficiency?
4. Does the grant subrecipient's location(s) and facility(ies) provide accommodations for participants and other beneficiaries of the workforce system?
5. One-stop partners in a local one-stop delivery system must share in the costs of assistive technology for participants and beneficiaries of the workforce system. Are such costs being appropriately shared by the one-stop partners? (Refer to Indicator 1.b.4. Required one-stop partners.)

(C) Indicator 2.i.4. Grievance and complaint system

If ETA or NDOL has imposed additional specific award conditions on the grant subrecipient, the grant subrecipient is adhering to the conditions.

Citation

- WIOA Sec. 188
- 20 CFR Part 658
- 20 CFR §§ 683.600 – 683.650 and 683.700

grant agreement between NDOL and the grant subrecipien

Instructions

- Review the grant subrecipient's complaint and appeal procedures.
- Review recent complaints and grievances.

Questions for review and discussion

1. Does the grant subrecipient have a written procedure for grievances or complaints alleging violations of the WIOA?
2. Does the grant subrecipient have a documented process for providing information on the procedures to participants and other interested or affected parties, including local administrative staff, subawardees, one-stop partners, and program participants and other one-stop center customers?
3. Does the grant subrecipient ensure that the information is understood by affected individuals, including youth and individuals with limited English proficiency?
4. Were received complaints and/or grievances recorded in a log or other written document? If not, why?
5. Were received complaints and /or grievances reviewed resolved in a timely manner and consistent with local policy and Federal and State laws, rules, regulations, guidance, and policies?
6. Do the grant subrecipient's grievance and complaint policies and procedures provide for informal resolution and hearing to be completed within 60 days of date of filing?
7. Does the grant subrecipient adhere to the 120-day deadline for appeals?

(C) Indicator 2.i.5. Incident reporting

The grant subrecipient has a formal procedure in place for timely submission of incident reports.

Citation

- 2 CFR §§ 200.331(a)(5), 200.333, and 200.343
- 2 CFR § 2900.15

- 20 CFR § 683.620
- TEGL 2-12

Instructions

Review the grant subrecipient's incident reporting policy.

Tips

- The Uniform Guidance establishes a mandatory disclosure requirement for grant subrecipients and subawardees to disclose in writing to the Federal awarding agency or PTE violations of Federal criminal law involving fraud, bribery or gratuity violations that potentially affect the Federal award.
- Incidents, on the other hand, involve actions that may be criminal in nature, or at least there are suspicions that criminal activity is occurring. Incidents are events involving:
    - fraud, misfeasance, nonfeasance, or malfeasance;
    - misapplication of funds;
    - gross mismanagement;
    - employee or participant misconduct;
    - waste and program abuse; and
    - other criminal activities.
- TEGL 2-12 describes fraud and various "feasances" (misfeasance, nonfeasance, and malfeasance) as any alleged deliberate act which may violate federal statutes or regulations, including but not limited to:
    - bribery;
    - forgery;
    - extortion;
    - embezzlement;
    - theft of participant checks;
    - kickbacks from participants or contractors;
    - intentional payments to a contractor without the expectation of receiving services;
    - payments to ghost enrollees;
    - misuse of appropriated funds; and

- misrepresenting information in official reports.

Questions for review and discussion

1. Is the grant subrecipient aware of any incident described above and were these allegations immediately reported through the US Department of Labor incident reporting system?

    a. Notes.

        i. The grant subrecipient is not expected to be able to determine whether the allegations or suspicions are true or not before reporting them to the Office of the Inspector General (OIG).

        ii. The grant subrecipient is not allowed to delay reporting such allegations or suspicions.

        iii. The grant subrecipient must report, in addition to explicit allegations of criminal wrongdoing, all complaints that raise questions about criminal wrongdoing or even suspicions of such wrongdoing.

        iv. It is the grant subrecipient's responsibility to report these events, and not determine whether they are true or not.

2. Did the grant subrecipient document and report these incidents consistent with form DL 1-156 and submit them to OIG and ETA?

    a. Notes.

        i. When the threat is immediately imminent or involves a substantial amount of funds, incidents must be reported to OIG even more quickly.

        ii. Where imminent health or safety concerns exist and/or imminent loss of funds exceeds $50,000, they must be reported to the OIG and ETA immediately by telephone followed by a written Incident Report (IR) no later than one working day. The incident reports may be filed through the US Department of Labor Hotline - Office of Inspector General 1-800-347-3756 or 202-693-6999.

Core activity 3. Financial management

Core activity 3 addresses the financial management systems and funds used by the grant subrecipient to administer the grant in a manner that promotes transparency and accountability and in compliance with the requirements of the grant agreement and Federal and State laws, rules, regulations, guidance, and policies.

Objective 3.a. Internal controls

Effective control, integrity, and accountability are maintained for achievement of the grant's objectives regarding operational effectiveness and efficiency, reliable financial reporting, and compliance with Federal and State laws, rules regulations, guidance, and policies.

(C) Indicator 3.a.1. Effectiveness and efficiency of operations

The grant subrecipient has adequate internal controls in place for effective and efficient grant operations.

Citation

- 2 CFR §§ 200.61(a), 200.62, 200.302, 200.303(a), 200.400, 200.507, and 200.514
- grant agreement between NDOL and the grant subrecipient

Instructions

- Interview local area leadership, such as local board members and local area administrative entity staff regarding established internal control structures and how they are used to administer the grant award.
- Review the grant subrecipient's internal control environment, including the grant subrecipient's mission statement, personnel handbook, code of conduct policies, and any other materials that would address the functions and conduct of employees, management/leadership staff, and local area board members.
- Determine the frequency of exceptions to local area policies, procedures, and/or processes that impact internal controls.

Tips

- The grant subrecipient and its subawardees are responsible for efficient and effective administration of the award through use of sound management practices and administration of Federal funds in compliance with the grant agreement between NDOL and the grant subrecipient, requirements established under 2 CFR § 200.400, and all other applicable Federal and State laws, rules, regulations, guidance, and policies.

- Internal controls defined under 2 CFR Part 200 are processes designed to provide reasonable assurance regarding the achievement of objectives in the following categories:
    - effectiveness and efficiency of operations;
    - reliability of reporting for internal and external use; and
    - compliance with applicable laws and regulations.
- Internal controls also serve as the first line of defense in safeguarding assets and preventing and detecting errors, fraud, and violations of Federal and State laws, rules, regulations, guidance, and policies and provisions of contracts, subawards, and the grant agreement between NDOL and the grant subrecipient. However, the cost of a control should not exceed the benefit to be derived from it.
- Staff at every level of an organization affect internal controls to some degree. In other words, it is everyone's responsibility. Effective internal controls are a built-in part of the management process (i.e., plan, organize, direct, and control). Internal controls can provide only reasonable assurance, not absolute assurance, regarding the achievement of an organization's objectives. There are several reasons why internal controls cannot provide absolute assurance that objectives will be achieved:
    - cost/benefit realities;
    - collusion among employees; and
    - external events beyond an organization's control.
- The Uniform Guidance (2 CFR Part 200) increased emphasis on internal controls by providing the requirements described under 2 CFR § 200.303. Effective grant management includes:
    - segregation of duties;
    - written policies and procedures;
    - training;
    - internal controls;
    - effective oversight; and
    - effective communication and information sharing.
- A smaller entity may face some challenges in segregating duties because it has a smaller number of staff to whom it can assign responsibilities and authority in the organizational structure. However, the local area administrative entity and subawardee (i.e., service provider) management structure must respond to this increased risk through the design of an effective internal control system, segregating incompatible duties to the extent possible; and where this is not practical, designing compensating alternative controls.

- Written policies and procedures required under the Uniform Guidance (2 CFR Part 200) are outlined below in question 4. Other written policies and procedures that are part of a portfolio of sound grant management practices include the following, but are not limited to:
    - chart of accounts and accounting system;
    - budget controls and modifications;
    - grant revenues/receivables;
    - payments and accounts payables, including approval processes;
    - audits and audit resolution;
    - financial reporting;
    - program or performance reporting;
    - cash management and bank reconciliations;
    - human resources (i.e., hiring and selection practices);
    - program and interest income;
    - complaints and grievances;
    - incident reporting;
    - participant and program services;
    - monitoring;
    - property/equipment management;
    - record retention;
    - match and leveraged resources;
    - board policy and procedures; and
    - standards of conduct and conflict of interest.

  Note. This list is not all-inclusive. It is the grant subrecipient's responsibility to identify the policies and procedures needed to ensure sound management practices.

Questions for review and discussion

1. Does the grant subrecipient employ sound organizational and management techniques to assure proper and efficient administration of the award, in recognition of the grant subrecipient's own unique combination of staff, facilities, and experience?

2. Does the grant subrecipient have internal controls in place to provide reasonable assurance that grant operations will achieve the following objectives:

    a. effectiveness and efficiency of operations;

    b. reliability of reporting for internal and external use; and

    c. compliance with applicable laws and regulations?

3. Are all written policies and procedures in place, as required pursuant to WIOA, its implementing rules, regulations, and guidance, and other Federal and State laws, rules, regulations, guidance, and policies, including the 2 CFR Part 200?

4. Has the grant subrecipient established a standing timeframe for review and updating of local area policies and procedures, as well as review and updating on an as-needed basis, regarding:

    a. payments (2 CFR §§ 200.302(b)(6) and 200.305);

    b. allowable costs (2 CFR § 200.302(b)(7));

    c. procurement (2 CFR § 200.318);

    d. competition (2 CFR § 200.319);

    e. method for evaluation and selection (2 CFR § 200.320);

    f. compensation for personal services (2 CFR § 200.430);

    g. compensation – fringe benefits (2 CFR § 200.431);

    h. employee relocation costs (2 CFR § 200.464); and

    i. travel costs (2 CFR § 200.474)?

5. Do the policies and procedures described under questions 3 and 4 above reflect proper segregation of duties?

    a. Are duties segregated based on the following tasks:

        i. recording;

        ii. custodian;

        iii. authorizing; and

        iv. reconciliation?

    If not, does the grant subrecipient have compensating controls in place to mitigate the internal control risk? (A compensating control is an alternative control that provides other controls to mitigate any risk if primary control fails.)

6. Is there adequate initial and ongoing training of local area administrative staff and subawardee staff?

7. Do the local CEO and local board have an established oversight and monitoring program in place regarding local area administrative entity and subawardee operations?

8. Are all local CEO and local board policies and procedures communicated to all local area administrative and subawardee staff?

9. How do the local CEO, local board, local area administrative entity demonstrate commitment to integrity and ethical values (annual ethics training, employee handbook, organization mission statement, etc.)?

10. How do the local CEO and local board oversee and implement internal control systems and ensure adherence by local area administrative entity and subawardee staff to the written internal control systems and standards of conduct?

11. Do the local area administrative entity and subawardee have established organizational structures and assign responsibility and delegate authority appropriately to achieve the objectives of the grant award?

12. Do local area administrative entity and subawardee management staff demonstrate a commitment to hire, develop, and retain responsible employees?

13. Are conflict-of-interest and financial disclosure forms completed by appropriate personnel and updated on a frequent basis?

Tools

- Use Tool K: Policies and procedures checklist to assist in completing the indicator.

- Use Tool L: Segregation of duties worksheet to assist in completing the indicator.

(C) Indicator 3.a.2. Reliability of financial reporting for internal and external use

The grant subrecipient has adequate internal controls in place for accurate and timely financial reporting *and* has policies and procedures in place to ensure that its reporting system is safeguarded and limited to necessary personnel.

Citation

- 2 CFR §§ 200.61(a) and 200.62

Instructions

- Interview select personnel to understand how financial data is reported and what checks and balances are in place to ensure accurate quarterly reporting.

Tips

- The primary purpose of financial reporting is to provide information about the progression and results of the grant award. Because this information is utilized by the highest level of

government, it is important that there are strong controls surrounding the reporting and reviewing of all financial reports.

Questions for review and discussion

1. Is access to the financial reporting system limited to necessary grant subrecipient personnel?

2. Are passwords used and is access to the system reviewed on a timely basis?

3. Is there proper segregation of duties between individual(s) that complete the financial report and supervisor(s) that review the data entered (e.g., separate PINs or passwords)?

4. Are all transactions recorded accurately, timely, and correctly summarized and posted in the financial management system?

5. Does the financial management system provide information for the following:

    a. identification of all grant awards received and expended and the Federal programs for which they were received;

    b. Federal award identification, including, as applicable the following:

        - Catalog of Federal Domestic Assistance (CFDA) title and number;
        - Federal Award Identification Number (FAIN) and year;
        - name of awarding Federal agency; and
        - name of pass-through entity (i.e., NDOL)?

(C) Indicator 3.a.3. Compliance with applicable laws and regulations

The grant subrecipient has internal controls in place to ensure compliance with applicable laws and regulations governing that grant award and programs.

Citation

- 2 CFR §§ 200.61(a), 200.62, and 200.303(a)-(c)
- grant agreement between NDOL and the grant subrecipient

Instructions

- Review the grant subrecipient's policies and procedures and assess their effectiveness and efficiency.

Tips

- An effective policy or procedure is one that is unambiguous and is consistent with legal and regulatory requirements and is stated as clearly as possible, using precise language as needed.

- Policies and procedures should be written at an appropriate level of detail. This may be different for a policy v. a procedure, as policies are often broader statements that are not intended to cover every possible option. While policies should identify restrictions and prohibitions, procedures should be more specific to avoid confusion and misunderstanding.

- The best way to ensure that policies and procedures stay current is to have a regular review process. The review process should include asking staff if procedures are being used as written or if "informal" changes been made. To gather this information, it is important to assign oversight responsibilities for reviewing specific policies and procedures appropriately.

Questions for review and discussion

1. Has the grant subrecipient updated its policies and procedures to reflect changes and updates contained in Federal and State laws, rules, regulations, guidance, and policies, including the Uniform Guidance (2 CFR Parts 200 and 2900) and 29 CFR Part 28?

    a. Examine a selected number of policies to confirm.

2. What actions or steps does the grant subrecipient take to ensure compliance with applicable Federal and State laws, rules, regulations, guidance, and policies governing the grant and programs?

3. Does the grant subrecipient evaluate and monitor its compliance with Federal and State laws, rules, regulations, and policies and the grant agreement between NDOL and the grant subrecipient?

4. What training is provided to staff to ensure compliance with Federal and State laws, rules, regulations, and policies and the grant agreement between NDOL and the grant subrecipient?

5. Does the grant subrecipient take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings and actions related to its subawardee(s)?

6. Has the grant subrecipient taken reasonable measures to safeguard PII and other information the Federal awarding agency and/or NDOL designates as sensitive or the grant subrecipient considers sensitive consistent with Federal and State laws, rules, regulations, guidance, and policies and the grant agreement between NDOL and the grant subrecipient regarding privacy and obligations of confidentiality?

(C) Indicator 3.a.4. Safeguard on assets

The grant subrecipient has adequate safeguards for all grant-purchased property and ensures that it is used solely for authorized purposes. In addition, the grant subrecipient has mechanisms in place to prevent unauthorized purchases and disbursements of grant funds. Further, the grant subrecipient safeguards its assets by ensuring that no sole individual controls the order, receipt, payment, reconciliation, management, and disposition of an asset.

Citation

- 2 CFR § 200.302(b)(4)

Instructions

- Review the grant subrecipient's asset management procedures to ensure that there are proper safeguards to protect all assets, including PII.

Tips

- Safeguards can include mechanisms that prevent unauthorized purchases and disbursement of Federal funds and cash-equivalent assets, as well as proper segregation of duties and physical locks around assets.

- Like cash, cash-equivalent assets have heightened exposure to risk of loss, more so than most other types of assets due to their liquidity. Grant subrecipients are responsible for establishing effective policies and procedures to manage the risk associated with cash equivalent assets and remediate any exposure to risk and potential loss of these vulnerable assets.

- Cash equivalent assets are items such as:
    - bus cards;
    - debit and credit cards;
    - gas cards;
    - PINs and passwords;
    - bus passes;
    - blank check stocks;
    - check-signing machines;
    - signature stamps; and

- items that have a monetary value and that are easily transferable.

This list is not all-inclusive. Discuss with the grant subrecipient what other cash equivalent assets may be held at its location.

Questions for review and discussion

1. Does the grant subrecipient have mechanisms in place to prevent unauthorized purchases and disbursements?

2. Is there proper segregation of duties surrounding the asset management process?

    a. Verify that no single individual controls or is responsible for the authorization, order, receipt, payment, disbursement, access, management, reconciliation, or disposition of assets.

3. How does the grant subrecipient safeguard physical and intangible assets?

4. Does the grant subrecipient perform an inventory of assets including bus tokens, checks, credit cards, etc.?

    a. How are these items safeguarded to prevent unauthorized use?

    b. How are these items tracked to ensure proper usage?

Tools

Use Tool L: Segregation of duties worksheet to assist in completing this indicator.

Objective 3.b. Accounting system and financial reporting

An accounting system is in place that allows the grant subrecipient to maintain accurate and complete disclosure of the grant's financial results and those of its subrecipients.

(C) Indicator 3.b.1. Basis of reporting

If the grant subrecipient maintains its books of account on a cash basis, it develops and reports financial data on an accrual basis.

Citation

- 2 CFR § 2900.14

Instructions

- Interview key personnel regarding the grant subrecipient's basis of accounting (cash basis v. accrual basis). If the grant subrecipient keeps its books on a cash basis, ask the grant subrecipient to walk through its process of reporting on an accrual basis.

- Review supporting documentation, such as spreadsheets or another type of document that links the grant subrecipient's accounting records to the grant's latest completed mandatory quarterly financial report.

- Crosscheck related documents against one another.

Tips

- ETA requires that recipients of Federal awards report on an accrual basis, as allowed under US Department of Labor exceptions to the Uniform Guidance at 2 CFR § 2900.14. Grant subrecipients:

    - are not required to maintain their accounting systems on an accrual basis or required to convert their cash or modified cash basis of accounting system; but

    - must develop and report such accrual information through best estimates on an analysis of the documentation on hand.

- In an accrual accounting system:

    - transactions are recognized in the accounting period in which they occur, regardless of when the cash is transferred; and

    - expenses are recognized when incurred, meaning when the goods or services or a benefit to the organization are received and the accompanying liability for payment occurs in the current or future period.

- Note that cash advances to subrecipients prior to a service being provided are neither an obligation nor an accrued expenditure.

Questions for review and discussion

1. Does the grant subrecipient have policies in place that ensure accounts are reported on an accrual basis?

2. Does the grant subrecipient maintain its books of accounts on a cash or accrual basis?

    a. If on a cash basis, is there evidence to support accrual reporting (reports, spreadsheets, linking documents, etc.)?

3. Regardless of how the grant subrecipient maintains its books, how does it ensure it captures the costs of all activities that took place in the reporting period?

4. If estimates are used to complete the financial report, is there a methodology in place for generation of the estimates and has the methodology been reviewed by an appropriate staff member?

(C) Indicator 3.b.2. Financial reporting

The grant subrecipient has an accounting system in place to maintain accurate and complete disclosure of financial results of the grant activities and those of its subawardee(s).

Citation

- 2 CFR § 200.302
- grant agreement between NDOL and the grant subrecipient

Instructions

- Interview the grant subrecipient's financial personnel and its subawardees to understand how financial data (expenditures, obligations, cash received, administrative expenditures, program income, recipient shares, etc.) is collected and verified for accuracy.
- Review the latest quarterly financial report and walk through the report with personnel responsible for preparing and submitting the report.

Questions for review and discussion

1. Review supporting documentation and trace selected data fields to accounting records. Are the following line items in the latest quarterly financial report traceable and do they adequately identify the source and application of funds for the following Federally funded activities:

    a. program income;

    b. match; and

    c. indirect costs?

    Notes.

    - Grant awards to grant subrecipients for Title I adult, dislocated worker, and youth programs do not require a match as a condition of the awards.
    - Refer to transaction testing of the applicable ETA-9130 Financial Report for verification of reported costs at Indicator 3.g.1. Cost allocation principles and to testing at Objective 3.f. Allowable costs and cost classification.

2. Do grant subrecipient financial systems and supporting documentation used to complete the latest quarterly financial report contain information pertaining to:

    a. Federal awards;

    b. authorizations;

    c. obligations;

    d. unobligated balances;

    e. assets;

    f. expenditures;

g. income; and

h. interest?

3. Review quarterly financial reports and accrual spreadsheets. Do the reports reflect costs captured in the appropriate funding stream?

4. Do grant subrecipient financial management systems identify the following:

   a. Federal funding source;

   b. CFDA title and number;

   c. FAIN and year; and

   d. name of the awarding agency (i.e., ETA).

5. Do grant subrecipient financial management systems identify all the information listed in the above checklist and also the name of the PTE (i.e., NDOL)?

6. Does the grant subrecipient have procedures in place to ensure that it obligates and expends the funds within the period of availability and within the period of performance specified under Federal and State laws, rules, regulations, guidance, and policies and grant agreement between NDOL and the grant subrecipient?

(C) Indicator 3.b.3. Subawardee financial reporting

The PTE (i.e., grant subrecipient) has a system in place to ensure the subawardee(s) is reporting financial results of its grant activities on an accrual basis and in a timely manner.

Citation

- 2 CFR § 200.331(a)(3)

Instructions

- Interview key personnel to determine if the PTE is receiving financial data from its subawardee in a timely manner so that it can include this data in its quarterly financial reports.

- If applicable, request copies of subawardee:
    - financial reports to the grant subrecipient; and
    - policies and subaward clauses related to subrecipient reporting.
- Walk through the subawardee financial reporting process with PTE financial staff to gain an understanding of how the PTE gathers and verifies subawardee financial data.

Tips

- All PTEs must monitor subawardee(s) to ensure compliance with Federal State laws, rules, regulations, regulations, guidance, and policies; grant subrecipient policies; and the terms and conditions of the subaward. This includes reviewing financial reports for compliance. To report the financial status of the grant to NDOL, a PTE must ensure that it collects and verifies the financial data submitted by its subawardees.
- An essential part of subawardee management and oversight is financial report review and analysis. This includes a review of data from financial reports to ensure that reports are timely and accurate. Financial reports can be evaluated individually by careful review of each element of the reported data for timeliness, completeness, reasonableness, alignment with budgets and plans, and by comparison with previous reports to identify trends that can predict progress or possible difficulties over time.

Questions for review and discussion

1. Are there policies and procedures provided by the PTE to ensure accurate financial reporting by subawardees?
2. Do the policies and procedures address:
    a. accrual basis of reporting;
    b. reporting instructions;
    c. reporting formats;
    d. program income; and
    e. match?

    If not, what processes are in place to ensure timely and accurate reporting of financial information of subawardee? Note. Grant awards to grant subrecipients for Title I adult, dislocated worker, and youth programs do not require a match as a condition of the awards. The same is true of subawards.
3. How does the PTE verify that all accruals are included in subawardee submissions of financial data?
4. Is the PTE receiving timely data from its subawardee?

5. If the subrecipient uses estimated accrual data, does the PTE understand the basis of the estimates and verify reasonableness?

(E) Indicator 3.b.4. Performance reports

The grant subrecipient's quarterly financial reports should agree with corresponding performance reports.

Citation

- State policy regarding quarterly financial reporting

Instructions

- Analyze financial and program data to see if the grant subrecipient is on target with spending and meeting performance goals.
- Request the latest quarterly financial report and the corresponding quarterly performance report if it hasn't been submitted to the SMU as required under State policy.
- Review the information reported and crosscheck to source documents to see if the spending rate is in line with what is reported.

Questions for review and discussion

1. How does the grant subrecipient ensure spending is in accordance with its performance?
2. Will funds be exhausted prior to meeting performance goals?
    a. If so, how will the grant subrecipient address this?
3. If grant subrecipient spending is not in accordance with its performance, document the explanation and determine if it is reasonable?
4. If the rate of expenditures is not in line with the performance report, obtain an explanation and assess the reasonableness of that explanation.

Objective 3.c. Payment and cash management

The grant subrecipient has a payment and cash management system in place to accurately track receipt, disbursement, and recording of funds between the NDOL and the grant subrecipient. Such systems should readily track the handling of grant funds to subawardees, contractors, and participants.

(C) Indicator 3.c.1. Cash disbursements

The grant subrecipient has a mechanism in place to minimize the time between drawdown of funds from NDOL and disbursement of funds to pay allowable costs.

Citation

- 2 CFR §§ 200.305(b) and 2900.7

Instructions

- Review the grant subrecipient cash management policies and procedures.
- Walk through the grant subrecipient cash management process with key fiscal personnel and gain an understanding of how cash is drawn down, recorded in the official accounting records, and disbursed for expenditures.
- Ask the grant subrecipient for a summary of its drawdowns and expenditures for one month.
    - Compare and analyze drawdowns for one month to corresponding expenditures for the same month.
    - Keep in mind that drawdowns should lag behind reported accrued expenditures.
    - During review of the cash drawdowns, ensure that the grant subrecipient is liquidating existing advances before requesting additional funds from NDOL by looking at cash balances in the grant subrecipient bank account/records and accounting system.
- If the grant subrecipient has a subawardee(s), request evidence that the grant subrecipient is monitoring the cash management activities of its subawardees.

Questions for review and discussion

1. Does the grant subrecipient have policies and procedures in place to minimize cash on hand?

   Notes.

    - *Cash on hand* does not mean actual cash. Instead, it refers to cash assets in bank accounts.
    - Grant subrecipients should not have or hold actual cash.

2. Are there sufficient internal controls in place to ensure proper segregation of duties for the following functions:

    a. recording;

    b. custodian;

    c. authorizing; and

    d. reconciliation?

3. What is the mechanism or tool used by the grant subrecipient to determine the amount of cash to draw down and how often is it performed and reviewed?

4. Review a cash-drawdown report from the NDOL Finance Division and request supporting documentation of the cash drawn. (Ask the SMU Administrator for the cash-drawdown report.)

    a. Were cash drawdowns approved and reviewed by an appropriate NDOL Finance staff member?

    b. Were funds drawn for immediate use?

5. Is there a reconciliation performed between cash drawdowns and expenditures?

6. Is reconciliation performed on a frequent basis and reviewed?

7. Does the grant subrecipient have policies in place for payment of non-sufficient funds, overdraft fees, and other penalties which cannot be paid using Federal funds?

8. How does the grant subrecipient ensure that its subawardee(s) does not have excess cash on hand (i.e., cash assets in bank)?

9. How does the grant subrecipient ensure that the subawardee(s) liquidates existing advances, if applicable, before the subawardee(s) requests additional advances?

(C) Indicator 3.c.2. Improper payments

The grant subrecipient can identify improper payments and has procedures in place to recover/repay improper payments.

Citation

- 2 CFR §§ 200.53, 200.305, 200.426, and 200.428

Instructions

- Interview key staff members to understand local area processes for identifying and recovering/repaying improper payments.

- Review the grant subrecipient's policies and procedures for:

    - recovering/repaying improper payments made to subawardees and contractors; and

    - repaying Title I programs for questioned costs.

Tips

- There is a strong emphasis under 2 CFR Part 200 regarding avoidance of and recovery and repayment of improper payments and questioned costs. 2 CFR Part 200 requires grant subrecipients and their subawardees to establish processes for tracking, reporting, and collecting improper payments. Improper payments and questioned costs include, but are not limited to:

- payments that should have not been made or that were made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements;

- payments made to an ineligible party, payment for an ineligible good or service, duplicate payments, or payment for a good or service not received; and

- questioned costs non-compliantly expended in relation to participants or individuals not eligible for Title I program services.

Questions for review and discussion

1. Does the grant subrecipient, when acting as a PTE, have policies and procedures in place to identify and recapture/repay/restore improper payments, including those made by its subawardee(s)?

    a. If not, what process does the grant subrecipient have in place to identify and recapture, repay, and restore improper payments?

2. Does the grant subrecipient have improper-payment policies and procedures in place to ensure recapture, repayment, and/or restoration of improper repayments or expenditures, including those made by its subawardee(s)?

3. Does the grant subrecipient, when acting as a PTE, require that its subawardee have policies and procedures in place to ensure recapture, repayment, and/or restoration of improper repayments or expenditures?

4. Costs incurred by a grant subrecipient to recover/repay improper payments are allowable as either direct or indirect costs, as appropriate. Is the grant subrecipient consistent in its treatment of Federal dollars used to recover improper payments?

(C) Indicator 3.c.3. Deposit insurance

The grant subrecipient has deposited its Federal funds in an insured bank or savings association.

Citation

- 2 CFR 200.305(b)(7)(ii)

Instructions

- Review the grant subrecipient bank documents to ensure that Federal funds are deposited in an insured bank depository institution(s) (i.e., FDIC institution).

Tips

- Grant subrecipients must deposit Federal funds in insured bank depository institutions to ensure coverage of these dollars in case of bank failure. Deposit insurance coverage generally covers deposit products such as traditional types of bank deposit accounts, including checking and savings accounts, money market deposit accounts (MMDAs), and certificates of deposit (CDs). Investment products that are not deposits, such as mutual

funds, annuities, life insurance policies, and stocks and bonds, are not covered by deposit insurance.

- The FDIC (Federal Deposit Insurance Corporation) is one type of agency (and the most popular agency) that provides depositor insurance. It is an agency independent of the United States government that protects depositors against the loss of insurance deposits when an FDIC-insured bank or savings association fails. FDIC deposit insurance covers depositors of a failed FDIC-insured depository institution, dollar-for-dollar, up to $250,000, plus any interest accrued or due to the depositor.

Questions for review and discussion

1. Is the grant subrecipient using an insured depository institution or bank that provides insurance coverage on deposits?

2. Are Federal funds deposited in a deposit account and not an investment account?

3. If Federal funds are not deposited in an insured bank or savings association, obtain an explanation from the grant subrecipient and assess the reasonableness of the explanation.

4. Examine the grant subrecipient's daily cash balance noted on its monthly bank statements. If the grant subrecipient carries a balance of more than $250,000, does it have sufficient collateral on record with the bank to cover any potential losses that are not covered by deposit insurance?

Objective 3.d. Match and leveraged resources

If applicable, the grant subrecipient has written policies and procedures in place to record and support any required match or leveraged resources committed or identified in the award or program regulations.

- Notes.
    - Title I funding allocations to grant subrecipients are formula funded and do not require matching or leveraged resources as a condition of the grant award.
    - However, Federal rules and State policy require written agreements when a Title I youth program utilizes leveraged resources (resources provided at no cost to the program) for the provision of youth program elements.

(C) Indicator 3.d.1. Match policies and procedures

When applicable, the grant subrecipient must establish written match policies and procedures that describe the allowability of costs in accordance with 2 CFR Part 200 Subpart E – Cost Principles. As stated above, Title I programs are formula funded and allocations to grant subrecipients do not require matching or leveraged resources as a condition of the grant award.

Citation

- 2 CFR §§ 200.302(b)(7) and 200.306(b)

Instructions

- Interview staff to ensure that;
    - key personnel are following written policies and procedures regarding match and leveraged resources when required as a condition of a grant award; and
    - written policies and procedures are updated to capture the grant subrecipient's process regarding grant match and leveraged resources.
- Review the grant subrecipient's written policy and procedures for grant match and interview staff responsible for documenting match.
- Cross-check recording, valuation, and reporting of grant match against 2 CFR Part 200 Subpart E – Cost Principles to ensure allowability of costs.

Questions for review and discussion

1. Does the grant subrecipient have written policies and procedures for match requirements?
2. Review the policies and procedures and determine if they address the following requirements as set forth in 2 CFR § 200.306(b):
    a. allowable under Subpart E – Cost Principles;
    b. verifiable from the grant subrecipient's records;
    c. costs and contributions are necessary and reasonable to meet program objectives;
    d. are not paid by the Federal government under another Federal award, except where the Federal statute authorizes that Federal funds may be applied to the match requirements of another Federal program;
    e. are provided for in the approved budget, when required;
    f. methodology for tracking and documenting match; and
    g. methodology for the valuation of non-cash contributions.
3. If applicable, does the PTE have match policies and procedures for its subawardees?
4. Do written grant-match requirement policies and procedures reflect actual the organization's practice?

(C) Indicator 3.d.2. Expending match

The grant subrecipient uses match to support grant activity and accounts for funds used for match within its accounting systems as the funds are expended.

- Note. Title I funding allocations to grant subrecipients do not require matching or leveraged resources as a condition of the grant award.

Citation

- 2 CFR §§ 200.306(d) and 2900.8

Instructions

- Interview fiscal and program staff responsible for documenting the use of these expenditures.

- Review the grant to determine if the use of match is required to support grant activity and was expended prior to the recording in the grant subrecipient's accounting system.

- Request a sample of match expenditures recorded and cross-check the use and valuation to ensure that it is in accordance with the grant subrecipient's policy and procedures and the Uniform Guidance.

Tips

- A key and important change related to match appears under 2 CFR § 2900.8. It states that in addition to the guidance set forth in 2 CFR § 200.306(b) for Federal awards from the US Department of Labor, the grant subrecipient accounts for funds used for match within its accounting systems as the funds are expended. The receipt of cash and in-kind contributions as match is not enough, as the US Department of Labor has placed an emphasis on the need to expend match contributions on allowable grant activities before it can be recognized as match.

- Pursuant US Department of Labor policy, grant subrecipients interested in applying unrecovered indirect costs to meet a match requirement must obtain prior approval from the applicable Grant Officer.

Questions for review and discussion

1. Does the grant subrecipient report match when expended on allowable grant activity and not when received? If applicable, does it report subrecipient match and/or leveraged resources?

2. Does the grant subrecipient appropriately report the use of match in the appropriate performance and financial reports? If applicable, does it report subawardee match?

3. From the sample of match expenditures reviewed, did they meet the following criteria as prescribed in 2 CFR § 200.306(b)(1)-(7):

    a. allowable under Subpart E – Cost Principles;

    b. verifiable from the grant subrecipient's records;

    c. costs and contributions are necessary and reasonable to meet program objectives;

    d. are not paid by the Federal government under another Federal award, except where the Federal statute authorizes that Federal funds may be applied to the match requirements of another Federal program; and

e. are provided for in the approved budget, when required?

4. If the grant subrecipient is using unrecovered indirect costs to meet a match requirement, did it obtain prior approval from the Federal Grant Officer?

Tools

- Use Tool M: Worksheet for evaluating allowable match items to assist in completing the indicator.

(C) Indicator 3.d.3. Valuation and documentation

The grant subrecipient has a methodology in place to value match. Records are available and demonstrate that match are being tracked.

Citation

- 2 CFR § 200.306(b)(1)

Instructions

- Review the sample of match expenditures and ascertain if supporting documentation is sufficient and appropriate.

Tips

- The Uniform Guidance has strengthened the valuation and documentation standards for match. 2 CFR § 200.306(d) states that valuation for in-kind contributions for goods or services must be established in accordance with the Cost Principles in Subpart E of the Uniform Guidance. All match contributions, regardless of whether they derive from the grant subrecipient or a third party, must have documentation to support the valuation of the good or service. For third-party contributions, the support for the value, including the methods used to determine the value, must be verifiable from the records of the contributing organization or be maintained by the grant subrecipient.

- For cash contributions for match, once non-Federal dollars are expended on behalf of the grant, the grant subrecipient must account for this in its official book of accounts or records. For non-cash contributions, supporting documentation must be retained to validate the valuation of the good or service, and the non-cash contribution must be used prior to recording. For donated services, the grant subrecipient must also maintain documentation on the rate value of the service but also timesheets or personnel activity reports to demonstrate the amount of time that is donated to the grant. If the grant subrecipient is using the fair market value (FMV) to value the match, there must be sufficient justification to support the use of FMV. The value of the donated goods must not exceed the fair market value of the same age and condition at the time of donation.

- Supporting documentation for in-kind contributions may come from many forms and can include receipts, appraisals, consumer valuation guides, labor market information, and other acceptable forms of documentation. The reviewer should evaluate all supporting documentation for validity and assess its acceptability.

- Grant subrecipients must maintain records to support all match within the grant subrecipient's or subrecipient's accounting system and these records must be available for audit and review. In accordance with 2 CFR § 200.333, financial records and all performance records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report. This information includes supporting documentation for match and/or leveraged resources.

Questions for review and discussion

1. From the sample of match expenditures reviewed, did the grant subrecipient's valuation of non-cash contributions are in accordance with the Cost Principles in Subpart E of the Uniform Guidance?

2. Is the FMV of non-cash contributions (goods and services) adequately supported?

3. Does the grant subrecipient have supporting documentation that supports the match reported on the performance and financial reports and is the documentation appropriate?

4. If applicable, do subrecipients have appropriate supporting documentation for any match and/or leveraged resources reported by them?

(E) Indicator 3.d.4. Leveraged resources

The grant subrecipient provides for the use of leveraged resources.

Instructions

- Review the grant agreement between NDOL and the grant subrecipient to understand whether leveraged resource is required.

- As stated above, Title I funding does not required leveraged resources as a condition of a grant award; however, Federal rules, regulations, and guidance and State policy require written agreements when a Title I youth program utilizes leveraged resources for the provision of youth program elements.

Tips

- Leveraged resources applies ONLY to specific competitive awards and to certain formula funded awards when specified in the grant agreement and/or program statute. Leveraged resources may be encouraged or required in a FOA or other funding solicitation, such as a Training and Employment Guidance Letter (TEGL).

- It is a term used to identify other funds being used in coordination with the grant to support the grant's activities and outcomes. It is not defined in the regulation or any related administrative requirements. For ETA programs, the term has been used to mean all resources used by the recipient to support grant activity and outcomes, whether those resources meet the standards required for match. Leveraged resources are not to be confused with non-cash contributions or third-party in-kind contributions, as specified in WIOA for the purposes of sharing in infrastructure costs.

- ETA suggests that leveraged resources follow the same guidelines outlined below for match.

Questions for review and discussion

1. Is the grant subrecipient required through an FOA or grant agreement between NDOL and the grant subrecipient to provide leveraged resources?

2. If so, are Federal leveraged resources reflected on the ETA-9130 Financial Report at line 11a Other Federal Funds Expended. Non-Federal leveraged resources are reported on the Recipient Share of Expenditures (lines 10j-10l)?

Objective 3.e. Program income

The grant subrecipient has written policies and procedures in place to accurately record and expend the program income in compliance with applicable Federal statutes, implementing regulations, the terms and conditions of the grant award.

(C) Indicator 3.e.1. Program income policies and procedures

The grant subrecipient's program income policies and procedures describe the allowability of costs in accordance with 2 CFR Part 200 Subpart E – Cost Principles; and the program income policies and procedures have been issued to key personnel and subawardee(s) of the grant subrecipient.

Citation

- WIOA Sec. 194(7)(B)

- 2 CFR §§ 200.302(b)(7) and 200.307

Instructions

- Review all grant subrecipient and subawardee policies and procedures related to program income.

- Request documentation supporting proper recording and use of program income.

Tips

- Interest income earned on advance payments for the grant award is not considered program income.

Questions for review and discussion

1. Does the grant subrecipient have written policies and procedures for program income requirements?

2. Is the grant subrecipient aware that it is earning program income?

3. What mechanism does the grant subrecipient have in place to recognize it is earning

program income?

4. Review all applicable grant subrecipient policies and procedures and determine if they address the following requirements as set forth in the Uniform Guidance:

    a. allowable under 2 CFR Part 200 Subpart E – Cost Principles;

    b. verifiable from the grant subrecipient's records;

    c. program income expended on grant activities to meet program objectives; and

    d. program income is expended for immediate use.

(C) Indicator 3.e.2. Expending and documentation

The grant subrecipient and its subawardees are expending program income on allowable grant activities prior to drawing grant funds and is recording and reporting program income and program income of its subawardees, appropriately.

Citation

- 2 CFR § 200.307

Instructions

- Review the grant subrecipient's latest quarterly financial report to NDOL to verify whether the grant subrecipient is reporting program income. If dollar amounts are reported, review the grant subrecipient's process for reporting and expending program income.

- In addition, review grant activities that may potentially earn program income and determine if they will earn program income. If the grant subrecipient or its subrecipients are earning program income, ensure that program income is recorded and expended appropriately.

Tips

- For either method of accounting used (gross or net method), the grant subrecipient and its subrecipients must spend program income prior to using grant funds. At the end of the grant's period of performance, all program income must be expended. These requirements apply to grant subrecipients and their respective subrecipients.

- The Cost Principles of the Uniform Guidance also apply to the expending of program income. Like charges to grant dollars, these costs must be reasonable, allowable, and allocable costs. Costs prohibited under Federal, State, and local statutes, rules, regulations, guidance, and policies must not be charged to program income generated by the grant subrecipient or its subrecipients.

Questions for review and discussion

1. Does the grant subrecipient expend program income prior to drawing grant funds?

2. Is program income generated by multiple funding sources properly allocated by the grant

subrecipient and its subawardees?

3. Do the grant subrecipient and its subawardees expend program income in the quarter it is earned?

4. What is the process to ensure program income is liquidated prior to the grant expiration?

5. Do the grant subrecipient and its subawardees expend program income on grant-related activities?

6. Is program income expended and disbursed first in accordance with Federal regulations?

7. Are all sources of program income identified (fees for services, use fees, conference fees, honoraria, fees for providing data to third parties, etc.)?

8. Does the grant subrecipient have a system in place to record and expend program income at the grant subrecipient and subawardee levels?

Objective 3.f. Allowable costs and cost classification

The grant subrecipient has a system and procedures in place to ensure that it is incurring necessary, reasonable and allowable costs to the grant and that such costs are accurately classified in its accounting system. The grant subrecipient also monitors the costs incurred by its contractors and subawardees to ensure allowability and accurate cost classification.

(C) Indicator 3.f.1. Cost principles

The grant subrecipient's written policies and procedures:

- describe the allowability of costs in accordance with 2 CFR Subpart E – Cost Principles; and
- have been issued to key grant subrecipient personnel and subawardee personnel.

Citation

- 2 CFR §§ 200.302(b)(7) and 200.403

Instructions

- Interview program and financial staff regarding the grant subrecipient's policies and procedures.
- Cross-check the policies and procedures surrounding the liability of cost to Federal funds against the Cost Principles of the Uniform Guidance.

Questions for review and discussion

1. Do the grant subrecipient's policies and procedures reflect the 2 CFR Part 200 Subpart E – Cost Principles?
2. Are these policies and procedures circulated to the appropriate program and financial staff?
3. Are the staff properly trained on the policies and procedures?
4. How does the grant subrecipient ensure that the grant is not charged unallowable costs based on the Cost Principles and the provisions of the grant agreement between NDOL and the grant subrecipient?
5. How does the grant subrecipient ensure that its subawardee(s) are following appropriate cost guidelines and Federal and State laws, rules, regulations, guidance, and policies?
6. Has the grant subrecipient issued written cost policies to its subawardees?

Tools

- Use Tool N: Transaction testing to assist in completing the indicator.

(C) Indicator 3.f.2. Financial management systems

The grant subrecipient has a system in place to ensure the costs are charged to the proper cost categories and are accurately classified.

Citation

- 2 CFR § 200.412

Instructions

- Refer to the applicable Federal and State laws, rules, regulations, guidance, and policies and the grant agreement between NDOL and the grant subrecipient to ascertain if the program requires supplementary financial reporting that may require additional cost categories.

Tips

- Careful consideration must be given to the activity with which a cost is associated and the category that benefits from the related activity.

- A chart of accounts is a financial organizational tool that provides a complete listing of every account in an accounting system. An account code is a unique record for each type of asset, liability, equity, revenue, and expense. This serves as the grant subrecipient's foundation for financial record keeping and should be at a level of detail that at least includes the account names, brief descriptions, and accounting codes. Depending on the complexity of the organization, it has the flexibility to tailor its chart of accounts to best suit its accounting needs.

- At the very least, accounting codes should be established in the organization's chart of accounts for appropriately charging costs defined as administrative in accordance with the WIOA definition at WIOA Sec. 3(1), or other required categories in its accounting records. If the grant requires the tracking of administrative expenditures, the entity must maintain a system for tracking and reporting its administrative expenditures as well as its program expenditures. Review Federal laws, rules, regulations, and guidance, as well as the WIOA grant agreement, to ensure that if there is an administrative threshold for the grant as any administrative costs in excess of the program's administrative limit (10 percent for WIOA Title I) must be charged to non-Federal funds.

- For grants that have expenditure caps or thresholds on certain grant activities based on WIOA law or regulations, review the grant subrecipient's chart of accounts and interview fiscal staff to understand how it is capturing this information in its accounting systems and reporting it quarterly to NDOL.

    - An example of an expenditure cap placed on certain programs is the expenditure cap on transitional jobs for local adult and dislocated worker funds. WIOA Sec. 134(d)(5) sets a transitional jobs expenditure cap of 10 percent of the amount of Federal funds allocated to local areas to carry out adult and dislocated worker programs for a Program Year.

    - Another example of an expenditure threshold is the mandatory out-of-school youth expenditure rate for direct services. WIOA Sec. 129(a)(4)(A) requires that a minimum of 75 percent of local youth funds provided to carry out the program in the for a Program Year must be expended to provide youth workforce investment activities for out-of-school youth.

- The reviewer must study WIOA law and program statutes on expenditure caps and minimum amounts to be expended on certain grant activities.

Questions for review and discussion

1. Does the grant subrecipient's chart of accounts contain sufficient account codes for revenue and expenses to adequately track spending of grant funds?

2. If there are multiple Federal funding streams, how does the grant subrecipient track its costs to the appropriate subaccount?

3. If administrative costs exceed the program's administrative limit for the grant award, is the grant subrecipient charging the excess to non-Federal funds?

4. If applicable, does the grant subrecipient's chart of accounts and its accounting system allow the tracking of grant activities that have an expenditure cap or threshold in accordance with the program's regulations?

    a. Refer to the grant's program regulations for a full understanding of any expenditure/caps or thresholds on grant activities.

5. Does the grant subrecipient review its subawardee's charts of accounts to ensure that they are reporting costs in the appropriate budget cost categories, subaward, etc.?

6. If applicable, are costs associated with contracts and subawards classified appropriately?

Objective 3.g. Cost allocation/indirect costs

The grant subrecipient allocates costs including indirect costs to the benefitting cost objectives based on relative benefit received and treats allocated costs consistently within its accounting system.

(C) Indicator 3.g.1. Cost allocation principles

There is written evidence that costs being allocated to the grant are allowable, being treated consistently over time and within the accounting system, are necessary, reasonable, and allocated to the grant based on benefit received.

Citation

- 2 CFR §§ 200.403 and 200.405
- TEGL 2-16
- grant subrecipient's purchasing, procurement, HR, payroll, and financial reporting policies and procedures

Instructions

- Review the grant subrecipient's purchasing, procurement, payroll, and financial reporting policies and procedures. Also, review the grant agreement between NDOL and the grant subrecipient, 2 CFR Part 200 Subpart E (Uniform Guidance Cost Principles), and the grant program's statutes and regulations for guidance on selected items of cost. For staff time, review the HR and payroll policies and procedures to obtain an understanding of how staff

time is recorded and allocated to the grant. Further, request a detailed listing of all full-time and part-time personnel that charge time to the grant and review a sample of personnel files.

- Walk through and interview staff involved in all these processes and gain an understanding of the role of each staff member.

- Obtain a detailed general ledger of grant costs with totals.

    - To ensure that the detailed general ledger includes all costs, confirm that the total amount of the detailed listing agrees to what is reported on the corresponding quarterly financial report that was submitted to NDOL.

    - If the amounts do not agree, obtain a reconciliation from the grant subrecipient.

    - If the grant subrecipient is unable to provide a reconciliation, its financial reports are not supported by financial systems or supporting documentation and therefore would be a compliance issue (2 CFR § 200.302).

- Once satisfied that the detailed general ledger is complete or if the reconciliation is reasonable, take an appropriate sample of costs from the detailed general ledger and request supporting documentation to test the validity, allowability, reasonableness, necessity, and allocability of costs.

- Lastly, if costs are shared among multiple funding streams or programs, review the grant subrecipient's policy on allocating costs. (For requirements regarding cost allocation plans, indirect cost rate, or de minimis testing, please refer to the remaining indicators under Objective 3.g.)

    - Ensure that shared costs are allocated based on their relative benefit received and in proportion to use.

    - Review costs so that they are in accordance with the grant subrecipient's cost allocation methodology.

Tips

- When testing costs, start with a quarterly financial report(s) submitted to NDOL and request a listing of all the costs from the grant subrecipient's official accounting system or general ledger that make up the amounts of expenditures reported.

- Some grant subrecipients may operate on a cash basis and the amounts in the detailed general ledger may not agree to the amounts reported in the quarterly financial report(s). If so, the grant subrecipient may be reporting accruals on a separate account or listing (maybe even an Excel spreadsheet). If so, make cost selections from this separate document and obtain an understanding how accruals how calculated.

- If the amounts in the detailed general ledger and quarterly financial report(s) do not agree, request a reconciliation between the two amounts. Once the amounts agree, the reviewer

now has some comfort that the general ledger contains all the grant's costs and that an appropriate selection of costs can be made.

- Supporting documentation may come in many forms and may include evidence of prior approval obtained (local board meeting minutes, sign-off sheets, initials from management, etc.), purchase orders, receipts and invoices, contracts, timesheets, personnel activity record, time studies, credit card statements, check copies, and many more. Supporting documentation is proof that the Cost Principles in the Uniform Guidance have been met. When receiving supporting documentation, review the document(s) to ensure that the grant subrecipient is following its own processes, and supporting documentation should evidence validity, allowability, and proper approval, regardless of the type of cost.

Questions for review and discussion

1. Does the grant subrecipient have written policies and procedures for distributing program costs, staff time, and general administrative costs among funding streams, programs, etc.?

2. Do the grant subrecipient's policies and procedures follow the Cost Principles?

    a. How does the grant subrecipient identify the circumstance when costs are allowable, allowable with condition, and unallowable?

3. Do the grant subrecipient's policies and procedures reflect requirements identified under WIOA Title I and its implementing rules, regulations, and guidance, State policies, and the grant agreement between NDOL and the grant subrecipient?

4. From the sample of costs from the grant subrecipient's general ledger and its subawardee(s), if applicable, test for the following factors of allowability as described in 2 CFR § 200.403:

    a. necessary and reasonable for the performance of the grant;

    b. conformity with Federal, State, and local laws, rules, regulations, guidance, policies, and procedures, as well as the grant agreement between NDOL and the grant subrecipient;

    c. conformity with any limitations or exclusions set forth in the Cost Principles;

    d. consistent treatment;

    e. conformity with GAAP;

    f. not included as a cost or used to meet matching requirement of another Federally financed program;

    g. adequately documented; and

    h. during the testing of costs for goods and/or services that require prior approval, appropriate prior approval was obtained prior to purchasing.

i. Review Indicator 2.b.2. Budget modifications for prior approval guidance.

5. Does the grant subrecipient have multiple funding sources?

   a. If so, move to the next applicable indicators, if not, move on to Objective 3.h. Audits and audit resolution.

Tools

- Refer to Resource G: Sampling methodology for additional information on selecting samples.
- Use Tool I: Contract review checklist to assist in completing the Indicator.

(C) Indicator 3.g.2. Cost allocation plan

The grant subrecipient has an approved cost allocation plan and uses it to allocate indirect costs.

Citation

- 2 CFR § 200.416(a) and (c)

Instructions

- Using the sample of costs that were selected in the previous indicator, review any costs that are allocated to multiple funding streams or programs.
- Review these indirect costs to ensure that they follow the grant subrecipient's cost allocation plan.

Tips

- When costs cannot be directly assigned to a final cost objective, the costs are placed in a pool that is allocated later to the benefiting funding stream or program. A cost pool contains a group of common costs to be allocated by using an indirect measure of benefit (refer to Indicator 3.g.3. Negotiated indirect cost rate agreements (NICRA)) or approximate measure of benefit. The approximate measure of benefit is the allocation base.
- The bases used to allocate a particular type of cost must be used consistently over time (2 CFR § 200.403(d)). An allocation base is acceptable if it represents a fair measure of cost benefit and if it results in an equitable and reasonable distribution of the costs of services rendered or goods provided. Each base should be considered on its own merits as to the purpose for using it and the degree of equity and reasonableness it will achieve in allocating costs.
- Based on the Cost Principles in the Uniform Guidance, organizations may use an approved CAP or Indirect Cost Rate (ICR) to provide a fair measure of cost benefit. Negotiated ICR rates and CAPs are utilized to properly support indirect cost billings and close-out efforts on cost reimbursable grants. CAP and ICRs can be submitted by the organizations listed below to the following cognizant agencies. (Refer to Resource M: SWCAP and NICRA Resources.) Institutions of Higher Education (IHE) – Cost negotiation

cognizance is assigned to the HHS or the DOD's Office of Naval Research, normally depending on which of the two agencies (HHS or DOD) provides more funds to the educational institution for the most recent three years [Appendix III to 2 CFR Part 200].

- Nonprofit Organizations. Unless different arrangements are agreed to by the Federal agencies concerned, the Federal agency with the largest dollar value of Federal awards with an organization is designated as the cognizant agency for indirect cost rate negotiation and approval [Appendix IV to CFR Part 200].

- State and Local Government-wide Central Service CAPs. Statewide Cost Allocation Plans (SWCAPs) for all States (including District of Columbia and Puerto Rico, State and local hospitals, libraries, and health districts) are required to develop and submit cost allocation plans to HHS. SWCAPs are located at HHS Cost Allocation Service [Appendix V to 2 CFR Part 200].

- Public Assistance CAPs. Federally financed programs administered by State public assistance agencies are funded predominately by HHS, and these State agencies are required to develop and submit overall cost allocation plans to HHS (which may include CAPs from local agencies that administer public assistance programs under the States' supervised systems [Appendix VI to 2 CFR Part 200].

- State and Local Government and Indian Tribe Indirect Cost Proposals. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost [Appendix VII to 2 CFR Part 200].

Questions for review and discussion

1. Does the grant subrecipient have an approved CAP?

    a. If so, is it the authorized party to that CAP?

    b. Is the CAP reviewed on an annual basis and updated as needed?

    c. Does the grant subrecipient allocate shared costs in accordance with its CAP?

2. How does the grant subrecipient allocate staff time among the various grant programs they work on?

    a. Is there written evidence, such as timesheets, used to allocate personnel time and costs?

For SWCAPs, please complete the following questions

1. Is there evidence of a fiscal-year end reconciliation between the State agency using the SWCAP and the State centralized agency responsible for the SWCAP?

2. Is the grant subrecipient applying the carry forward correctly?

Tools

- Use Tool O: Cost Allocation Worksheet to assist in completing the indicator.

(C) Indicator 3.g.3. Negotiated indirect cost rate agreements (NICRA)

If applicable, the grant subrecipient has indirect costs and uses an approved NICRA to allocate these costs.

Citation

- 2 CFR §§ 200.416(b) – (c) and 2900.17

Instructions

- Read the instructions for Indicator 3.g.2. Cost allocation plan.

- Review the grant subrecipient's NICRA and ensure that the effective dates are current for the time period tested and departments or locations are accurate. In addition, review the distribution base identified on the grant subrecipient's NICRA to ensure it is correctly calculated.

- It is now required that indirect costs must be reported on the final ETA-9130 Financial Report. Depending on the timing of the on-site review, if a final ETA-9130 is available, review the financial report and ensure that Section 13 – Indirect Expenditures is completed and that all calculations in the form are correct (specifically line item 13f – Amount Charged). Request supporting documentation/calculation(s) to all the line items and ensure that it supports what is reported in the financial report.

Tips

- All indirect costs, using the approved rate, must be allocated to all grants regardless of any restrictions or funding limitations. Any allocable indirect costs that exceed any administrative or statutory restrictions on a specific Federal grant may not be shifted to other Federal grants/contracts, unless specifically authorized by legislation. Non-Federal revenue sources must be used to pay for these costs that exceed any statutory restrictions.

- Any grant subrecipient with indirect costs and that also has more than one source of funding (including direct Federal funding) needs an indirect cost rate. An indirect cost rate is a percentage (indirect cost pool/direct cost base) used to distribute indirect costs to all cost centers benefiting from those costs. The grant subrecipient must have an approved NICRA from its cognizant agency if it has multiple funding streams and is charging indirect costs to the Federal award. A cognizant agency is responsible for negotiating the grant subrecipient's indirect cost rate and issues the appropriate negotiation agreement. Unless specifically assigned by OMB, the Federal agency with the majority of direct funding is normally the grant subrecipient's cognizant agency.

- All grant subrecipients must submit their initial indirect cost rate proposal to their cognizant agency within 90 days of receiving a cost reimbursable grant/contract award (2 CFR Part 200 Appendix IV, C.2.b). All grant subrecipients must submit their final indirect cost rate proposals within 180 days of the end of the grant subrecipient's fiscal year (2 CFR Part 200 Appendix IV, C.2.c).

- Please refer to the US Department of Labor Division of Cost Determination webpage for more information.

- Lastly, any adjustments to indirect cost rates resulting from a determination of unallowable costs being included in the rate proposal may result in the reissuance of negotiated rate agreement (2 CFR § 2900.17).

Questions for review and discussion

1. Review the grant subrecipient's NICRA, if applicable, and review for effective dates and departments or locations.

    a. Is the rate approved for the period the grant subrecipient is applying the NICRA?

    b. If not, has it submitted a proposal?

2. Does the grant subrecipient have an approved rate specific to its organization?

3. Review the NICRA's distribution base, if applicable.

    a. Is the grant subrecipient correctly calculating the distribution base?

    b. How is the indirect cost rate being applied appropriately to the base in accordance with the terms of the approved indirect cost rate agreement?

4. If unallowable costs were identified (through monitoring or an audit) and these costs were included in the indirect rate proposal, did the grant subrecipient obtain an adjusted negotiated rate agreement from its cognizant agency?

5. If applicable, obtain the final ETA-9130 Financial Report and ensure indirect costs being reported on the form?

(C) Indicator 3.g.4. De minimis rate

The grant subrecipient has received prior approval from its cognizant agency to use the de minimis rate and is correctly applying ten percent to the modified total direct costs (MTDC).

Citation

- 2 CFR § 200.414(f)

Instructions

- If the grant subrecipient meets all the criteria to use the de minimis rate, review the grant subrecipient's calculation for the de minimis rate.

- Ensure that the grant subrecipient received prior approval and that the de minimis rate is calculated correctly.

- Ensure that this methodology is used consistently for all Federal awards until such time the grant subrecipient chooses to negotiate for an indirect cost rate.

Tips

- To relieve administrative burden, the Uniform Guidance specified that grant subrecipients that have never received a NICRA and have allowable indirect costs that they would like to charge to a Federal award may elect to charge a de minimis rate of 10 percent of the MTDC, which may be used indefinitely. Government departments or agencies that receive more than $35 million in direct Federal funding must submit an indirect cost rate proposal and cannot request a de minimis rate. If the grant subrecipient chooses to utilize the de minimis rate, it must do so consistently for all Federal awards until such time it chooses to negotiate a rate. PTEs may also accept the de minimis rate if its subrecipient has never had a NICRA rate and has indirect costs associated with its subaward.

- If the grant subrecipient meets all the criteria to use the de minimis rate, it may apply ten percent to a base amount (MTDC) to recover indirect costs from a Federal award. MTDC is all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs, and the portion of each subaward in excess of $25,000.

- The grant subrecipient must receive prior approval from its cognizant agency to apply the de minimis rate to their Federal awards. Note that cognizant agency for indirect cost in 2 CFR § 200.19 applies here. For grant subrecipients that do not have a direct Federal grant, it must obtain approval from its PTE.

Questions for review and discussion

1. Did the grant subrecipient receive prior approval from the Federal Grant Officer prior to applying the de minimis rate to the MTDC and recovering those funds from ETA?

2. Did the grant subrecipient correctly calculate the MTDC? Did the grant subrecipient

correctly apply 10 percent to the MTDC base?

Objective 3.h. Audits and audit resolution

The grant subrecipient adheres to the single or program-specific audit requirements and has an audit resolution process in place, including debt collection, for its subrecipients.

(C) Indicator 3.h.1. Audit process

The grant subrecipient had a single or program-specific audit performed if it expended $750,000 or more in Federal awards during the grant subrecipient's fiscal year.

Citation

- 2 CFR §§ 200.501, 2900.03, and 2900.21

Instructions

- Examine the grant subrecipient's official book of accounts and determine if it has expended $750,000 or more in Federal awards during the grant subrecipient's fiscal year. If so, ensure that a single or program-specific audit was completed.
- Obtain a copy of the grant subrecipient's most recent audit report and review the report for questioned costs and findings.
- If applicable, obtain a written status report of the questioned costs and/or findings if they have not been resolved.

Tips

- Under the Uniform Guidance, there is a new threshold for audit coverage. Each covered grant subrecipient that expends $750,000 or more in Federal financial assistance award funds during its fiscal year is required to have a single audit conducted for that fiscal year (effective January 1, 2015). A program-specific audit may be substituted only when the auditee spends Federal award funds under only one Federal program.
- The specific costs that form the basis for determining Federal awards expended are found at 2 CFR § 200.502 and include accrued costs, disbursements to subrecipients, and program income expended, among others. Some exclusions to the audit threshold include endowment funds and free rent, among others. Please refer to 2 CFR § 200.502 for a full listing.
- A single audit is a relatively comprehensive review of an organization's entire spectrum of financial activity. The financial statements must cover all funds expended by an entity within a single audit period and all Federal funds, whether those are directly expended by the entity or the entity functions as a "pass-through" with the funds being ultimately expended at a subrecipient level.
- The requirements in the Uniform Guidance apply to direct recipients, PTEs, and subrecipients. The Uniform Guidance does not provide coverage for audits of commercial for-profit entities or contractors nor to foreign-based entities. However, the US

Department of Labor (USDOL) now extends coverage through the USDOL exception at 2 CFR § 2900.2 to commercial for-profit entities and foreign entities that are awardees of USDOL funds.

- Under USDOL Uniform Guidance exception on questioned cost (2 CFR § 2900.3), a questioned cost is a cost questioned by auditors, FPOs, Grant Officers, or any other authorized Awarding agency representative to questioned costs. In addition, USDOL exception at 2 CFR § 2900.21 allows for PTE to issue a management decision within twelve months of acceptance of the audit report by the Federal Audit Clearinghouse (FAC).

Questions for review and discussion

1. Did the grant subrecipient submit its latest single or program-specific audit to the FAC?
2. Was the audit completed in a timely manner (no later than nine months after the end of the organization's fiscal year)?
3. Examine the section of the audit report called "Schedule of Findings and Questioned Costs." Consider the following:
    a. Are material weaknesses identified?
    b. Are reportable conditions identified?
    c. Are Federal award findings identified?
    d. Are Federal award questioned costs identified?
4. If there are issues identified in the Schedule of Findings and Questioned Costs section, what is the current corrective action plan employed by the grant subrecipient to resolve these matters?
5. How long has the grant subrecipient employed the existing audit firm for audit work?
6. Is the procurement method used to secure the services of the existing or new auditing firm in compliance with the Procurement Standards of the Uniform Guidance?

Notes

- Use Tool Q: Audit (fiscal) resolution tracking to assist in completing the indicator.
- Use Tool P: Audit appeals process to assist in completing the indicator.

(C) Indicator 3.h.2. Subrecipient audit

The grant subrecipient, in the capacity of a PTE, has a system in place to ensure subawardee audits are conducted and resolved.

Citation

- 2 CFR § 200.331(d)(2)

Instructions

- Obtain the PTE's policy and procedures on managing and oversight of subawardees.
    - Gain an understanding of how the PTE assesses if its subawardee has expended $750,000 in Federal dollars for the fiscal year.
    - Review the policy to ensure that the PTE follows up with the subawardee on any administrative findings and questioned costs identified by the audit.
    - Review the policy and procedures for debt collection procedures when questioned costs become disallowed costs.
- Obtain a copy of the subrecipient's single or program-specific audit and review the "Schedule of Findings" in the report.
- If applicable, walk through with key personnel on how they follow up with proposed corrective actions on outstanding audit findings with it subrecipients.

Tips

- As part of managing a subawardee, a PTE is responsible for ensuring that if a subawardee expends $750,000 or more in Federal awards in a fiscal year, it needs to ensure that a single or program-specific audit was completed in compliance with Subpart F of the Uniform Guidance.
- Many times, a subawardee's audit is not timely and monitoring by the PTE is necessary. An audit occurs after the end of the fiscal period, and the issuance of the audit report can come as much as nine months after the end of the period being audited, which is often after the end of the grant. If this is so, the PTE should perform an on-site monitoring of its subawardee during the subaward's period of performance.

Questions for review and discussion

1. Did any subawardee expend $750,000 or more in Federal awards have a single or program-specific audit performed?
2. Does the PTE require and have audit reports from its subawardees?

3. As part of its monitoring responsibilities, did the PTE follow up with proposed corrective action on outstanding audit findings?

    a. How does the PTE ensure corrective actions are resolved timely?

    b. Was an appropriate appeals process followed, if applicable?

4. Does the PTE have debt collection procedures in place in case a subawardee is unable to resolve a questioned cost?

(C) Indicator 3.h.3. Report on internal controls

As outlined in the Report on Internal Control Over Financial Reporting and Compliance or evident in the SF-SAC (Data Collection Form from the Federal Audit Clearinghouse (FAC)), if the grant subrecipient has administrative findings, significant deficiencies, and/or material weaknesses, it has a corrective action plan in place to resolve the findings, significant deficiencies, and material weaknesses related to internal controls.

Citation

- 2 CFR § 200.514(c)

Instructions

- Obtain the grant subrecipient's latest SF-SAC that was submitted to the FAC (either by the grant subrecipient or its auditors).

- Review the Data Collection Form and identify if the grant subrecipient has any administrative findings, significant deficiencies, and or material weakness surrounding its internal controls. If applicable, walk through the grant subrecipient's corrective action plan and ensure that the grant subrecipient's responses to the issues are sufficient.

Tips

- The FAC operates on behalf of OMB. Its primary purposes are to distribute single audit reporting packages to Federal agencies; support OMB oversight and assessment of Federal award audit requirements; maintain a public database of completed audits; and help auditors and auditees minimize the reporting burden of complying with single audit requirements.

- Access to completed Single Audit packages and the SF-SAC form can be found at FAC.

Questions for review and discussion

1. Does the grant subrecipient have any administrative findings, significant deficiencies, and/or material weaknesses surrounding its internal controls? If not, skip next questions.

2. Does the grant subrecipient have a corrective action in place to address any administrative findings significant deficiencies, and/or material weaknesses?

3. Review the grant subrecipient's corrective action. Is the plan sufficient and reasonable and will the corrective actions be completed timely?

VIII. Appendix. Resources and tools

Introduction

The purpose of this appendix is to provide resources and tools for State Monitoring Unit staff to perform an in-depth review of Indicators in this monitoring workbook, primarily Core Activities 2 and 3. This appendix constitutes an important part of NDOL's overall strategy to improve grant administration, especially for on-site monitoring of grant subrecipients.

This appendix is for general use and can be used on a variety of grant programs.

Resources

Resource A. Selected definitions and acronyms

Purpose

This resource provides a listing of definitions and acronyms. For a complete listing of definitions and acronyms, please click on the links provided below.

- Uniform Guidance (2 CFR Part 200) – Subpart A
- Uniform Guidance – DOL's approved Exceptions (2 CFR Part 2900) – Subpart A
- Workforce Innovation and Opportunity Act (WIOA) Sec. 3
- WIOA Labor-only Final Rule
- Wagner-Peyser – 20 CFR 651.10
- WIOA Title I – 20 CFR 675.300
- WIOA Joint Final Rule
- WIOA Performance Accountability – 20 CFR 677.150
- WorkforceGPS Grants Application and Management Community collection
- ETA Advisories (TEGLs, UIPLs, TENs, etc.)

Definitions

Administrative costs

Expenditures incurred, the allocable portion of necessary and reasonable allowable costs by State boards and local boards, direct recipients (including State grant subrecipients under subtitle B of title I and recipients of awards under subtitles C and D of title I), local grant subrecipients, local fiscal agents or local grant subrecipients, and One-Stop operators in the performance of administrative functions and in carrying out activities under title I that are not related to the direct provision of workforce investment services (including services to participants and employers). Such costs include both personnel and non-personnel costs and both direct and indirect costs. [WIOA Sec. 3(1)]

Advance payment

A payment that a Federal awarding agency or pass-through entity makes by any appropriate payment mechanism, including a predetermined payment schedule, before the non-Federal entity disburses the funds for program purposes [2 CFR § 200.3].

Allocation

The process of assigning a cost, or a group of costs to one or more cost Objective(s), in reasonable proportion to the benefit provided or other equitable relationship. The process may entail assigning costs directly to a final cost Objective or through one or more intermediate cost Objectives [2 CFR § 200.4].

Calendar year

The period between January 1 and December 31 of any year. For example, calendar year 2020 is January 1, 2020, through December 31, 2020.

Contributions

Cash, Non-cash, and Third-Party In-Kind. Cash contribution: A recipient's cash outlay, including the outlay of money contributed to the recipient by third parties. Non-cash: The value of contributions of services or property by the recipient to benefit the purpose of the award. In-kind: The value of third-party contributions of services or property used to benefit the purpose of the award. [See 2 CFR §§ 200.306 and 200.434 for proper valuation methods for third party in-kind contributions.]

Catalog of Federal Domestic Assistance (CFDA)

An online database of all Federal programs available to State and local governments, Federally recognized Indian tribal governments, territories and possessions of the United States, domestic public, quasi-public, and private profit and nonprofit organizations and institutions, specialized groups, and individuals.

CFDA number

The number assigned to a Federal program in the CFDA [2 CFR § 200.10].

Closeout

Process by which the Federal awarding agency or pass-through entity determines that all applicable administrative actions and all required work of the Federal award have been completed and all actions required by 2 CFR § 200.343 have been taken [2 CFR § 200.16]. For Federal awards from DOL, the non-Federal entity must liquidate all obligations and/or accrued expenditures incurred under the Federal award. For non-Federal entities reporting on an accrual basis and operating on an expenditure period, unless otherwise noted in the grant agreement, the only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the grant period [2 CFR § 2900.15].

Contract

A legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward, as defined at 2 CFR § 200.92 [2 CFR § 200.22].

Contractor

An entity that receives a contract as defined by 2 CFR § 200.22 [2 CFR § 200.23].

Cooperative agreement

Cooperative agreement means a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 USC 6302-6305: (a) Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 U.S.C 6101(3)); and not to acquire property or services for the Federal Government or pass-through entity's direct benefit or use; (b) Is distinguished from a grant in that it provides for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award. (c) The term does not include: (1) A cooperative research and development agreement as defined in 15 USC 3710a; or (2) An agreement that provides only: (i) Direct United States Government cash assistance to an individual; (ii) A subsidy; (iii) A loan; (iv) A loan guarantee; or (v) Insurance [2 CFR § 200.24].

Cost sharing or Matching

The portion of project costs not borne by Federal funds (unless authorized by Federal statute [2 CFR § 200.29].

Data Universal Numbering System (DUNS)

The nine-digit established and assigned by Dun and Bradstreet, Inc. (DandB) to uniquely identify entities.

Date of completion

The date certain which DOL or the pass-through entity determines that no further obligations may be incurred to carry out program activities; all administrative actions and required work under the Federal award have been completed; and the beginning of the award closeout process begins [2 CFR §§ 200.16 and 200.77].

Disallowed costs

Charges to a Federal award that the Federal awarding agency or pass-through entity determines to be unallowable, in accordance with the applicable Federal statutes, regulations, or the terms and conditions of the Federal award [2 CFR § 200.31].

Discretionary award or competitively awarded grant

A grant or cooperative agreement for which the Federal awarding agency generally may select the recipient among all eligible recipients, may decide to make or not make an award based on the programmatic, technical, or scientific content of an application, and can decide the amount of funding to be awarded.

Equipment

Tangible personal property, including information technology systems (see definition), having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000 [2 CFR § 200.33].

Expenditures

Charges made by a non-Federal entity to a project or program for which a Federal award was received. The charges may be reported on a cash or accrual basis as long as the methodology is disclosed and consistently applied. For reports prepared on a cash basis, expenditures are the sum of actual cash disbursement for direct charges for property and services, the amount of indirect expense incurred, the value of third-party in-kind contributions applied, and the amount of cash advance payments and payments made to subrecipients. Note that ETA requires expenditures to be reported on an accrual basis [2 CFR § 2900.14]. For reports prepared on an accrual basis, expenditures are the sum of cash disbursements for direct charges for property and services, the amount of indirect expense incurred, the value of third party in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the non-Federal entity for goods and other property received, services performed by employees, contractors, subrecipients, and other payees, and programs for which no current services or performance are required, such as annuities, insurance claims, and other benefit payments [2 CFR § 200.34].

FFATA (Subaward Reporting System FSRS)

The reporting tool Federal prime awardees use to capture and report subaward and executive compensation data regarding their first tier subawards to meet the FFATA reporting requirements.

Federal Award

The Federal financial assistance that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, or the cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity. [Note. For a complete definition, refer to 2 CFR § 200.38.]

Federal Fiscal Year (FY)

The period between October 1 of a calendar year and September 30 of the following calendar year, with the subsequent year as the FY designator. For example, Fiscal Year 2020 or FY 2020 is the period between October 1, 2019 and September 30, 2020.

Generally Accepted Accounting Principles (GAAP)

GAAP is a collection of commonly followed accounting rules and standards for financial reporting. The Financial Accounting Standards Board (FASB) primarily issues GAAP statements. Government entities, however, must follow a different set of GAAP standards as determined by the Government Accounting Standards Board [2 CFR § 200.49]

Grant Agreement

A legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity that, consistent with 31 USC § 6302 and 6304:[11]

(a) Is used to enter into a relationship the principal purpose of which is to transfer anything of value from the Federal awarding agency or pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (see 31 USC § 6101(3)); and not to acquire property or services for the Federal awarding agency or pass-through entity's direct benefit or use;

(b) Is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the Federal awarding agency or pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

(c) Does not include an agreement that provides only:

(1) direct United States Government cash assistance to an individual;

(2) a subsidy;

(3) a loan;

(4) a loan guarantee; or

(5) insurance.

[11] 2 CFR § 200.51

Improper Payment

Any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements. Improper payments also include any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper [2 CFR § 200.53].

Indian tribe (or "Federally recognized Indian tribe"). Any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 USC Chapter 33), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 USC § 450b(e)). See annually published Bureau of Indian Affairs list of Indian Entities Recognized and Eligible to Receive Services [2 CFR § 200.54].

Indirect (facilities and administrative (FandA)) costs

Costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect (FandA) costs. Indirect (FandA) cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived [2 CFR § 200.56].

Information technology systems

Computing devices (see definition), ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources [2 CFR § 200.58].

Intangible property

Property that does not have a physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible). [2 CFR § 200.59] In addition to the guidance set forth in 2 CFR 200.315(d), the Department of Labor requires intellectual property developed under a competitive Federal award process to be licensed under a Creative Commons Attribution license. This license allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the recipient [2 CFR § 2900.13].

Internal controls

A process, implemented by a non-Federal entity, designed to provide reasonable assurance regarding the achievement of Objectives in the following categories: (a) Effectiveness and efficiency of operations; (b) Reliability of reporting for internal and external use; and (c) Compliance with applicable laws and regulations [2 CFR § 200.61].

Internal control over compliance requirements for Federal awards

A process implemented by a non–Federal entity, designed to provide reasonable assurance regarding the achievement of the following objectives for Federal awards.[12]

(a) Transactions are properly recorded and accounted for to:

(1) permit the preparation of reliable financial statements and Federal reports;

(2) maintain accountability over assets; and

(3) demonstrate compliance with Federal statutes, regulations, and terms and conditions of the Federal award.

(b) Transactions are executed in compliance with:

(1) (a) Federal statutes, regulations, and the terms and conditions of the Federal award; and

(2) (b) any other Federal statutes and regulations that are identified in the Compliance Supplement.

(c) Funds, property, and other assets are safeguarded against loss from unauthorized use or disposition.

A report on Internal Controls and a report on Compliance for Federal Awards are two integral components of a Single Audit.

Local government

Any unit of government within a State, including a county, borough, municipality, city, town, township, parish, local public authority (including public housing authority under the United States Housing Act of 1937), school district, special district, intra-State district, council of governments (whether or not incorporated as nonprofit corporation under State law), any other agency or instrumentality of multi-, regional, or intra-State or local government [2 CFR § 200.64].

Micro-purchase

A purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. These procedures comprise a subset of a non-Federal entity's small purchase procedures. The non-Federal entity uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). It is currently set at $3,500 but this threshold is periodically adjusted for inflation [2 CFR § 200.67].

[12] 2 CFR § 200.62

Modified Total Direct Costs

All direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first $25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of $25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs [2 CFR § 200.68]. The allowance of $25,000 of each subaward is for the life of the award, or for each period of performance [COFAR July 2017 FAQ].

Non-Federal entity

A State, local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, or nonprofit organization that carries out a Federal award as a recipient or subrecipient [2 CFR § 200.69]. In the DOL, Non-Federal entity means a State, local government, Indian tribe, institution of higher education (IHE), for-profit entity, foreign public entity, foreign organization or nonprofit organization that carries out a Federal award as a recipient or subrecipient (see 2 CFR § 200.69) [2 CFR § 2900.2]

Nonprofit organization

Any corporation, trust, association, cooperative, or other organization, not including Institutions of Higher Education (IHEs), that:[13]

(a) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(b) is not organized primarily for profit; and

(c) uses net proceeds to maintain, improve, or expand the operations of the organization.

Obligations

The amounts of orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period [2 CFR § 200.71].

Organization

A company, state, local, or tribal government, academia or research institution, nonprofit entity, or any other type of institution.

Pass-through entity (PTE)

A non-Federal entity that provides a subaward to a subrecipient to carry out part a Federal program [2 CFR § 200.74].

[13] 2 CFR 200.70

Period of performance

The time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award [2 CFR § 200.77].

Personal property

Property other than real property. It may be tangible, having physical existence, or intangible (having no physical existence, such as copyrights, patents, or securities) [2 CFR § 200.78].

Personally identifiable information (PII)

Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered PII is available in public sources such as telephone books, public Web sites, and university listings. This type of information is considered to be Public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, and general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that, when combined with other available information, could be used to identify an individual [2 CFR § 200.79].

Prior written approval (prior approval)

The non-Federal entity may seek the prior written approval of the cognizant agency for indirect costs or the Federal awarding agency in advance of the incurrence of special or unusual costs. Prior written approval should include the timeframe or scope of the agreement. The absence of prior written approval on any element of cost will not, in itself, affect the reasonableness or allocability of that element, unless prior approval is specifically required for allowability in other sections of the Uniform Guidance [2 CFR § 200.407]. In addition to the guidance set forth in 2 CFR § 200.308(c), for Federal awards from the Department of Labor, the non-Federal entity must request prior approval actions at least 30 days prior to the effective date of the requested action [2 CFR § 2900.10].

Program income

Gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. Program income includes but is not limited to income from fees for services performed, the use or rental or real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them [2 CFR § 200.80].

Program Year (PY)

The period between July 1 of a calendar year and June 30 of the following calendar year. The PY designator is the year the period begins. For example, Program Year 2020 or PY 2020 is the period between July 1, 2020, and June 30, 2021.

Project

All activities incorporated in a grant statement of work (SOW), which may include program as well as the administrative and accountability elements as defined in the SOW.

Project cost

Total allowable costs incurred under a Federal award and all required cost sharing and voluntary committed cost sharing, including third-party contributions [2 CFR § 200.83].

Protected Personally Identifiable Information (Protected PII)

An individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, educational transcripts. This does not include PII that is required by law to be disclosed (See also personally identifiable information, defined above) [2 CFR § 200.82].

Questioned cost

A cost that is questioned by the auditor because of an audit finding:[14]

(a) Which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds;

(b) Where the costs, at the time of the audit, are not supported by adequate documentation; or

(c) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

In the DOL, in addition to the guidance contained in 2 CFR § 200.84, a questioned cost means a cost that is questioned by an auditor, Federal Project Officer, Grant Officer, or other authorized Awarding agency representative because of an audit or monitoring finding:[15]

(a) Which resulted from a violation or possible violation of a statute, regulation, or the terms and conditions of a Federal award, including for funds used to match Federal funds;

(b) Where the costs, at the time of the audit, are not supported by adequate documentation; or

[14] 2 CFR 200.84
[15] 2 CFR § 2900.3

(c) Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

Real property

Land, including land improvements, structures and appurtenances thereto, but excludes movable machinery and equipment [2 CFR § 200.85].

Recipient

A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term recipient does not include subrecipients [2 CFR § 200.86].

Single audit

An audit performed on non-Federal entities that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards. The audit must be conducted in accordance with generally accepted government accounting standards (GAGAS). The audit must cover the entire operations of the auditee, or, at the option of the auditee, such audit must include a series of audits that cover departments, agencies, and other organizational units that expended or otherwise administered Federal awards during such audit period, provided that each such audit must encompass the financial statements and schedule of expenditures of Federal awards for each such department, agency, and other organizational unit, which must be considered to be a non-Federal entity. The financial statements and schedule of expenditures of Federal awards must be for the same audit period (2 CFR §§ 200.501(b) and 200.514(a)). When an auditee expends Federal awards under only one Federal program (excluding RandD) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement of the auditee, the auditee may elect to have a program-specific audit conduct in accordance with 2 CFR § 200.507 Program-specific audits [2 CFR § 200.501(c)].

State

Any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments [2 CFR § 200.90]. Note that Indian tribes are defined separately.

Subaward

An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract [2 CFR § 200.92].

Subrecipient

A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program but does not include an individual that is a beneficiary of such a program. A

subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency [2 CFR § 200.93].

Supplies

All tangible personal property other than those described in 2 CFR § 200.33. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or $5,000, regardless of the length of its useful life [2 CFR § 200.94].

Suspension

A post-award action by the awarding agency that temporarily withdraws the agency's financial assistance sponsorship under an award, pending corrective action by the recipient or pending a decision to terminate the award.

Termination

The ending of a Federal award, in whole or in part, at any time prior to the planned end of period of performance [2 CFR § 200.95].

Third-party in-kind contributions

The value of non-cash contributions (i.e., property or services) that benefit a Federally assisted project or program, and are contributed by non-Federal third parties, without charge, to a non-Federal entity under a Federal award [2 CFR § 200.96].

Uniform Guidance

The streamlining of OMB Circulars A-21, A-50, A-87, A-89, A-102, A-110, A-122, and A-133 into a single document called the Uniform Guidance. The Uniform Guidance is also known as the Super-Circular or Omni-Circular. In addition to consolidating the circulars and regulations, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule makes critical updates and promises to deliver a 21st century government that is more efficient, effective and transparent. It also focuses on improving performance and outcomes while ensuring the financial integrity of taxpayer.

Unliquidated obligations

For financial reports prepared on a cash basis, the amount of obligations incurred by the non-Federal entity that have not been paid (liquidated). For reports prepared on an accrual expenditure basis, these are obligations incurred by the non-Federal entity for which an expenditure has not been recorded [2 CFR § 200.97].

Unobligated balance

The amount of funds under a Federal award that the non-Federal entity has not obligated. The amount is computed by subtracting the cumulative amount of the non-Federal entity's unliquidated obligations and expenditures of funds under the Federal award from the cumulative amount of

the funds that the Federal awarding agency or pass-through entity authorized the non- Federal entity to obligate [2 CFR § 200.98] .

Voluntary committed cost

Cost sharing specifically pledged on a voluntary basis in the proposal's budget or the Federal award on the part of the non-Federal entity and that becomes a binding requirement of Federal award. [2 CFR § 200.99]

Acronyms

Acronym	Description
ACH	Automated clearing house
AEFLA	Adult Education and Family Literacy Act
CAP	Cost allocation plan
CD	Certificate of deposit
CFDA	Catalog for Federal Domestic Assistance
CFR	Code of Federal Regulations
CMG	Core Monitoring Guide
CMIA	Case Management Improvement Act
COFAR	Council of Financial Assistance Reform
COSO	Committee of Sponsoring Organizations of the Treadway Commission
CSBG	Community Services Block Grant
DINAP	Division of Indian and Native America Programs
DOD	Department of Defense
DOL	Department of Labor
DUNS	Data Universal Number System
DW	Dislocated worker
EBBS	Enterprise Business Support System
ED	Department of Education
EEO	Equal Employment Opportunity
EGS	Electronic Grant System
EIN	Employer Identification Number
EO	Equal Opportunity
ES	Employment Services
ESL	English as a Second Language
ET	Employment and Training
ETA	Employment and Training Administration
FandA	Facilities and Administrative
FAC	Federal Audit Clearinghouse
FAIN	Federal Award Identification Number
FASB	Financial Accounting Standards Board
FDIC	Federal Deposit Insurance Corporation
FFATA	Federal Awarding Accountability and Transparency Act
FOA	Funding Opportunity Announcement
FOIA	Freedom of Information Act
FPO	Federal Project Officer

Acronym	Description
FSRS	FFATA Subaward Reporting System
FY	Fiscal Year
GAAP	Generally Accepted Accounting Principles
GASB	Government Accounting Standards Board
GEMS/GMS	Grants E-Management System or Grants Management System
GSA	General Service Administration
HHS	Health and Human Services
HUD	Department of Housing and Urban Development
IC	internal controls
ICR	indirect cost rate
IFA	infrastructure funding agreement
IFB	Invitation for bid
IHE	Institution of higher education
IPERA	Improper Payments and Elimination and Recovery Act
IR	incident report
IT	information technology
ITA	individual training account
JTPA	Job Training Partnership Act
LEP	limited English proficiency
LMI	labor market information
LWDB	local workforce development board
LX	labor exchange
MIS	management information system
MMDA	Money Market Deposit Accounts
MOU	memorandum of understanding
MSFW	Migrant and Seasonal Farmworker
NFE	non-Federal entity
NFJP	National Farmworker Jobs Program
NICRA	negotiated indirect cost rate agreement
OGM	Office of Grants Management
OIG	Office of the Inspector General
OJT	on-the-job training
OMB	Office of Management and Budget
OPM	Office of Personnel Management
PAR	Procurement Actions Request
PII	personally identifiable information
PMS	Payment Management System
POC	point of contact
PTE	pass-through entity
PY	Program Year
REO	Reentry Employment Opportunities
RESEA	Reemployment Services and Eligibility Assessment
RFP	request for proposal
SCSEP	Senior Community Service Employment Program
SEFA	Schedule of Expenditure for Federal Awards
SF	Standard Form
SOP	standard operating procedure

Acronym	Description
SOW	statement of work
SSA	Social Security Act
SWA	State Workforce Agency
SWCAP	Statewide cost allocation plan
SWDB	State workforce development board
TAA	Trade Adjustment Assistance
TANF	Temporary Assistance for Needy Families
TEGL	Training and Employment Guidance Letter
TEN	Training and Employment Notice
TSA	Treasury State Agreement
UG	Uniform Guidance
UI	Unemployment Insurance
UIPL	Unemployment Insurance Program Letter
VR	Vocational Rehabilitation
WIA	Workforce Investment Act of 1998
WIOA	Workforce Innovation and Opportunity Act of 2014
WOTC	Work Opportunity Tax Credit
WP or W-P	Wagner-Peyser
WPRS	Worker Profiling and Reemployment Services

Resource B. Cross reference for grant management regulations

Purpose

This table provides a cross reference of grant management requirement references. Note that additional requirements may be contained in program regulations related to ETA-funded grant programs.

Table 1. Grant management regulations

Requirement	Regulation
Audit	2 CFR Part 200 Subpart F 2 CFR § 2900.2
Audit resolution	2 CFR §§ 200.508, 200.511, and 200.521 2 CFR 2900.20-22
Federal cost principles for allowable costs	2 CFR § 200.400 – 200.419
Treatment of selected items of cost	2 CFR § 200.420 – 200.475
Uniform administrative requirements	2 CFR Part 200 Subpart D
Lobbying restrictions	29 CFR Part 93
Suspension and debarment	29 CFR Part 98 Subparts A-E
Drug-free workplace	29 CFR Part 98 Subpart F
Non-discrimination (Civil Rights)	29 CFR Part 31
Non-discrimination (basis of handicap)	29 CFR Part 32
Age Discrimination of 1975	29 CFR Part 35
EO Requirements (WIOA only)	29 CFR Part 38
Title IX – Education Amendments Act of 1972	49 CFR Part 25

Additional resources

ETA-ETA website

- http://www.doleta.gov/grants/resources.cfm

Grants management and Uniform Guidance training

- https://grantsapplicationandmanagement.workforcegps.org/

Uniform Guidance

- 2 CFR Part 200
- 2 CFR 2900

Resource C. Order of precedence

Purpose

In the event of any inconsistency between the terms and conditions of this Notice of Award and other requirements, the following order of precedence shall apply:

1. program authorizations[16]/statutes
2. other applicable Federal statutes
3. applicable appropriations[17]
4. implementing regulations
5. Executive Orders
6. OMB Circulars, including the Uniform Guidance at 2 CFR Part 200 and 2 CFR 2900
7. DOL-ETA Directives
8. Terms and conditions of the grant award

Authorizing legislation such as WIOA Public Law 113 -128 establishes policies and funding limits for programs and agencies. Appropriations legislation gives Departments authority to obligate and expend federal funds related to the program authorizations. Appropriations can further restrict

[16] Authorizing legislation such as WIOA Public Law 113 -128 establishes policies and funding limits for programs and agencies.
[17] Appropriations legislation gives Departments authority to obligate and expend federal funds related to the program authorizations. Appropriations can further restrict the purpose, time, and amount of the program authorizations. Through the Anti-Deficiency Act, Departments are prohibited from over obligating or overspending an appropriation

the purpose, time, and amount of the program authorizations. Through the Anti-Deficiency Act, Departments are prohibited from over obligating or overspending an appropriation. For example, in the event that the grant's implementing regulations and OMB Circulars (including the Uniform Guidance) conflict, the grant's regulations would prevail. Specifically speaking, a State is seeking prior approval for equipment. Based on the order of precedence identified above, the State would receive prior approval from its Governor rather than DOL's Grant Officers since WIOA regulations precedes the Uniform Guidance.

Resource D. Documentation request samples and data analyses

Purpose

The lists below outlines documentation requested from the grant subrecipient by the State Monitoring Unit for analysis prior to and while conducting a monitoring event. The grant subrecipient may make access available via a website. Documentation that cannot be provided in advance of the review will be collected during the monitoring event. Additional requests may be made during the review, as necessary.

Sample documentation to be requested for monitoring of any DOLETA funded program

- organizational chart
- grant agreement or State Plan
- list of current board members and affiliations where applicable
- board minutes where applicable
- State or local plan where applicable
- MOUs and/or IFAs where applicable
- negotiated or approved performance measures
- approved budgets for programs/grants being reviewed
- participant files, policy and management
- employer/ business services policy and management
- chart of accounts and accounting system manual
- detailed general ledger transaction history
- financial reports and accrual tracking worksheets
- cash management, draw reports, reconciliations and procedures

- cost allocation methodologies to include either a negotiated indirect cost agreement and/or approved cost allocation plan (if applicable)
- debit cards, transit cards, gas card and gift cards logs, and reconciliations
- improper payment policy, SAM verification, and Do Not Pay list
- procurement and/or purchasing policy
- code of conduct and conflict of interest policy and forms
- current leases and contracts
- subrecipient financial and performance reports
- performance standards by program, reports and management reports
- match records and supporting documentation
- travel vouchers
- audits and audit resolution at subrecipient level
- single audit reports for the last three fiscal years
- monitoring reports, schedules and review instrument
- recent complaints and grievances – policy and appeal process
- Civil Rights and EEO Policies, forms and appeal process
- recently filed incident reports and policy
- property (real and personal) management – policy and inventory list
- participant supportive services policy
- participant training contracts (on-the-job training, customized training, etc.) and individual training accounts
- records – retention, custody, schedule security, and transfer policies
- agency disaster plan and recovery
- grant/contract closeout

Sample documentation to be requested for monitoring of local WIOA Title I adult, dislocated worker, and youth programs

- applicable program and local area policies and procedures
- local area organizational chart or charts
- local areas customer flow
- completed local board monitoring schedule and reports for PY [year], including all associated correspondence
- completed subrecipient monitoring schedule and reports for PY [year], including all associated correspondence
- local area complaint log
- local area complaint policies and procedures
- local area policies regarding “requires additional assistance” youth barrier
- schedules for available local area workshops for [timeframe]
- local area procedures for determining programmatic eligibility

Sample documentation to be requested for monitoring of WIOA Title III Wagner-Peyser Employment Service

- applicable State-level policies and procedures
- program-level monitoring reports, tools, and schedule for [timeframe]
- business services staff organizational chart
- business services policies and procedures
- MOU with partners for services at local one-stop partners
- assessment tools
- relevant State performance reports
- training materials, including handbooks and PowerPoints
- list of randomly selected RESEA case files for [timeframe]

Sample documentation to be requested for monitoring of performance management and reporting

- current organizational chart that reflects/highlights units/divisions/staff responsible for preparing, reviewing, submitting, and certifying reports to ETA

- State policies, guides, or handbooks regarding performance and reporting, including performance monitoring policies and examples of monitoring reports or corrective action letters
- labor exchange and WIOA Title I and Title III performance reports and MIS data flow charts
- any data management, data quality, and internal performance reports routinely prepared for internal monitoring, continuous improvement, and compliance
- any performance management systems/tools/analyses made available to the local boards and local area administrative entity staff

Sample documentation to be requested for monitoring of Reemployment Services and Eligibility Assessment/Worker Profiling and Reemployment Services (RESEA/WPRS)

State-level documentation request

- policies and procedures
- Reemployment Services and Eligibility Assessment (RESEA) MOUs with UI/partners for services provided at the local level
- monitoring tools and plans;
- training that has been conducted;
- tools used for RESEA: career action plan, work search plan, LMI provided, etc.
- all RESEA/WPRS monitoring reports
- RESEA/WPRS assessment tools
- WPRS model characteristics and numbers served through profiling model (quarterly or weekly)
- model usage and variables for RESEA program
- RESEA/WPRS customer feedback for FY [year]
- any relevant RESEA/WPRS State management reports
- list of randomly selected RESEA case files for [timeframe]

Local-level documentation request

- RESEA/WPRS customer flow for participants and referrals to training, business services connections, etc.
- desk references/guides or training materials provided to RESEA/WPRS counselors and/or program leads

- RESEA/WPRS program staff schedules for the dates State Monitoring Unit staff will be on-site or reviewing virtually to facilitate:
    - staff interviews
    - attendance at an RESEA/WPRS orientation session
    - shadowing of RESEA/WPRS participants during one-on-one sessions

Sample documentation to be requested for monitoring of Migrant and Seasonal Farmworker Program (MSFW)

State-level documentation request

- MSFW "Equity and Minimum Service Level Indicators" reports
- Agricultural Outreach Plan
- daily MSFW outreach activity logs
- complaint logs
- monitoring reports
- corrective action reports
- agricultural labor force information (i.e., number of agricultural workers and agricultural employers in the State and local service delivery areas
- State policies regarding:
    - MSFW services
    - complaints
    - agricultural job orders
    - agricultural recruitment services
    - Limited English Proficiency (LEP) services available at local one-stop centers
    - business services outreach and services to agricultural employers
    - MOUs or other agreements with local area partners

Local-area documentation request

- local area staffing resources: availability of bilingual staff (Spanish, Arabic, etc.) in significant offices

- local area service plan
- information on best practices developed by local areas to serve MSFWs
- brief summary of circumstances or events (positive or negative) that impacts or has impacted local performance
- random sample of MSFW applicants and non-MSFW applicants for [timeframe]
- lists of agricultural job orders and non-agricultural job orders for [timeframe]
- daily outreach logs
- job service complaint logs

Sample documentation to be requested for financial and administrative monitoring

State Level – Documentation Request:

- Accounting policies, including accrual reporting;
- Approved annual fiscal year budget;
- Approved cost allocation plan or indirect cost rate agreement;
- Audit resolution;
- Budget management;
- Cash management – funds request, funds obligation, disbursement, petty cash;
- Cash Management Improvement Act (CMIA) Agreement.
- Code of conduct;
- Compensation and fringe benefits inclusive of salary and bonus limitations;
- Complaints and grievances, including Civil Rights – filing and resolution;
- Cost Allocation Plan (CAP) or approved Negotiated Indirect Cost Rate Agreement (NICRA);
- Electronic access to financial and administrative policies and procedures (e.g., access to Federal reviewers must be available during the entire State review period);
- Fiscal unit organizational chart, including staff names and titles;
- Guidance notices (e.g., internal memorandums) issued on policies listed above;
- Incident reporting;

- Individual Training Accounts (ITA);
- Latest Federal financial reporting (ETA 9130 financial reports);
- On-the-Job (OJT) Training;
- Payroll register for selected dates;
- Personnel policies and procedures;
- Policies regarding determination of allowable costs;
- Procurement documentation (selection to be made on site);
- Property and equipment management policy;
- Protection of Personally Identifiable Information (PII) policy;
- Records retention policy;
- Subrecipient audits and subrecipient audit resolution;
- Subrecipient monitoring and monitoring resolution, appeals and hearings;
- Supporting documentation for all program income and match; and
- Support services, incentives/stipends.

Items below pertain to PY [year]/FY [year] WIOA, UI, and ES grants

- Last State Single Audit report including Management Letter – FY ended [June 30 of PY to be reviewed] (or FY ended June 30, xxx if the xxx audit report has not been published);
- Active corrective action plans required by Single Audit findings;
- List showing the results of the subrecipients' last single audit;
- List of all Requests for Proposals (RFPs) issued;
- List of subrecipient grant agreements
- List of contracts awarded;
- Property inventory;
- List of bank accounts;
- Chart of accounts;

- Trial balance, including sub-accounts as of [June 30 of PY to be reviewed];
- Bank statements to document cash receipts and disbursements;
- List of subrecipient grant agreements;
- List of sole source contracts and justifications;
- The last budget management report - budget to actual comparison;
- The schedule for subrecipient monitoring activities and monitoring internal management report with results and resolution; and
- List showing the results of the subrecipients' last single audits.

In addition, the following documentation must be readily available during the review:

- Subrecipients' grant agreements, contracts, and RFPs;
- Subrecipients' monitoring reports and corrective action plans;
- Subrecipients' audit reports, corrective action plans, and determinations issued by the LWDB;
- ETA-9130 WIOA and ES quarterly financial reports and supporting documentation;
- Real property records (be prepared to discuss the status of this property, including the amortization status and provide documentation updates as needed);
- Bank reconciliations;
- Job descriptions for positions paid by the grant;
- Approved WIOA waivers; and
- Supporting documentation for disbursement transactions, cash requests, payroll timesheets, and personnel listing.

WIOA Local Area – Documentation Request:

- Fiscal unit organizational chart including staff names and titles:
- Accounting policies, including accrual reporting;
- Approved annual fiscal year budget;
- Approved cost allocation plan or indirect cost rate agreement;
- Audit resolution;

- Budget management;
- Cash management – funds request, funds obligation, disbursement, petty cash;
- Cash Management Improvement Act (CMIA) Agreement.
- Code of conduct;
- Compensation and fringe benefits inclusive of salary and bonus limitations;
- Complaints and grievances, including Civil Rights – filing and resolution;
- Cost Allocation Plan (CAP) or approved Negotiated Indirect Cost Rate Agreement (NICRA);
- Electronic access to financial and administrative policies and procedures (e.g., access to Federal reviewers must be available during the entire State review period);
- Fiscal unit organizational chart, including staff names and titles;
- Guidance notices (e.g., internal memorandums) issued on policies listed above;
- Incident reporting;
- Individual Training Accounts (ITA);
- Latest Federal financial reporting (ETA 9130 financial reports);
- On-the-Job (OJT) Training;
- Payroll register for selected dates;
- Personnel policies and procedures;
- Policies regarding determination of allowable costs;
- Procurement documentation (selection to be made on site);
- Property and equipment management policy;
- Protection of Personally Identifiable Information (PII) policy;
- Records retention policy;
- Subrecipient audits and subrecipient audit resolution;
- Subrecipient monitoring and monitoring resolution, appeals and hearings;
- Supporting documentation for all program income and match; and

- Support services, incentives/stipends.
- Items below pertain to PY [year]/FY [year] WIOA and ES Grants:
- List of all Requests for Proposals (RFPs) issued;
- List of subrecipient grant agreements;
- List of contracts awarded;
- List of sole source contracts and justifications;
- Approved annual fiscal year budget;
- Last budget management report - budget to actual comparison;
- List of bank accounts;
- Chart of accounts/trial balance, including sub-accounts as of [June 30 of PY to be reviewed];
- Schedule for subrecipient monitoring activities and monitoring internal management report with results and resolution; and
- List showing the results of the subrecipients' last single audits.

In addition, the following documentation must be readily available:

- Memorandums of Understanding (MOUs);
- Subrecipients grant agreements, contracts, and RFPs;
- Property inventory;
- Last Single Audit Report, including management letter;
- Subrecipients' monitoring reports and corrective action plans;
- Subrecipients' audit reports, corrective action plan and determinations issued by the SWDB;
- Bank reconciliations; and
- Supporting documentation for disbursement transactions, cash requests, payroll timesheets, and personnel listing.

Resource E. Analysis for on-site monitoring

Purpose:

Below is a list of suggested analyses that a Reviewer can add to his/her arsenal of tools to assist in conducting an on-site monitoring review. A Reviewer can use these analyses to identify areas to target and prioritize when planning an on-site monitoring, but this list is not exhaustive and that there are many more analyses that can be performed.

Content analysis

Content analysis is a technique used to understand the meaning of the information provided that uncovers the what, where and when, which enables the Reviewer to gain more knowledge about the project. For instance, doing a content analysis of a project prompts questions such as: What is the service that is provided? How is that service provided? When does that service occur in the grant's period of performance? Where is the service provided? Why is the service needed?

A key question is: Is all of the information that should be part of the document present? There may be a possibility that not all the information is contained in a single document. Reviewers must read several other documents to get the full picture. By doing so, they are simultaneously connecting new information with what they may already know about the grant.

Cross-checking analysis

This analysis goes a step further than content analysis and asks that the Reviewer to further analyze data and identify how sets of data relate to each other. Sometimes, using additional documents can provide more clarity and/or validate results of a document. Use the remaining documents from the project's work plan and the Performance Report Period and cross-check documents that seem appropriate with one another.

For the purpose of the monitoring, activity/expenditures are checked against one another from different documents; but also, against the laws, Federal regulations, and Grant Terms and Conditions. For example, a simple cross-checking analysis using the general ledger and payment vouchers can demonstrate to the Reviewer supporting evidence for the procurement, payment, and approval process.

Since most competitive grant subrecipients are not required to provide detailed financial or performance data Reviewers should focus on what is required to submit on a quarterly basis for their programs.

Variance analysis

Variance analysis is conducted to understand the difference between actual and planned data. By nature, variance analysis uses numbers; thus, documents such as budgets would be ideal when doing a variance analysis. The analysis highlights the existence and size of variance during a review period established by the Reviewer. A variance analysis can be a trend line that shows difference on a monthly or quarterly basis, which would significantly aid the analysis of the data and may give a financial picture to the overall progress of the grant.

Since most competitive grant subrecipients are not required to provide detailed financial or performance data Reviewers should focus on what is required to submit on a quarterly basis for their programs.

Resource F. Using effective interviewing techniques

Purpose:

Use this resource as a guide for interviews.

Interviews are tools for gathering context that is often used to validate the information that is collected from multiple written sources. By conducting interviews, Reviewers can identify causes and address them effectively.

Types of interviews range from completely unstructured in which the grant subrecipient staff speaks freely about any topic they desire, to highly structured in which Reviewer ask series of questions and directs the grant subrecipient staff to limit their answers and comments to only these questions directly. The quality of the data collected in an interview depends on both the interview design and on the skill of the interviewer. It may occur that the questions are not understood by the grant subrecipient's staff or the Reviewer consciously or unconsciously influences the responses that the grant subrecipient's staff provides. This, in turn, affects the information collected.

The CMG is equipped with questions to help Reviewers conduct a semi-structured interview. However, Reviewers are not confined to the format. They are free to use an unstructured interview approach if that works for the particular subject about which the Reviewer is inquiring. Sometimes, a Reviewer can get a lot of new information from an unstructured interview simply because the grant subrecipient staff feels at ease to speak freely and, thus, increases the validity of the data.

There are several types of questions that are used in interviews: close-ended, open-ended, probing, reflective, and summarizing. Depending on the types of questions that are used, some interviews encourage lengthy and detailed replies while others are designed to elicit short and specific responses.

Types of questions

Closed-ended questions

Provide direct answers to questions and leave limited opportunity for detail. These questions usually require the grant subrecipient staff to answer "yes" or "no" or provide exact information and precise details that answer the question.

For example, the Reviewer may ask: Did you increase youth enrollment in the program for the year 2017? There is a possibility that the grant subrecipient staff responds by saying yes by 50%. However, in the event that the staff answered no, it unlocks the opportunity for the Reviewer to ask open-ended questions.

Open-ended questions

Define the topic being reviewed but also provides opportunities for the Reviewer to discuss the topic. With open-ended questions, the grant subrecipient staff has the opportunity to clarify their responses.

For example, the Reviewer may ask: In the past, how did the staff promote youth participation in the program? Chances are that the grant subrecipient iterates all the practices that led to increasing youth participation. The Reviewer can pick a few of these answers and probe the grant subrecipient staff for further explanation.

Probing questions

Are other techniques used during interviews? Reviewers can use probing to go deeper into a particular subject or answer in order to understand the rationale or reason behind. Probing gives the grant subrecipient staff more latitude to provide further details. 188 Appendix: Comprehensive Monitoring Guide Resource F: Using Effective Interviewing Techniques

During probing, a Reviewer may ask: You said x and y, now what is the difference between those two? What do you think would happen if…?

Reflective questions

Require the grant subrecipient staff to reflect on a situation and describe it. Such technique allows the grant subrecipient staff to provide more detail on the cause and effect on a problem.

For example, the Reviewer may ask: What other facts or issues do you think are relevant to the low youth participation in your program?

Lastly, it is of utmost important to relate the information the grant subrecipient staff shared back to the staff by summarizing the key points of the discussion. Summarizing highlights important information, reiterates what was said, acknowledges the grant subrecipient's staff opinion, displays the Reviewer's ability to listen, and confirms the Reviewer's understanding of what was discussed. Summarizing is not always an indication that the interview is concluded. Sometimes, it helps to summarize parts of a discussion in order to ask a very specific question. For example, the Reviewer may ask: To summarize, x happened. So now you plan on doing what about it?

Resource G. Sampling methodology

Purpose

A representative sampling of the total population pool should be used when determining samples for testing. For example, where training is a key component of the grant, reviewers should select a sample from a listing that contains the entire population and consider selecting files for participants not yet in training, both participants in short and long-term training options and participants who completed and dropped out of training those that found employment post-training and those who did not, participants from different training providers, and a mix of occupations for which training was selected.

General steps

Below are some general steps to keep in mind when sampling:

1. Define the population: Defining the target population should be in line with the Objective of the review. Therefore, the reviewer's first step in selecting a good sample is to draw different elements from the database to ensure that the target population is well represented. Try to obtain the population pool in the most automated way possible for ease of sampling (e.g., use a database spreadsheet file and filter through by age, years of participation or other parameters established by the grant subrecipient's system.)

2. Specify a sampling frame: The target population is sampled using a sampling frame. Often the units in the population can be identified by existing information (e.g., participant listing, general ledger, listing of contracts, payroll records, etc.). A sampling frame could also be dollar amounts; for example, select costs that are more than a certain dollar amount (e.g., costs in excess of $150,000 are selected).

3. Specify a sampling method: There are basically two ways to choose a sample from a sampling frame: randomly or non-randomly. There are benefits to both. If the sampling frame is approximately the same demographic makeup as the population, it would probably be more beneficial to randomly select the sample. For example, when selecting participant records, if participants are all youths in the same age group and from the same service delivery area, it would make sense to select a sample at random versus selecting a sample non-randomly.

4. Determine the sample size: In general, larger samples are better, but they also require more time and effort to manage. If the reviewer makes a sample size of 25 participant records, it takes more time than if he/she only has to go through 10 records. But the results of his/her review are stronger with 25 participant records reviewed versus 10. The reviewer has to make choices and find a balance between what gives him/her assurance regarding the grant subrecipient's progress and performance against grant performance goals and what is practical for the existing constraints (e.g., time, money, etc.).

5. Select samples: Once the reviewer knows the population, sampling frame, sampling method, and sample size, the reviewer can use all that information to make an informed decision on his/her sample.

Resource H. Monitoring finding template

Purpose

Use this resource to capture information on findings.

Disclaimer: This is not a report format. It is a tool that can be used to ensure all relevant information regarding a finding is captured while on site.

Condition

The topic sentence of the finding. A clear, concise and specific statement describing the violation of law, regulations, Uniform Guidance, national policies, etc.

Cause

The reason the condition occurred. For example, what is or was the grant subrecipient doing or not doing that resulted in the condition.

Criteria

Identify the legal citations that support the condition.

Corrective action

Identify the action(s) required to eliminate the cause, and thus the condition.

Resource I. List of items requiring prior approval

Purpose

Purpose: To aid the Reviewer in understanding the various prior approval conditions in ETA's policies and the Uniform Guidance (2 CFR Part 200) and ETA Exceptions (2 CFR Part 2900) for competitive grants. Please review 2 CFR Part 200 and 2 CFR Part 2900 for detailed descriptions of each of these prior approval conditions. In addition, review the program's grant agreement and program regulations for additional prior approval requirements. See Objective 2.a. Project Management.

The Reviewer is not authorized to change any of the terms or conditions of the award or approve prior approval requests. Any changes to the terms or conditions or prior approvals must be approved by the Grant Officer through the use of a formally executed award modification process (prior written approval) (2 CFR § 2900.16).

Policy	Prior action approval	Prior approval condition
ETA policy	De minimis rate	Must obtain written approval from the ETA grant officer
ETA policy	Use of unrecovered indirect costs to match requirements	Must obtain written approval from the ETA grant officer

Uniform guidance citation	Section title	Prior approval condition
2 CFR § 2900.10	Prior approval requests	Submit 30 days prior to effective date
2 CFR § 2900.16	Prior written approval	Only a grant officer has the authority to approve a written request Inclusion of items in an SOW or budget does not constitute prior approval

Uniform guidance citation	Section title	Prior approval condition
2 CFR § 2900.19	Student activity costs	Generally prohibited except for prior written approval for activities that meet a program requirement
2 CFR § 200.201	Use of grant agreements (including fixed amount awards), cooperative agreements, and contracts	For fixed amount awards: Changes in principal investigator, project leader, project partner, or scope of effort
2 CFR § 200.207	Specific conditions	Federal awarding or pass-through agency may impose additional specific award conditions as needed
2 CFR § 200.306	Cost sharing or matching	To claim unrecovered indirect costs Must account for cost sharing/match as they are expended (2 CFR § 2900.8)
2 CFR § 200.307	Program income	Refer to your terms and conditions of your grant agreement ETA may already require the use of 'addition' method when expending program income
2 CFR § 200.308	Revision of budget and program plans	Prior approval from Federal awarding agency for budget and program plan revisions (200.308(b)) If the Federal Share of the grant exceeds the simplified acquisition threshold, transfer of funds among direct cost categories exceeds 10 percent of the total budget, prior approval is needed (200.308(e)) Approval of award budget does not constitute prior approval (2 CFR 2900.9)
2 CFR § 200.311	Real property	Must request disposition instructions from Federal awarding agency or pass-through entity
2 CFR § 200.313	Equipment	Encumbering (200.313(d)(1)): Disposition instructions if requirement by terms and conditions of Federal award (200.313(e))
2 CFR § 200.332	Fixed amount subawards	Pass-through entities may provide subawards based on fixed amounts up to the Simplified Acquisition Threshold with prior approval
2 CFR § 200.413	Direct costs	Direct charging of salaries of administrative and clerical staff if all conditions are met: (1) administrative and clerical staff are integral to the project/activity; (2) specifically identified with a project/activity; (3) explicitly included in the budget or prior approval of the Federal awarding agency; and (4) costs are not recovered as indirect costs
2 CFR § 200.430	Compensation – personal services	Institutions of Higher Education: Incidental activities, salary basis, consulting arrangements (200.430(h)(1)(ii))-(h)(2))

Uniform guidance citation	Section title	Prior approval condition
		States, local governments and Indian tribes: Substitute processes for allocating salaries and wages to Federal awards (Federal awards of similar purpose: To account for their combined use based on performance-oriented metrics. (200.403(i)(1)(5))
2 CFR § 200.431	Compensation – fringe benefits: severance pay for abnormal or mass severance	Not allowable unless receiving prior approval to charge as indirect cost, as appropriate (200.431(i)(2)(ii))
2 CFR § 200.438	Entertainment costs	Not allowable unless authorized in approved budget or prior written approval of Federal awarding agency
2 CFR § 200.439	Equipment and other capital expenditures	Unallowable as direct charges unless receiving prior written approval for capital expenditures for: General purpose equipment, buildings and land (200.439(b)(1)); Special purpose equipment over $5000 (200.439(b)(2)); Improvements to land, buildings, or equipment which increase their value or useful life (200.439(b)(3))
2 CFR § 200.440	Exchange rates	*Not applicable* because ETA grants do not have foreign operations
2 CFR § 200.441	Fines, penalties, damages and other settlements	Costs resulting from violations of law or regulations
2 CFR § 200.442	Fund raising and investment management costs	Fund raising costs for the purpose of meeting Federal program objectives
2 CFR § 200.445	Goods or services for personal use	Cost of housing, housing allowances, and personal living expenses as direct costs (regardless of whether reported as taxable income to the employees)
2 CFR § 200.447	Insurance and indemnification	Insurance for risk of loss or damage to Federal government property
2 CFR § 200.454	Membership, subscriptions, and professional activity costs	Costs of membership in any civic or community organization
2 CFR § 200.455	Organization costs	Organization costs
2 CFR § 200.456	Participant support costs	When supportive services are expressly authorized by a program statute, regulation, or FOA, the grant award waives the prior approval requirement for participant support costs as described in 2 CFR § 200.456. Costs must still meet the basic considerations at 2 CFR §§ 200.402 – 200.411
2 CFR § 200.458	Pre-award costs	Allowable costs incurred prior to effective date of the Federal award

Uniform guidance citation	Section title	Prior approval condition
2 CFR § 200.462	Rearrangement and reconversion costs	Cost of normal and ordinary rearrangement or alteration of facilities charged as direct costs
2 CFR § 200.467	Selling and marketing costs	Cost of selling or marketing any products or services charged as direct costs
2 CFR § 200.470	Taxes (including Value Added Tax)	*Not applicable* because ETA grants do not have foreign operations
2 CFR § 200.474	Travel costs	Individuals whose costs are otherwise not allowable to Federal awards because they are included as part of the general cost of government
Appendix III, Section C.5	Negotiated Fixed Rates and Carry-Forward Provisions	Changes to carry-forward provision for indirect costs

Resource J. Procurement standards

Purpose

A quick reference to the Uniform Guidance's procurement standards. See Objective 2.d: Procurement and Contract Administration.

Uniform Guidance 2 CFR 200.317 - 200.326

- States - When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds (2 CFR § 200.317).
- All other non-federal entities - Must adhere to the Uniform Guidance at 2 CFR §§ 200.318 – 200.326, including DOL exceptions at 2 CFR Part 2900. For-Profit Entities* - OMB's approved exception applicable to DOL at 2 CFR 2900.2, expands the definition of non-Federal entities to include for-profit and foreign entities.
- All subrecipients must adhere to the Uniform Guidance at 2 CFR Part 200 and DOL Exceptions at 2 CFR 2900 including the procurement standards.

General Procurement Standards:

1. Establish written policies and procedures that address the procurement of goods and services. Establish settlement procedures related to disputes, protests, source evaluations, and claims.
2. A method of procurement to be used during the procurement process. Non-Federal entities are required to use methods of procurement described at 2 CFR 200.320 when competitively procuring.
3. Use of full and open competition. Procurement transactions must not restrict competition.
4. Application of policies in all Federal and non-Federal procurements must be consistent.
5. Establish written standards of conduct that addresses disclosure of real, apparent, and organizational conflict of interest for all involved parties, such as staff and Board members.
6. A process that promotes transparency and awarding only to responsible entities.

7. Avoid the purchase of unnecessary or duplicative items.
8. Policies and procedures that address noncompetitive or sole source procurement.
    a. Document and make available for review, the procurement history to include, but not limited to: Rationale for procurement method
    b. Rationale for contract type including MOUs
    c. Basis for contractor selection or rejection
    d. Basis for contract price or award amount
    e. Separately negotiated profit*
9. Must use a cost and price analysis for all procurements in excess of the Simplified Acquisition Threshold (small purchases) including modifications. An independent estimate of costs before receiving bids or proposals must be documented.

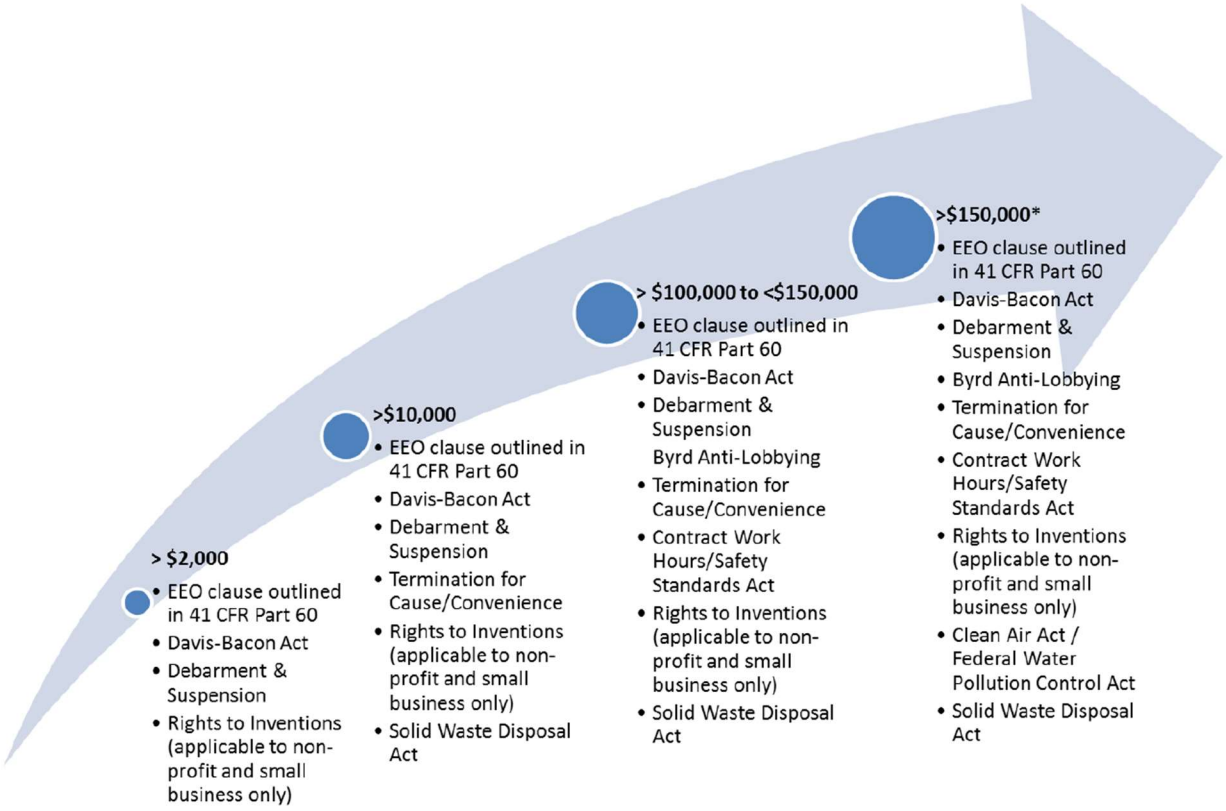
* Profit may not be earned from any Federal financial assistance award at 2 CFR 200.400(g) unless expressly authorized by the program.

Resource K. Background for contract provisions

Purpose

To provide the reviewer with guidance regarding contract provisions/clauses. (See Objective 2.d.) and Contract Provisions for non-Federal Entity Contracts Under Federal Awards 2 CFR Part 200, Appendix II.

In addition to other provisions required by the Federal agency or pass-through entity, all contracts made by the grant subrecipient under the Federal award must contain provisions covering the following, as applicable. For full text, please refer to 2 CFR Part 200, Appendix II.



Resource L. Retention of records table

Purpose

To aid the reviewer in understanding the various record retention requirements. Please review 2 CFR 200.333 to 200.337 for full description of record retention requirements. (See Objective 2.g.).

Retention and access requirements for records

What records are affected?

- All grant subrecipient and subrecipient financial and programmatic records, supporting documents; other records required by program regulations; grant agreements; and other records reasonably considered pertinent to program regulations or grant agreements

What records are not affected?

- Records maintained by contractors or subcontractors, unless required under contract

Length of retention period

- 3 years from the date of submission of the final expenditure report, or until any litigation, claim, negotiation, audit, or other action involving the records, which was started before the end of the 3-year period is resolved
- such actions never to reduce the period to less than 3 years

State date of retention period

- General
    - For grant support continued or renewed quarterly, retention period starts on the day grant subrecipient submits its expenditure report for the last quarter of the Federal fiscal year.
    - For any other period of funding, retention period begins on the day grant subrecipient or subgrant subrecipient submits its single or last expenditure report for the period. If report is waived, retention period starts on what would have been report due date.
- Real property and equipment
    - Retention period starts from the date of disposition replacement, or transfer at the direction of the awarding agency.
- Income earned post-grant
    - When required, begins from the end of grant subrecipient's fiscal year in which the income is earned.
- Indirect cost rate computations or proposals, cost allocation plans or similar computations of rate per group
    - Period starts from the date of submission to Federal government for negotiation of rate. If not submitted for negotiation, period starts from the end of the fiscal year or other accounting period covered by the proposal, plan, or computation.

Acceptable forms for records

- In addition to original records, microfilm, photocopy, or similar methods are acceptable. In accordance with the May 2013 Executive Order on Making Open and Machine Readable the New Default for Government Information, the Federal awarding agency and the grant subrecipient should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine-readable formats rather than in closed formats or on paper.

Access to records

- Awarding agency, Inspectors General, U.S. Comptroller General, and the pass-through entity, or any of their authorized representatives have right of access to any records pertinent to a grant to make audits, examinations, excerpts, and transcripts.

Expiration of rights of access

- Not limited to period of retention, but as long as the records are retained.

- FOIA does not apply to those records that remain under a grant subrecipient's control except as required under 2 CFR § 200.315. Unless required by Federal, State, local, and tribal statute, grant subrecipients are not required to permit public access to their records. The grant subrecipient's records provided to a Federal agency are generally subject to FOIA and applicable exemptions.

Resource M. SWCAP and NICRA resources

Purpose

To provide a list of resources for State-Wide Cost Allocation Plans (SWCAPs) or negotiated indirect cost rate agreements (NICRAs). See Objective 3.g: Cost Allocation/ Indirect Costs.

The Uniform Guidance identifies the cognizant agency for certain agencies regardless of the dollar amount. Please see complete guidance from 2 CFR Part 200 Appendix V: F. Negotiation and Approval of Central Service Plans.

In general, unless different arrangements are agreed to by the concerned Federal agencies, for central service cost allocation plans, the cognizant agency responsible for review and approval is the Federal agency with the largest dollar value of total Federal awards with a governmental unit. For indirect cost rates and departmental indirect cost allocation plans, the cognizant agency is the Federal agency with the largest dollar value of direct Federal awards with a governmental unit or component, as appropriate. Once designated as the cognizant agency for indirect costs, the Federal agency must remain so for a period of five years. In addition, the following Federal agencies continue to be responsible for the indicated governmental entities:

Federal agency	Governmental entity
Department of Health and Human Services	Public assistance and State-wide cost allocation plans for all States (including the DC and Puerto Rico, State and local hospitals, libraries and health districts
Department of the Interior	Indian tribal governments, territorial governments, and State and local park and recreational districts
Department of Labor	State and local labor departments
Department of Education	School districts and State and local education agencies
Department of Agriculture	State and local agricultural departments
Department of Transportation	State and local airports and port authorities and transit districts
Department of Commerce	State and local economic development districts

Federal agency	Governmental entity
Department of Housing and Urban Development	State and local housing and development districts
Environmental Protection Agency	State and local water and sewer districts

State is defined in the Uniform Guidance at 2 CFR 200.90

Indian tribe is defined in the Uniform Guidance at 2 CFR 200.54

List of resources

- Cost Allocation Services (CAS) is located within the Department of Health and Human Services (HHS), Program Support Center (PSC). HHS is designated by the OMB as the cognizant federal agency for reviewing and negotiating facility and administrative (indirect) cost rates, fringe benefit rates, special rates as determined to be appropriate, research patient care rates, Statewide cost allocation plans and public assistance cost allocation plans. These indirect cost rates and cost allocation plans are used by grant subrecipient institutions to charge Federal programs for administrative and facility costs associated with conducting Federal programs.

- Based on the cost principles established in the Uniform Guidance, State and local organizations may support the indirect costs that they incurred by submitting an Indirect Cost Rate (ICR) proposal or a Cost Allocation Plan (CAP) to their Federal cognizant agency. If DOL provides the preponderance of funds to the organization, DOL would normally be cognizant. The Division of Cost Determination is responsible for the review and approval of the proposals submitted to DOL.

- Contact information for DOL's Division of Cost Determination is accessible at http://www.dol.gov/oasam/boc/dcd/

- National Office address: 200 Constitution Avenue, N.W., S-1510, Washington, DC 20210

- DOL DCD's Guidance on Indirect Costs for State/ Local Governments: https://www.dol.gov/oasam/boc/dcd/State-guide.htm

Tools

Tool A. MOU and funding agreement worksheet

Purpose

To gather documentation to assist the Reviewer in determining if the local area's MOU funding document or Infrastructure Funding Agreement (IFA) contains the appropriate elements and meets requirements.

Use

Complete the table below for each local area reviewed. If there are multiple agreements, complete the table for a sample of partners.

Local area:			
Required one-stop partner			
Checkpoints	Y/N or date	Adequacy	Comments
1. Parties to agreement			
2. Identification of shared costs			
3. Methods of allocating costs			
4. Methods used to pay for shared costs			
5. Modification and reconciliation procedures			
6. Authority and signatures			
Is the agreement for the current period?			
Has the agreement been modified? If yes, enter date.			
Does they operate in accordance with their plan?			
In your judgement, is the processes adequate and reasonable			

For any identified finding, obtain relevant documents/reports and share them with the State Monitoring Unit Administrator.

Tool B. WIOA Title I adult participant file review

The reviewer will use the NDOL heat map to perform adult participant case file review. The heat map provides a weighted summary of the participant case file review based on the total number of non-compliant observations. Below is an example of the weighted summary resulting from observations.

[name of local area]
Finding Map
Monitoring Purposes Only

	Adult program	Dislocated worker program	Youth program	Title I Totals
Finding Count	0	0	0	0
Weighted Total	53.5%	50.5%	59.0%	54.3%
Adult Eligibility DocumentationWeighted Total	75.0%			75.0%
Insufficient documentation of SSN	1			1
Insufficient documentation of DOB	1			1
Insufficient documentation of authorization to work in US	0			0
Insufficient documentation of Selective Service status	1			1
Insufficient documentation of low-income status	1			1
Insufficient documentation of basic skills deficiency	1			1
Insufficient documentation of public assistance recipient	1			1
Insufficient documentation of veteran status	0			0
Total Number of Findings	6			6
Dislocated Worker Eligibility DocumentationWeighted Total		80.0%		80.0%
Insufficient documentation of SSN		1		1
Insufficient documentation of DOB		1		1
Insufficient documentation of authorization to work in US		0		0
Insufficiently documented Selective Service status		1		1
Insufficiently documented dislocation status		1		1
Total Number of Findings		4		4
Youth Eligibility DocumentationWeighted Total			50.0%	50.0%
Insufficient documentation of SSN			1	1
Insufficient documentation of DOB			1	1
Insufficient documentation of authorization to work in US			0	0
Insufficiently documented Selective Service status			0	0
Insufficient documentation of low-income status			1	1
Insufficiently documented in-school/out-of-school status			0	0
Insufficiently documented English language learner			1	1
Insufficiently documented offender status			0	0
Insufficiently documented homeless status			1	1
Insufficiently documented foster care status			1	1
Insufficiently documented pregnant/parenting status			0	0
Insufficiently documented disability status			1	1
Insufficiently documented pregnant/parenting status			0	0

Insufficiently documented "requires additional assistance to complete an educational program or to secure or hold employment"			0	0
Total Number of Findings			7	7
IEP/ISSWeighted Total	40.0%	60.0%	80.0%	60.0%
IEP/ISS missing or incomplete	0	0	1	1
IEP/ISS static or not up to date	0	1	1	2
Lacks clearly identified career goals	1	1	0	2
Goals did not support service delivery	0	0	1	1
Lacks client involvement statement	1	1	1	3
Total Number of Findings	2	3	4	9
Service Record	52.5%	37.5%	40.0%	43.3%
Provision of service prior to participation	0	0	0	0
Multiple activity codes for the same OST program				
Services open 90+ days without supporting documentation	1	0	1	2
Activity codes lack supporting documentation	0	1	1	2
Missing or inaccurate activity codes	1	1	0	2
Service dates do not align with supporting documentation	1	1	0	2
Gap in service > 90 days	1	0	1	2
Total Number of Findings	4	3	3	10
Case Notes	50.0%	50.0%	50.0%	50.0%
Case notes insufficiently detailed or unclear	1	0	1	2
Case notes missing	0	1	0	1
Total Number of Findings	1	1	1	3
Other	50.0%	25.0%	75.0%	50.0%
Missing or incomplete documentation showing EO/grievance procedures provided to participant	1	0	1	2
Follow up services not provided or completed	0	1	1	2
Missing or incomplete documentation for MSG	0	0	0	0
Missing or incomplete documentation for credentials	1	0	1	2
Total Number of Findings	2	1	3	6

The basis of the heat map summary is the data recorded by the reviewer in program-specific worksheets. Below is an example of a program specific source data worksheet that contributes to the weighted summary tab.

[Title I program]: [name of local area]	
Finding Map	
Monitoring Purposes Only	
	State ID #
Finding Count	
Weighted Total	
Adult Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficient documentation of Selective Service status	0
Insufficient documentation of low-income status	0
Insufficient documentation of basic skills deficiency	0
Insufficient documentation of public assistance recipient	0
Insufficient documentation of veteran status	0
Total Number of Findings	0
Dislocated Worker Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficiently documented Selective Service status	0
Insufficiently documented dislocation status	0
Total Number of Findings	0
Youth Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficiently documented Selective Service status	0
Insufficient documentation of low-income status	0
Insufficiently documented in-school/out-of-school status	0
Insufficiently documented English language learner	0
Insufficiently documented offender status	0
Insufficiently documented homeless status	0
Insufficiently documented foster care status	0
Insufficiently documented pregnant/parenting status	0
Insufficiently documented disability status	0
Insufficiently documented "requires additional assistance to complete an educational program or to secure or hold employment"	0
Total Number of Findings	0
IEP/ISSWeighted Total**	
IEP/ISS missing or incomplete	0
IEP/ISS static or not up to date	0
Lacks clearly identified career goals	0
Goals did not support service delivery	0
Lacks client involvement statement, if applicable in the local area	0
Total Number of Findings	0
Service Record	
Provision of service prior to participation	0
Multiple activity codes for the same OST program	0

Services open 90+ days without supporting documentation	0
Activity codes lack supporting documentation	0
Missing or inaccurate activity codes	0
Service dates do not align with supporting documentation	0
Gap in service > 90 days	0
*****Total Number of Findings*****	0
*****Case Notes*****	
Case notes insufficiently detailed or unclear	0
Case notes missing	0
*****Total Number of Findings*****	0
*****Other*****	
Missing or incomplete documentation showing EO/grievance procedures provided to participant	0
Follow up services not provided or completed	0
Missing or incomplete documentation for MSG	0
Missing or incomplete documentation for credentials	0
*****Total Number of Findings*****	0

Tool C. WIOA dislocated worker participant file review

The reviewer will use the NDOL heat map to perform dislocated worker participant case file review. The heat map provides a weighted summary of the participant case file review based on the total number of non-compliant observations. Below is an example of the weighted summary resulting from observations.

[name of local area]
Finding Map
Monitoring Purposes Only

	Adult program	Dislocated worker program	Youth program	Title I Totals
Finding Count	0	0	0	0
Weighted Total	53.5%	50.5%	59.0%	54.3%
Adult Eligibility DocumentationWeighted Total	75.0%			75.0%
Insufficient documentation of SSN	1			1
Insufficient documentation of DOB	1			1
Insufficient documentation of authorization to work in US	0			0
Insufficient documentation of Selective Service status	1			1
Insufficient documentation of low-income status	1			1
Insufficient documentation of basic skills deficiency	1			1
Insufficient documentation of public assistance recipient	1			1
Insufficient documentation of veteran status	0			0
Total Number of Findings	6			6
Dislocated Worker Eligibility DocumentationWeighted Total		80.0%		80.0%
Insufficient documentation of SSN		1		1
Insufficient documentation of DOB		1		1
Insufficient documentation of authorization to work in US		0		0
Insufficiently documented Selective Service status		1		1
Insufficiently documented dislocation status		1		1
Total Number of Findings		4		4
Youth Eligibility DocumentationWeighted Total			50.0%	50.0%
Insufficient documentation of SSN			1	1

Insufficient documentation of DOB			1	1
Insufficient documentation of authorization to work in US			0	0
Insufficiently documented Selective Service status			0	0
Insufficient documentation of low-income status			1	1
Insufficiently documented in-school/out-of-school status			0	0
Insufficiently documented English language learner			1	1
Insufficiently documented offender status			0	0
Insufficiently documented homeless status			1	1
Insufficiently documented foster care status			1	1
Insufficiently documented pregnant/parenting status			0	0
Insufficiently documented disability status			1	1
Insufficiently documented pregnant/parenting status			0	0
Insufficiently documented "requires additional assistance to complete an educational program or to secure or hold employment"			0	0
Total Number of Findings			7	7
IEP/ISSWeighted Total	40.0%	60.0%	80.0%	60.0%
IEP/ISS missing or incomplete	0	0	1	1
IEP/ISS static or not up to date	0	1	1	2
Lacks clearly identified career goals	1	1	0	2
Goals did not support service delivery	0	0	1	1
Lacks client involvement statement	1	1	1	3
Total Number of Findings	2	3	4	9
Service Record	52.5%	37.5%	40.0%	43.3%
Provision of service prior to participation	0	0	0	0
Multiple activity codes for the same OST program				
Services open 90+ days without supporting documentation	1	0	1	2
Activity codes lack supporting documentation	0	1	1	2
Missing or inaccurate activity codes	1	1	0	2
Service dates do not align with supporting documentation	1	1	0	2
Gap in service > 90 days	1	0	1	2
Total Number of Findings	4	3	3	10
Case Notes	50.0%	50.0%	50.0%	50.0%
Case notes insufficiently detailed or unclear	1	0	1	2
Case notes missing	0	1	0	1
Total Number of Findings	1	1	1	3
Other	50.0%	25.0%	75.0%	50.0%
Missing or incomplete documentation showing EO/grievance procedures provided to participant	1	0	1	2
Follow up services not provided or completed	0	1	1	2
Missing or incomplete documentation for MSG	0	0	0	0
Missing or incomplete documentation for credentials	1	0	1	2
Total Number of Findings	2	1	3	6

The basis of the heat map summary is the data recorded by the reviewer in program-specific worksheets. Below is an example of a program specific source data worksheet that contributes to the weighted summary tab.

[Title I program]: [name of local area]	
Finding Map	
Monitoring Purposes Only	

	State ID #
Finding Count	
Weighted Total	
Adult Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficient documentation of Selective Service status	0
Insufficient documentation of low-income status	0
Insufficient documentation of basic skills deficiency	0
Insufficient documentation of public assistance recipient	0
Insufficient documentation of veteran status	0
Total Number of Findings	0
Dislocated Worker Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficiently documented Selective Service status	0
Insufficiently documented dislocation status	0
Total Number of Findings	0
Youth Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficiently documented Selective Service status	0
Insufficient documentation of low-income status	0
Insufficiently documented in-school/out-of-school status	0
Insufficiently documented English language learner	0
Insufficiently documented offender status	0
Insufficiently documented homeless status	0
Insufficiently documented foster care status	0
Insufficiently documented pregnant/parenting status	0
Insufficiently documented disability status	0
Insufficiently documented "requires additional assistance to complete an educational program or to secure or hold employment"	0
Total Number of Findings	0
IEP/ISSWeighted Total**	
IEP/ISS missing or incomplete	0
IEP/ISS static or not up to date	0
Lacks clearly identified career goals	0
Goals did not support service delivery	0
Lacks client involvement statement, if applicable in the local area	0
Total Number of Findings	0
Service Record	
Provision of service prior to participation	0
Multiple activity codes for the same OST program	0
Services open 90+ days without supporting documentation	0
Activity codes lack supporting documentation	0
Missing or inaccurate activity codes	0
Service dates do not align with supporting documentation	0
Gap in service > 90 days	0
Total Number of Findings	0

Case Notes	
Case notes insufficiently detailed or unclear	0
Case notes missing	0
Total Number of Findings	0
Other	
Missing or incomplete documentation showing EO/grievance procedures provided to participant	0
Follow up services not provided or completed	0
Missing or incomplete documentation for MSG	0
Missing or incomplete documentation for credentials	0
Total Number of Findings	0

Tool D. WIOA youth participant file review

The reviewer will use the NDOL heat map to perform youth participant case file review. The heat map provides a weighted summary of the participant case file review based on the total number of non-compliant observations. Below is an example of the weighted summary resulting from observations.

[name of local area]
Finding Map
Monitoring Purposes Only

	Adult program	Dislocated worker program	Youth program	Title I Totals
Finding Count	0	0	0	0
Weighted Total	53.5%	50.5%	59.0%	54.3%
Adult Eligibility DocumentationWeighted Total	75.0%			75.0%
Insufficient documentation of SSN	1			1
Insufficient documentation of DOB	1			1
Insufficient documentation of authorization to work in US	0			0
Insufficient documentation of Selective Service status	1			1
Insufficient documentation of low-income status	1			1
Insufficient documentation of basic skills deficiency	1			1
Insufficient documentation of public assistance recipient	1			1
Insufficient documentation of veteran status	0			0
Total Number of Findings	6			6
Dislocated Worker Eligibility DocumentationWeighted Total		80.0%		80.0%
Insufficient documentation of SSN		1		1
Insufficient documentation of DOB		1		1
Insufficient documentation of authorization to work in US		0		0
Insufficiently documented Selective Service status		1		1
Insufficiently documented dislocation status		1		1
Total Number of Findings		4		4
Youth Eligibility DocumentationWeighted Total			50.0%	50.0%
Insufficient documentation of SSN			1	1
Insufficient documentation of DOB			1	1
Insufficient documentation of authorization to work in US			0	0
Insufficiently documented Selective Service status			0	0
Insufficient documentation of low-income status			1	1
Insufficiently documented in-school/out-of-school status			0	0
Insufficiently documented English language learner			1	1

Insufficiently documented offender status			0	0
Insufficiently documented homeless status			1	1
Insufficiently documented foster care status			1	1
Insufficiently documented pregnant/parenting status			0	0
Insufficiently documented disability status			1	1
Insufficiently documented pregnant/parenting status			0	0
Insufficiently documented "requires additional assistance to complete an educational program or to secure or hold employment"			0	0
Total Number of Findings			7	7
IEP/ISSWeighted Total	40.0%	60.0%	80.0%	60.0%
IEP/ISS missing or incomplete	0	0	1	1
IEP/ISS static or not up to date	0	1	1	2
Lacks clearly identified career goals	1	1	0	2
Goals did not support service delivery	0	0	1	1
Lacks client involvement statement	1	1	1	3
Total Number of Findings	2	3	4	9
Service Record	52.5%	37.5%	40.0%	43.3%
Provision of service prior to participation	0	0	0	0
Multiple activity codes for the same OST program				
Services open 90+ days without supporting documentation	1	0	1	2
Activity codes lack supporting documentation	0	1	1	2
Missing or inaccurate activity codes	1	1	0	2
Service dates do not align with supporting documentation	1	1	0	2
Gap in service > 90 days	1	0	1	2
Total Number of Findings	4	3	3	10
Case Notes	50.0%	50.0%	50.0%	50.0%
Case notes insufficiently detailed or unclear	1	0	1	2
Case notes missing	0	1	0	1
Total Number of Findings	1	1	1	3
Other	50.0%	25.0%	75.0%	50.0%
Missing or incomplete documentation showing EO/grievance procedures provided to participant	1	0	1	2
Follow up services not provided or completed	0	1	1	2
Missing or incomplete documentation for MSG	0	0	0	0
Missing or incomplete documentation for credentials	1	0	1	2
Total Number of Findings	2	1	3	6

The basis of the heat map summary is the data recorded by the reviewer in program-specific worksheets. Below is an example of a program specific source data worksheet that contributes to the weighted summary tab.

[Title I program]: [name of local area]	
Finding Map	
Monitoring Purposes Only	
	State ID #
Finding Count	
Weighted Total	
Adult Eligibility DocumentationWeighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0

Insufficient documentation of Selective Service status	0
Insufficient documentation of low-income status	0
Insufficient documentation of basic skills deficiency	0
Insufficient documentation of public assistance recipient	0
Insufficient documentation of veteran status	0
*****Total Number of Findings*****	0
*****Dislocated Worker Eligibility Documentation***Weighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficiently documented Selective Service status	0
Insufficiently documented dislocation status	0
*****Total Number of Findings*****	0
*****Youth Eligibility Documentation***Weighted Total**	
Insufficient documentation of SSN	0
Insufficient documentation of DOB	0
Insufficient documentation of authorization to work in US	0
Insufficiently documented Selective Service status	0
Insufficient documentation of low-income status	0
Insufficiently documented in-school/out-of-school status	0
Insufficiently documented English language learner	0
Insufficiently documented offender status	0
Insufficiently documented homeless status	0
Insufficiently documented foster care status	0
Insufficiently documented pregnant/parenting status	0
Insufficiently documented disability status	0
Insufficiently documented "requires additional assistance to complete an educational program or to secure or hold employment"	0
*****Total Number of Findings*****	0
*****IEP/ISS***Weighted Total**	
IEP/ISS missing or incomplete	0
IEP/ISS static or not up to date	0
Lacks clearly identified career goals	0
Goals did not support service delivery	0
Lacks client involvement statement, if applicable in the local area	0
*****Total Number of Findings*****	0
*****Service Record*****	
Provision of service prior to participation	0
Multiple activity codes for the same OST program	0
Services open 90+ days without supporting documentation	0
Activity codes lack supporting documentation	0
Missing or inaccurate activity codes	0
Service dates do not align with supporting documentation	0
Gap in service > 90 days	0
*****Total Number of Findings*****	0
*****Case Notes*****	
Case notes insufficiently detailed or unclear	0
Case notes missing	0
*****Total Number of Findings*****	0
*****Other*****	
Missing or incomplete documentation showing EO/grievance procedures provided to participant	0
Follow up services not provided or completed	0

Missing or incomplete documentation for MSG	0
Missing or incomplete documentation for credentials	0
*****Total Number of Findings*****	0

Tool E. Budget comparison tool

Purpose

To assist the Reviewer in performing a budget-to-actual comparison. See Indicator 2.b.1: Budget Controls.

Use

Enter data from the grant sub recipient's books of account.

	Budget categories										
	Personnel	Fringe benefits	Travel	Equipment	Supplies	Contractual	Construction	Other	Total direct charges	Indirect changes	Totals
Year 1: $ budgeted											
Year 2: % budgeted											

Variance analysis is conducted to understand the difference between actual and planned data. By nature, variance analysis uses numbers; thus, documents such as budgets would be ideal when doing a variance analysis. The analysis highlights the existence and size of variance during a review period established by the Reviewer. A variance analysis can be a trend line that shows difference on a monthly or quarterly basis, which would significantly aid the analysis of the data and may give a financial picture to the overall progress of the grant.

Note. Because most competitive grant subrecipients are not required to provide detailed financial or performance data reviewers should focus on what is required to submit on a quarterly basis for their programs."

Tool F. Procurement and purchasing policy checklist

Purpose

To assist the reviewer in determining that the grant subrecipient's procurement policies include all the required elements defined under the Uniform Guidance for Procurement Standards. (See Indicator 2.d.1.)

Use

Obtain a copy of the grant subrecipient's procurement/purchasing policies and procedures and review for the following elements listed below in the procurement policy checklist. Note that States must follow the same policies and procedures it uses for procurement with non-Federal funds (2 CFR 200.317).

Procurement policy checklist

Required element	Complied (yes/no)	Comments
Consistency with procurement standards in the Uniform Guidance at 2 CFR §§ 200.18 – 200.326		
Includes expanded code-of-conduct and conflict-of-interest statements found in the Uniform Guidance		
Describes the following procurement methods: • micro-purchase (< $3,500) • simplified acquisition threshold (>$150k[18]) • sealed bids (formal advertising such as IFBs) • competitive proposals (requests for proposals) • non-competitive proposals (sole • source) • professional or qualifications-based services		
Boilerplate terms and conditions updated to include: • Contract provisions found in Appendix II to the Uniform Guidance • Clauses required by the Federal agency, such as national policy or Federal appropriation items that were included in the grant award		
Addresses contractor's past performance or risk assessment conducted		
Outlines steps for bidder/ contractor complaints, grievances, and resolution		

[18] Subject to change: Thresholds are set by the Federal Acquisition Regulations (FAR) at 48 CFR Subpart 2.1 and 41 USC 1908

Required element	Complied (yes/no)	Comments
Outlines procedures to confirm contractor status on debarment or suspension on SAM.gov		
Contains steps for conducting: • cost and/or price analysis • leave versus buy analysis • negotiation of profit		
May include sections on contract types/vehicles including performance-based contracts		

Tool G. Procurement history file

Purpose

To assist the Reviewer in the review of the grant subrecipient's procurement history file contains evidence or documentation of the five phases of the procurement process. See Indicator 2.d.4: Cost or Price Analysis and Indicator 3.g.1: Cost Allocation Principles.

Use

Obtain a sample of procurement/purchasing actions from the grant subrecipient. Review the procurement history file and complete the following checklist below.

1. Planning phase. Is there documentation or evidence of the following activities?

    a. identification of need (duties/responsibilities, budget, period of performance, performance levels, etc.);

    b. development of solicitation (RFP, IFB, etc.);

    c. development of factors for evaluation/scoring; and

    d. identification of panel and signatory authority.

2. Release and evaluation phase. Is there documentation or evidence of the following activities?

    a. publication of publication procurement solicitation;

    b. hosting bidders conference to ensure clarify of requirements;

    c. collection of proposals/bids;

    d. scoring and evaluation of proposals/bids; and

    e. justification for a sole source selection.

3. Negotiation and selection phase. Is there documentation or evidence of the following activities?
    a. offer and acceptance;
    b. awarded to a responsible entity(ies);
    c. negotiation of performance levels;
    d. negotiation of fair and reasonable profit (if applicable);
    e. negotiation of payment details and frequency;
    f. negotiation of duration of contract, MOU, or agreement;
    g. obtain approval (if applicable);
    h. evidence that an offer and acceptance was made; and
    i. execution of a legal contract, MOU, or agreement.
4. Implementation phase. Is there documentation or evidence of the following activities?
    a. conduct of oversight and monitoring where requires and applicable;
    b. issuance of timely invoices;
    c. release of timely payments;
    d. monitoring performance in accordance with performance and service deliverables;
    e. evaluate and approve contract, MOU, and agreement modifications.
5. Closeout phase. Is there documentation or evidence of the following activities?
    a. reconciliation of costs and payments including cash advances;
    b. reconciliation of performance goals with actual performance;
    c. custody of participant and financial records; and
    d. preparation of closeout letter or notice.

Best practices

- At least a 30-day response time for receipt of bids or proposals from the date of issuance of a solicitation in widely circulated publications and websites.
- Including a brief questionnaire in RFPs or IFBs asking each organization to explain why it will or will not submit a proposal or bid.

- At this phase, if a sufficient number of proposals/bids have not been submitted (less than two, in the case of sealed bids) or if the submitted proposals/bids do not reach an awardable score based upon the evaluation criteria, an entity may develop an award under a sole source method consistent with 2 CFR § 200.320(f).

- Consideration should be given to such matters as integrity, compliance with public policy, record of past performance and technical resources.

Tool H. Subaward review worksheet

Purpose

To aid the reviewer in gathering information used to determine if the grant subrecipient has an adequate system for administration of subawards. (See Indicator 2.d.5. and Indicator 2.f.3.)

Use

Obtain a list of subawards from the grand subrecipient; then, select a sample and complete the subawards checklist below.

				Review subawards to confirm inclusion of the following components (yes/no)					
Name of subrecipient	Amount of subaward	statement of work	Authorized offices and purpose	Federal regulations	Uniform guidance	Audit requirement	Administrative remedies for cause of	Record retention requirements	Grant terms and conditions

Tool I. Contract review checklist

Purpose

To assist the reviewer in reviewing procurement contracts to ensure that procurement contracts contain all basic elements of a contract. (See Indicator 2.d.5. and Indicator 3.g.1.)

Use

Obtain a sample of MOUs, contracts, and agreements into which the grant subrecipient has entered. Based on a review of each MOU, contract, and agreement, indicate in the checklists below the page(s) on which the required information appears in each.

MOU, contract, and agreement check lists

Basic elements	Page number(s)	Comments
Includes signatures and dates of the parties		
Specifies a statement of work		
Specifies a period of performance		
Authorized purpose and officials		
Outlines payment schedule		

Performance elements	Page number(s)	Comments
Negotiated performance levels to be achieved		
Description of services being provided		
Methods for monitoring performance		
Methods for reporting performance		

Specific Contract Provisions and Clauses	Page number(s)	Comments
Items contained in the Appendix II to 2 CFR Part 200 — Contract Provisions for Non-Federal Entity Contracts Under Federal Awards		
Items required by the Federal agency such as national policy provisions or provisions specific to the appropriation in which the award/ contract is funded		
Recordkeeping, record access, and record retention requirements for participant, employee, financial and indirect costs records		
Modification and amendment process		
Copyrights and rights to data		
Termination for breach, default, cause and convenience including lack of funding		

Specific Contract Provisions and Clauses	Page number(s)	Comments
Dispute, grievance, and claims process		
Compliance with applicable requirements, laws and regulations		
Compliance with single audit requirements, if applicable		

Tool J. Subrecipient monitoring reports worksheet

Purpose

To assist the reviewer in determining the adequacy of the pass-through entity's monitoring process, including resolution and follow-up.

Use

Select a sample of subrecipients monitored by the pass-through entity. Answer the questions in the table below and use the information to complete the questions in Indicator 2.f.4.

Monitoring reports worksheet

Entity	Participant State ID	Participant State ID	Participant State ID	Participant State ID
Program/ Area of Review				
Was it monitored? (Y/N)				
Date of monitoring				
Date of report				
Number of findings				
Questioned costs? (Y/N)				
Resolution of findings	___# closed ___# open ___# in process	___# closed ___# open ___# in process	___# closed ___# open ___# in process	___# closed ___# open ___# in process
Follow-up actions taken (describe)				
Additional information/issues				

Tool K. Policies and procedures checklist

Purpose

To assist the reviewer with ensuring that common and applicable policies and procedures have been established and are current.

Use

Below is a list of key policy/procedures areas the grant subrecipient should have established. Check to ensure that the grant subrecipient has established the policies and procedures that are applicable to its operation. Check also to ensure that all policies and procedures are up to date. (See Indicator 3.a.1.) Note that the list is not all inclusive.

Policy/procedure area	Established (yes/no)	Current (answer yes or no
Accounting systems		
Allowable costs		
Audits: Completion, tracking, and resolution		
Budget control and modifications		
Cash management: Petty cash, bank reconciliations		
Chart of accounts		
Closeout: Grants and contracts		
Compensation and fringe benefits		
Grievances and complaints		
Conflict of interest: local board members, local area administrative entity staff, and service provider staff		
Debt collection		
Disaster and recovery plan		
EEO: Resolutions, appeals, and hearings		
Fringe benefits package, vacation and leave, pension, severance package (if any)		
Incentives and stipends (youth program)		
Incident reporting: Grievance and complaints		
Indirect costs: Cost allocation plans or approved indirect cost rates		
Meals: local board members, local area administrative entity staff, service provider staff, and program participants		
Monitoring: Resolution, appeals, and hearings		

Policy/procedure area	Established (yes/no)	Current (answer yes or no
Participant/program services		
Payroll and time distribution		
Performance reporting: Grant subrecipient and its subawardee		
Procurement/purchasing		
Program income, matching funds, and leveraged resources		
Property management		
Receivables and payables		
Record retention		
Salary and bonus limits		
Supportive services		
Training services: ITAs, refunds, etc.		
Travel		
Written code of conduct		

Tool L. Segregation of duties worksheet

Purpose

To aid the reviewer in identifying the individuals responsible for a number of internal control functions within the organization.

Use

For each organization process, record the name of the responsible individual and indicated yes or no for the individual's duties/responsibilities in the organizational process. Ensure that a single individual does not have (1) multiple duties/responsibilities in single organizational process or (2) duties/responsibilities in one organizational process that conflict duties/responsibilities in another organizational process. (See Indicator 3.a.1.)

		Duties/responsibilities			
Organizational process	Name of responsible individual	Recording (Y/N)	Custodian (Y/N)	Authorizing (Y/N)	Reconciliation (Y/N)
Cash management					
Financial reporting					
Real and personal property					
Procurement					
Performance reporting					
Audit					
Subrecipient management					
Payroll/human resources					

Tool M. Worksheet for evaluating allowable match items

Purpose

To aid the Reviewer in testing the accuracy and validity of match and the propriety of its valuation.

Use

Answer the questions below.

- Does the grant under review include a matching requirement?
- If so, what is the total amount required?
- Was the match expended on allowable grant activities ()2 CFR 2900.8?

If match is required, select a sample of items that are included in the reported match; then, complete the table below for each of the sampled items. See Indicator 3.d.2: Expending Match.

Allowable match

Cash or in-kind item	Value claimed in $	Description of cost	Cost allowable (Y/N)	Cost-valued method (actual costs, fair market value, etc.)	Reporting grant subrecipient accounting system and ETA 9130 (Y/N/NA)	Documentation supports value (Y/N)	Documentation demonstrates that match has been expended

Cash or in-kind item	Value claimed in $	Description of cost	Cost allowable (Y/N)	Cost-valued method (actual costs, fair market value, etc.)	Reporting grant subrecipient accounting system and ETA 9130 (Y/N/NA)	Documentation supports value (Y/N)	Documentation demonstrates that match has been expended

Tool N. Transaction testing

Purpose

To enable the reviewer to gather data for transaction testing. See Indicator 3.f.1: Cost Principles.

Use

Select a variety of non-payroll transactions from the grant subrecipient's general ledger. Complete a transacting testing worksheet for each selected transaction.

Transaction testing worksheet

Factor	Description	reviewer comment
Item sampled		
Item date		
Payee name		
Type of cost		
Competitive procurement (yes/no)		
Total transaction amount	$ <x>	
Amount allocated to category	$ <x>; category <x>:	
Amount allocated to category	$ <x>; category <x>:	
Amount allocated to category	$ <x>; category <x>:	
Amount allocated to category	$ <x>; category <x>:	
Transaction on accrual basis (yes/no)		
Transaction on cash basis (yes/no)		

Factor	Description	reviewer comment
Cost allocation reasonable based on benefit received (yes/no and describe)		
Transaction approval documented (yes/no)		
Supporting documentation obtained (describe)		
Supporting documentation adequate (yes/no)		
Additional documentation required or explanation needed (yes/no and describe)		
Transaction consistent with Federal, State, and local area fiscal laws, rules, regulations, guidance, policies, and procedures (yes/no and describe)		
Allowable cost (yes/no)		
Questions cost (yes/no)		

Tool O. Cost allocation worksheet

Purpose

To assist the Reviewer in determining whether allocation of costs has been appropriately conducted. See Indicator 3.g.2: Cost Allocation Plan.

Use

Obtain a copy of the organization's cost allocation plan (CAP). Review the CAP to identify any cost pools or shared direct costs. Obtain the worksheet/spreadsheet that reflects actual monthly or quarterly expenditures that were allocated among and charged directly to programs. Select any cost pools and a number of shared cost items and complete the table for each.

Cost pools and shared direct costs

Cost pools or shared cost items	Allocation method is appropriate for the type of cost pool or cost item allocated (Y/N)	Payments were appropriated allocated according to the CAP (Y/N)	Final allocations appear to reflect the benefit receive by cost objectives (Y/N)

Cost pools or shared cost items	Allocation method is appropriate for the type of cost pool or cost item allocated (Y/N)	Payments were appropriated allocated according to the CAP (Y/N)	Final allocations appear to reflect the benefit receive by cost objectives (Y/N)

When you look at the cost pool, does it appear that all items are allowable costs and have been appropriately allocated?

Tool P. Audit appeals process

Purpose:

To assist the reviewer in determining whether the recipient has adequate appeals policies and follows them (see Indicator 3.h.1: Audit Process)

Use

Select a sample of audits that were appealed and complete this worksheet.

Audit appeal management system

Background information

Is there a written audit appeal process/policy?	
Who is responsible for appeals received (name, email address, and direct phone number)?	
Policy title and date	
Is the policy adequate?	
Have any appeals been received?	
Is there a log kept of appeals?	
If there is a log, is the log up to date?	

Appeals received

Date appeal received	Name of appellant	Current status	Appeal process followed according to policy (Y/N)	Comments

Note. Cross reference with debt collection if there are unresolved questions of costs.

Tool Q. Audit (fiscal) resolution tracking

Purpose

To assist the Reviewer in determining compliance with requirements for subrecipient audit resolution. Grant subrecipients that expend $750,000 or more during the grant subrecipient's fiscal year in Federal awards must have a single or program-specific audit conducted for that year. See Indicator 3.h.1: Audit Process.

Use

Select a sample from the previous worksheet that had findings. Use the table below to track the necessary actions.

Audit resolution training checklist

Entity audited	
Auditor	
Program/Fiscal Year	
Number of findings	
Number of open findings	
Amount of questioned costs (?)	
Single audit missing	

Activity	Comments	Completed (√)
Reviewed the independent auditor's report and supplementary information		
Reviewed the auditor's statements regarding a report on compliance and a report on internal control over financial reporting (based on an audit of financial statements Performed in accordance with government auditing standards)		
Reviewed the auditor's statements regarding a report on compliance with requirements applicable to each major program and a report on internal control over compliance (in accordance with Subpart F of the Uniform Guidance)		
Reviewed the Schedule of Expenditures of Federal Awards and Other Financial Assistance. Verified that all programs expending Federal funds during the period of the audit were included on the schedule and were properly identified		
Reviewed schedule of findings and questioned costs (summary of audit results)		
Reviewed statement regarding prior year audit findings		

Activity	Comments	Completed (√)
Reviewed Management Letter		
Identified in audit report as	_____ High risk _____ Low risk	

Tool R. Documentation of personal services

Purpose

To allow the Reviewer to attest to the accuracy, reasonableness, and allowability of personnel expenses charged to a DOL-ETA program. This tool can be used during an assessment of Indicator 2.h.3: Salaries.

Use

For one or more pay periods, obtain the staffing chart (agency organizational chart), time sheets, individual staff time activity sheets, payroll register, spreadsheet of actual personnel expenses to be allocated, agency time activity reports, and (if needed) personnel records or the expense reports from the third-party payroll processing company hired by the agency. Select a sample of employees and complete the following table.

Payroll and time distribution testing

Costs of compensation are allowable to the extent that they satisfy the requirements below (2 CFR § 200.430)	Requirement met (Y/N)	Comments
Reasonable for the services rendered – consistent with that paid for similar work		
In accordance with the grant subrecipient's written policies, including employee pay and fringe benefit packages and accounting policies		
Meets the requirements of Federal statute, where applicable		
Must be based on records that accurately reflect actual work hours performed		
Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated		
Incorporated into the official records of the grant subrecipient		
Reasonably reflect the total activity for which the employee is compensated by the grant subrecipient, not exceeding 100% of compensated activities and indicating the total numbers of hours worked each day		
When working on more than one program or grant, cost allocated among the funding sources are reasonable and adequately documented		
Fringe benefit package and other leave benefits are reasonable and are required by law, grant subrecipient-		

Costs of compensation are allowable to the extent that they satisfy the requirements below (2 CFR § 200.430)	Requirement met (Y/N)	Comments
employee agreement, or an established policy of the grant subrecipient		
For States, local governments and Indian tribes, substitute processes or systems for allocating salaries and wages to Federal awards may be used in place of or in addition to payroll records if approved by the cognizant agency for indirect cost. Such systems may include, but are not limited to, random moment sampling, "rolling" time studies, case counts, or other quantifiable measures of work performed		

Tool S. Risk assessment worksheet

Purpose

To aid the reviewer in assessing a sample size based on a risk assessment. (See Indicator 2.f.2.)

Use

Used in conjunction with Resource G: Sampling methodology.

Risk assessment worksheets

1. Grant subrecipient information

Grant subrecipient name	
Period of current NDOL review	
Date of last review by NDOL	
Date of last single audit by NDOL or other entity (list dates for each entity)	
Applicable WIOA grant agreement number	
Applicable WIOA grant agreement amount	

2. General assessment

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 4; max = 12)
Organization experience	Entity has continuous experience managing Federal funds		Entity has 2 to 4 years recent experience managing Federal funds		Entity is new or has less than 2 years' experience		

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 4; max = 12)
	for the past 5 or more years				managing Federal funds		
Responsiveness	Entity has submitted reasonably timely budget modification requests[19]		Entity has periodically submitted budget modification requests in an untimely manner (i.e., short notice/insistent requests due to lacking funds for the program intended to receive transferred funds)		Entity frequently submits budget modification requests in an untimely manner (i.e., short notice/insistent requests due to lacking funds for the program intended to receive transferred funds)		
Overall staffing	Staff turnover rate less than 10% with no staff reduction		Staff turnover rate between 10% to 30% and/or staff reduction rate under 10%		Staff turnover rate greater than 30% and/or staff reduction rate greater than 10%		
Written financial policies and procedures	Entity has established effective financial policies and procedures covering major core activity Objectives		Minor updates or current modifications to enhance existing established financial policies and procedures		No established financial policies and procedures exist or there are inadequate or non-compliant financial policies and procedures		
Total general assessment risk score							

[19] In this context, *budget modification requests* refers to requests to transfer funds between adult and dislocated worker programs.

3. Legal assessment

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 3; max = 9)
Complaints or incident reports	No active complaints or incident reports		Entity had a complaint or incident in the last 3 years that resulted in an investigation		Entity has a current complaint or active investigation		
Other investigations	Not aware of any legal issues involving staff that would have an effect on fiscal results		1 or more staff have been jailed or convicted of a felony more than 3 years ago		1 or more staff have been jailed, convicted of a felony, or are currently under criminal investigation		
Lawsuits	No lawsuits have been filed against entity		Lawsuits identified but are minor in nature		Lawsuits identified and are considered substantial risk		
Total legal assessment risk score							

4. Monitoring/audit assessment

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 5; max = 15)
Number of years since entity had an on-site monitoring visit	1 year		2 years		3 years		
Prior monitoring findings	No significant findings for the past 3 years		Significant or unresolved findings during the past 2 years		Significant or unresolved findings annually		
Period since last fiscal monitoring by NDOL or other entity	1 year		NA		More than 1 year		
Significant deficiencies or	Monitoring, including fiscal		Monitoring, including fiscal		Monitoring, including fiscal		

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 5; max = 15)
material weaknesses identified	monitoring, for any of the last 3 years did not identify either significant deficiencies or material weaknesses		monitoring, for any of the last 3 years contained either significant deficiencies or material weaknesses		monitoring, during each of the last 3 years contained either significant deficiencies or material weaknesses		
High-risk designation or reimbursement-only	Entity has not been on high-risk or reimbursement-only[20] status during the past 3 years		Entity was released from high-risk or reimbursement-only status during the past 3 years		Entity is currently on high-risk or reimbursement-only status		
Total general assessment risk score							

5. Financial stability assessment

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 8; max = 24)
Accounting System	Accounting system is effective and provides receipts, expenditures, and obligations by program		Accounting system is limited in its ability to capture receipts, expenses, and obligations by program		Accounting system cannot capture receipts, expenses, and obligations by program		
Cost, time, and effort tracking	System is effective in tracking costs and time and effort spent on programs		System is open to manual adjustments and/or is not consistent or needs improvement		Entity does not have either an approved indirect cost rate or a written cost allocation plan		

[20] Refers to a grant subrecipient's ability to draw-down grant funds prior to providing evidence of actual expenditures.

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 8; max = 24)
Internal controls	Entity has an approved indirect cost rate or a written current cost allocation plan		Entity is in the process of receiving a new indirect cost rate or updating its cost allocation plan		Entity does not have either an approved indirect cost rate or a written cost allocation plan		
Drawdowns and cash management	Entity has an effective control system that provides reasonable but not absolute assurance for safeguarding of assets, reliability of financial information, and compliance with Federal and State laws, rules, regulations, guidance, policies, and procedures		Entity has an effective control system but has limited staff for authorization, recording, and handling of transactions or assets		Entity does not have an effective control system in place; certain staff persons are allowed to perform authorization, recording, and handling of transactions and assets		
Drawdowns and cash management	Entity requests cash on immediate-needs basis and has written cash management policies and procedures when issuing funds to subrecipients and program participants		Entity has periodically drawn down funds in excess of immediate needs or written cash management policies and procedures when issuing funds to subrecipients and participants or		Entity does not perform timely cash drawdowns or there are no policies or procedures in place to manage cash released to subrecipients and participants		

Criteria	Low risk description	Low risk = 1	Medium risk description	Medium risk = 2	High risk description	High risk = 3	Total (min = 8; max = 24)
			records are incomplete				
Budget controls	Entity employs budget control mechanisms through its accounting system and budget information is routinely shared with subrecipient staff		Entity either does not employ budget control mechanisms through its accounting system or routinely share budgets with subrecipient staff		Entity does not have budget control mechanisms in place		
Line of credit, late bills, bankruptcy	Entity does not use a line of credit to pay its bills or borrow funds from other funding streams and bills are paid on time and no bankruptcy has been filed		Entity periodically uses its line of credit, borrows funds from other funding streams, and has not filed for bankruptcy during the last 3 years		Entity has exhausted its line of credit, borrows funds from other funding streams, is late paying its bills, and/or has filed for bankruptcy in the last 3 years		
Total general assessment risk score							

Tool T. Summary of results and reviewer notes

Findings
1.
2.
3.
4.
Areas of concern
1.
2.
3.
4.
Best practices
1.
2.

3.
4.
Other observations
1.
2.
3.
4.
Follow-up items
1.
2.
3.
4.

Tool U. Compliance determination tool

Purpose

Use the tool below to identify items you want to explore further with the grant subrecipient along with items you want to explore through interviews, research, and documentation.

Use

This tool assists with determining if it is a requirement of the grant by identifying a citation. Request documentation or interview the grant subrecipient to verify compliance. Write your conclusion in the final column.

Issues (items to explore)	Citation (is this a requirement and what says it's a requirement)	Supporting documentation	Conclusion (finding, area of concern, best practice, other observation)

Tool V. Indicator Assessment and Finding Recorder

Purpose

Use this tool to evaluate indicator questions, determine whether the recipient or subrecipient is compliant (C) or effective (E) or both (C) and (E).

Use

To record the grant subrecipient reviewer's determinations and results.

Indicator Assessment and Finding Recorder
Grant Recipient or Subrecipient Name
Reviewer Name(s)
For Monitoring Purposes Only

Indicator	Core Activity 1: Service Design and Delivery	Citation(s)	Compliant (C) Yes/No	Effectiveness (E) Yes/No	Both (C) and (E) Yes/No
	Objective 1.a: Planning and Program Design				
1.a.1.	The grant recipient has developed a strategic approach to accomplish the goals specified in the grant?				
1.a.2.	The grant recipient has designed a service delivery system to accomplish the goals of the grant?				
1.a.3.	Integration and coordination are supported, codified in policy, measured, and evident at the leadership level of the workforce system in which the grant recipient operates?				
	Objective 1.b: Implementation				
1.b.1.	The grant recipient has the necessary staff to successfully conduct its administrative and operational duties under the grant?				
1.b.2-1.	The grant recipient has developed a methodology and partnership action plan to map participant recruitment activities?				
1.b.2-2.	The grant recipient has an effective methodology to target and recruit eligible program participants?				
1.b.2-3.	The grant recipient has engaged required program partners, as well as community partner networks, to maximize outreach efforts?				
1.b.3-1.	The grant recipient continues to engage with required partners?				
1.b.3-2.	MOUs have been signed formalizing the relationship between each party?				
1.b.3-3.	Partners meet with some frequency to discuss program progress and address any issues that arise?				
1.b.3-4.	Partners are held accountable for their responsibilities and play an active role in program functions?				
1.b.4.	If the grant recipient is a required partner in the local One-Stop delivery system as prescribed, it fulfills its roles and responsibilities as a required One-Stop partner?	WIOA Sec 121(c); 20 CFR 678.305(b)-(d), 678.310, 678.405(b), 678.430,			

		678.435, 678.500, 678.505, 678.755, 678.760, 678.800(b), 678.900(a)(c)(d); TEGL 16-16			
1.b.5.	The grant recipient has established contracts and/or subawards to successfully operate the grant?				
1.b.6.	The grant recipient has purchased equipment outlined in the SOW or requested approval to purchase equipment subsequent to grant award?				
	Objective 1.c: Products and Deliverables				
1.c.1-1.	The grant recipient has developed a plan for the continuation of grant goals, principles, and outcomes beyond the life of the grant?				
1.c.1-2.	The sustainability plan has a clear vision defines which principles/goals the grant recipient will sustain, outlines strategy to build collaboration between partners, defines strategies and methods for sustainability, and provides action steps?				
1.c.2.	Specific products required in the FOA and/or applicable Federal guidance and outlined in the SOW have been developed?				
	Objective 1.d: Business Services and Employer Engagement				
1.d.1.	The grant recipient engages in employer-driven partnerships of industry, education and training, and other stakeholders that focus on the workforce needs of key industries in a regional labor market to develop sector strategies?				
1.d.2.	The grant recipient has designed and implemented or participates in the design and implementation of career pathway systems and programs?				
1.d.3-1.	The grant recipient maintains strong relationships with the business community and collaborates with system partners to provide coordinated business services?				
1.d.3-2.	The grant recipient utilizes work-based training models such as internships, on-the-job training (OJT), customized training, registered apprenticeships, and incumbent worker training (IWT) to serve business needs, as outlined in the FOA and SOW/State Plan?				
	Objective 1.e: Participant Services				
1.e.1.	The grant recipient provides access to the full array of participant services stipulated in the grant agreement?				
1.e.2.	The grant recipient has an effective system for ensuring priority of services?				
1.e.3.	The grant recipient adheres to eligibility requirements when enrolling participants?				
1.e.4-1.	The grant recipient administers participant assessments that accurately gauge participant capacity/aptitude and identify participant skills/interests?				
1.e.4-2.	The results of assessments are used to customize participant service strategy and to ensure positive outcomes for each participant?				
1.e.4-3.	The grant recipient utilizes assessments as one of many tools to provide quality services to its participants?				

1.e.5-1.	A participant service plan is developed based on the participant assessment and includes an appropriate combination of services to address their needs and support desired outcomes?				
1.e.5-2.	The plan is revisited periodically to reflect participant progress and to address any items that might have changed over time?				
1.e.6.	Supportive services are being provided to participants as needed to overcome barriers to participation in and completion of the participant service plan?				
1.e.7-1.	Participants receive training as needed to progress toward achieving their employment goals?				
1.e.7-2.	Training is in an in-demand occupation and delivered by an accredited provider, as applicable?				
1.e.8.	The grant recipient provides job search, referral, and other services that help participants obtain employment?				
1.e.9.	The grant recipient maintains frequent contact with participants and provides allowable services to help ensure successful grant-related outcomes?				
	Core Activity 1: Service Design and Delivery Number of Findings and Areas of Concern		#	#	
Indicator	Core Activity 2: Grant Operations	Citation(s)	Compliant (C) Yes/No	Effectiveness (E) Yes/No	Both (C) and (E) Yes/No
	Objective 2.a: Project Management				
2.a.1.	The grant recipient has award conditions that may include an industry focus, occupational targets, certain populations to be served and allowable grant activities specified by the awarding agency upon which it must adhere to?	2 CFR 200.207			
2.a.2-1.	The grant recipient is aware of the modification process that require prior written approval from the Federal awarding agency for certain changes to the project or budget?	2 CFR 200.308, 2 CFR 200.407, 2 CFR 2900.9-2900.12, 20 CFR 683.235, and Grant Terms and Conditions			
2.a.2-2.	The process installed by the grant recipient ensures that prior written approval is obtained in a timely manner?	2 CFR 200.308, 2 CFR 200.407, 2 CFR 2900.9-2900.12, 20 CFR 683.235, and Grant Terms and Conditions			
2.a.3.	The grant recipient has a process in place for timely completion of closeout of its grant and, if applicable, subawards of its subrecipient(s)?	2 CFR 200.16, 2 CFR 200.331(a)(6), 2 CFR 200.333, 2 CFR 200.343, and 2 CFR 2900.15			
	Objective 2.b: Budget				

2.b.1.	The grant recipient has an approved budget that is compared to actual expenditures to ensure that funds are obligated and spent within the authorized period of performance?	2 CFR 200.302(b)(5) and 2 CFR 200.308			
2.b.2.	The grant recipient is aware of the budgetary realignments that require prior written approval from the Federal awarding agency and has developed procedures to request prior written approval in a timely manner?	2 CFR 200.308, 2 CFR 200.407, 2 CFR 2900.9-2900.12, 20 CFR 683.235 and Grant Terms and Conditions			
	Objective 2.c: Property Management				
2.c.1.	The grant recipient has at least the minimum equivalent insurance coverage for real property and/or equipment acquired or improved with grant funds?	2 CFR 200.310			
2.c.2.	The grant recipient has policies and procedures in place for the acquisition, management, and disposition of real property purchased with grant funds?	2 CFR 200.311, 20 CFR 683.240, and 20 CFR 688.550			
2.c.3.	The grant recipient has a policies and procedures in place for the acquisition, management, and disposition of equipment purchased with grant funds?	2 CFR 200.313			
2.c.4.	The grant recipient has determined whether or not rental costs for real property and equipment are reasonable?	2 CFR 200.465			
2.c.5.	The grant recipient has policies and procedures in place to manage the use of supplies acquired with grant funds?	2 CFR 200.314			
2.c.6.	The grant recipient's policies and procedures for the acquisition, management, and disposition of intangible property is sufficient in meeting the requirements of the grant/project?	2 CFR 200.315, 2 CFR 2900.13, and Grant Terms and Conditions			
	Objective 2.d: Procurement and Contract Administration				
2.d.1.	States follow the same policies and procedures that it uses for procurement with non-Federal funds? For all other grant recipients, the documented policies and procedures conform to applicable Federal laws and the procurement standards identified in the Uniform Guidance?	2 CFR 200.113 and 200.317-326			
2.d.2.	The grant recipient performs all procurement transactions in a manner providing full and open competition?	2 CFR 200.319			
2.d.3.	The grant recipient uses a method of procurement as prescribed in the Uniform Guidance?	2 CFR 200.320			
2.d.4-1.	The grant recipient performs a cost or price analysis on all procurement action in excess of the Simplified Acquisition Threshold, including contract modifications?	2 CFR 200.323			
2.d.4-2.	The method and degrees of analysis are dependent on the procurement situation?	2 CFR 200.323			
2.d.4-3.	The grant recipient makes independent estimates prior to receiving bids or proposals?	2 CFR 200.323			
2.d.5-1.	The grant recipient maintains a system for contracts administration?	2 CFR 200.326			

2.d.5-2.	All contracts contain the applicable provisions described in Appendix II to 2 CFR Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards?	2 CFR 200.326			
	Objective 2.e: Performance Management				
2.e.1.	The grant recipient adheres to OMB reporting package requirements for the grant awards including accurate, complete, and timely submission of reports that compare actual results to planned results, describes obstacles to achievement of grant objectives, and provides details on corrective actions?	2 CFR 200.328(b)(1) and Grant Terms and Conditions			
2.e.2.	The grant recipient has a performance monitoring tool that compares planned to actual results, identifies causes of low performance, establishes corrective action plans, and focuses on continuous improvement through regular review and analysis of relevant performance data?	2 CFR 200.328(b)(2)(i)			
	Objective 2.f: Subrecipient Management and Oversight				
2.f.1.	The grant recipient, when acting as a pass-through entity (PTE), has determined whether each agreement cast the party in the role as a subrecipient or contractor?	2 CFR 200.330 (a)-(b) and 2 CFR 200.331(a)			
2.f.2.	The grant recipient, when acting as a PTE, identified requirements and methods to conduct a risk assessment and select subrecipients?	2 CFR 200.205, 2 CFR 200.207, 2 CFR 200.213, 2 CFR 200.318, 2 CFR 200.331, 2CFR 2900.3, and TEGL 2-12			
2.f.3.	The grant recipient, when acting as a PTE, ensures that all applicable records management requirements are observed by subrecipients?	2 CFR 200.331, 2 CFR 200.333, and 2 CFR 200.338			
2.f.4-1.	The grant recipient, when acting as a PTE, has implemented a process to perform monitoring of subrecipients and issuing reports on monitoring findings?	CFR 200.331 and 20 CFR 683.410(b)			
2.f.4-2.	In addition, the PTE has a process to resolve compliance findings in a timely and effective manner?	CFR 200.331 and 20 CFR 683.410(b)			
	Objective 2.g: Records Management				
2.g.1.	The grant recipient has an appropriate policy and procedure for the retention of records pertinent to the Federal award that meets the requirements of applicable Federal laws, regulations, or grant agreement purposes?	2 CFR 200.333			
2.g.2-1.	The grant recipient maintains accessible records for the purposes of audits, examinations, excerpts, and transcripts?	2 CFR 200.336			
2.g.2-2.	The grant recipient made personnel available for interviews and discussions related to grant records?	2 CFR 200.336			
2.g.3.	The grant recipient takes reasonable measures to safeguard protected personally identifiable information and other information that is deemed sensitive or confidential according to applicable privacy laws and obligations of confidentiality?	2 CFR 200.303, 2 CFR 200.337, TEGL 39-11, and Grant			

		Terms and Conditions			
2.g.4	The grant recipient's record retention policy has safeguards to ensure the maintenance and custody of grant records under various circumstances?	2 CFR 200.334 and 2 CFR 2900.18			
	Objective 2.h: Personnel				
2.h.1.	The grant recipient has a current written personnel policy (including hiring process and procedures) that meets the requirements of applicable Federal laws and regulations on file and enforces it?	2 CFR 200.430(a)(1)-(2)			
2.h.2.	The grant recipient staffs positions with responsible individuals?	2 CFR 200.113, 2 CFR 200.427, TEGL 2-12, and 20 CFR 683.620			
2.h.3.	Salaries and bonuses are reasonable and comparable to the local labor market and within the Executive Level II threshold established by the Office of Personnel Management (OPM)?	2 CFR 200.430(b), Public Laws 109-234, 109-149, and TEGL 5-06			
2.h.4.	Grant staff and job descriptions are sufficient to perform grant functions and implement the grant's SOW?				
	Objective 2.i: Rights, Complaints, Grievances and Incident Reporting				
2.i.1.	Policies and procedures are in place that demonstrate the grant recipient's compliance and commitment to the requirements of applicable civil rights laws and regulations?	Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975; The Americans with Disabilities Act of 1990; ADA Amendments Act of 2008; Section 504 of the Rehabilitation Act of 1973; WIOA sec. 188; 2 CFR 200.300; 2 CFR 2900.4; 29 CFR Part 31; 29 CFR Part 32; 29 CFR Part 35; 29 CFR Part 37; 29 CFR Part 38; and 49 CFR Part 25			

2.i.2.	Notices (in languages appropriate to the populations served) are visibly posted to inform staff, project participants, and service providers of the discrimination complaint process, EO, and Section 504 policies?	Same as above in Indicator 2.i.1.			
2.i.3.	The grant recipient's location and facility, or part of the facility, is physically accessible to and usable by people with disabilities, individuals with limited English proficiency, transgender individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child or have related medical conditions?	Same as above in Indicator 2.i.1.			
2.i.4.	If ETA has imposed additional specific award conditions on the grant recipient, the grant recipient is adhering to them?	WIOA sec. 188, 20 CFR 683.600-683.650, 20 CFR Part 658, 20 CFR 683.700, and Grant Terms and Conditions			
2.i.5.	The grant recipient has a formal procedure in place for timely submission of incident reports?	TEGL 2-12 and 20 CFR 683.620, 2 CFR 200.331(a)(5), 2 CFR 200.333, 2 CFR 200.343, and 2 CFR 2900.15			
	Core Activity 2: Grant Operations Number of Findings and Areas of Concern		#	#	
Indicator	Core Activity 3: Financial Management	Citation(s)	Compliant (C) Yes/No	Effectiveness (E) Yes/No	Both (C) and (E) Yes/No
	Objective 3.a: Internal Controls				
3.a.1.	The grant recipient has adequate internal controls in place for effective and efficient grant operations?	2 CFR 200.61(a), 2 CFR 200.62, 2 CFR 200.302, 2 CFR 200.303(a), 2 CFR 200.400, 2 CFR 200.507, and 2 CFR 200.514			
3.a.2.	The grant recipient has adequate internal controls in place for accurate and timely reporting and has policies and procedures in place to ensure that its reporting system is safeguarded, and security is limited to the appropriate personnel?	2 CFR 200.61(a) and 2 CFR 200.62			
3.a.3.	The grant recipient has internal controls in place to ensure compliance with applicable laws and regulations governing that program?	2 CFR 200.61(a), 2 CFR 200.62, and 2 CFR 200.303(a)-(c)			

3.a.4-1.	The grant recipient has adequate safeguards for all grant purchased property and ensures that it is used solely for authorized purposes?	2 CFR 200.302(b)(4)			
3.a.4-2.	The grant recipient has mechanisms in place to prevent unauthorized purchases and disbursements of grant funds?	2 CFR 200.302(b)(4)			
3.a.4-3.	The grant recipient safeguards its assets so not one person controls the order, receipt, payment, reconciliation, management, and disposition of an asset?	2 CFR 200.302(b)(4)			
	Objective 3.b: Accounting System and Financial Reporting				
3.b.1.	If the grant recipient maintains its books of account on a cash basis, it develops and reports accrual data on the financial report?	2 CFR 2900.14			
3.b.2.	The grant recipient has an accounting system in place to maintain accurate and complete disclosure of financial results of the grant activities and those of its subrecipients?	2 CFR 200.302			
3.b.3.	If applicable, the pass-through entity (PTE) has a system in place to ensure the subrecipient is reporting financial results of its grant activities on an accrual basis and in a timely manner?	2 CFR 200.331(a)(3)			
3.b.4.	The grant recipient's quarterly ETA-9130 Financial Reports agrees with corresponding performance reports?				
	Objective 3.c: Payment and Cash Management				
3.c.1.	The grant recipient has a mechanism in place to minimize the time between the transfer of funds from U.S. Department Health and Human Services' Payment Management System (PMS) and disbursement of funds to pay allowable costs?	2 CFR 200.305(b) and 2 CFR 2900.7			
3.c.2.	The grant recipient can identify improper payments and has procedures in place to recapture improper payments?	2 CFR 200.53, 2 CFR 200.305, 2 CFR 200.426, and 2 CFR 200.428			
3.c.3.	The grant recipient has deposited its Federal funds in an insured bank or savings association whenever possible?	2 CFR 200.305(b)(7)(ii)			
	Objective 3.d: Match and Leveraged Resources				
3.d.1.	The grant recipient's written match policy and procedures describe the allowability of costs in accordance with Uniform Guidance 2 CFR Part 200, Subpart E – Cost Principles (2 CFR 200.400-200.476) and have been issued to key personnel and, if applicable, subrecipients?	2 CFR 200.302(b)(7), 2 CFR 200.306(b), and 2 CFR 200.400 to 200.476			
3.d.2.	The grant recipient uses match to support grant activity and accounts for funds used for match within its accounting systems as the funds are expended?	2 CFR 200.306(d) and 2 CFR 2900.8			
3.d.3-1.	The grant recipient has a methodology in place to value match?	2 CFR 200.306(b)(1)			
3.d.3-2.	The grant recipient's records are available and demonstrate that match are being tracked?	2 CFR 200.306(b)(1)			
3.d.4.	The grant recipient provides for the use of leveraged resources?				
	Objective 3.e: Match and Leveraged Resources				

3.e.1.	The grant recipient's written program income policy and procedures describe the allowability of costs in accordance with Uniform Guidance 2 CFR Part 200, Subpart E – Cost Principles (2 CFR 200.400-200.476) and have been issued to key personnel and, if applicable, subrecipients?	WIOA sec. 194(7)(B), 2 CFR 200.302(b)(7), 2 CFR 200.307, and 2 CFR 200.400 to 200.476			
3.e.2-1.	The grant recipient and, if applicable, its subrecipient, is expending program income on allowable grant activities and prior to drawing grant funds?	2 CFR 200.307			
3.e.2-2.	The grant recipient and, if applicable, its subrecipient, is recording and reporting program income and, if applicable, program income of its subrecipient, appropriately?	2 CFR 200.307			
	Objective 3.f: Allowable Costs and Cost Classification				
3.f.1.	The grant recipient's written policy and procedures describe the allowability of costs in accordance with Uniform Guidance 2 CFR Part 200, Subpart E – Cost Principles (2 CFR 200.400-200.476) and have been issued to key personnel and, if applicable, subrecipients?	2 CFR 200.302(b)(7) and 2 CFR 200.403			
3.f.2	The grant recipient has a system in place to ensure the costs are charged to the proper cost categories and are accurately classified?	2 CFR 200.412			
	Objective 3.g: Cost Allocation/Indirect Costs				
3.g.1.	There is written evidence that costs being allocated to the grant are allowable, being treated consistently over time and within the accounting system, are necessary, reasonable, and allocated to the grant based on benefit received?	2 CFR 200.403, 2 CFR 200.405, and TEGL 2-16			
3.g.2.	The grant recipient has an approved cost allocation plan and uses it to allocate indirect costs?	2 CFR 200.416(a) and (c)			
3.g.3.	The grant recipient has indirect costs and uses an approved Negotiated Indirect Cost Rate Agreements (NICRA) to allocate these costs?	2 CFR 200.416(b) and (c) and 2 CFR 2900.17			
3.g.4.	The grant recipient has received prior approval from its cognizant agency to use the de minimis rate and is correctly applying ten percent to the modified total direct costs (MTDC)?	2 CFR 200.414(f)			
	Objective 3.h: Audits and Audit Resolution				
3.h.1.	The grant recipient had a single or program-specific audit performed if it expended $750,000 or more in Federal awards during the grant recipient's fiscal year?	2 CFR 200.501, 2 CFR 2900.03, and 2 CFR 2900.21			
3.h.2.	The grant recipient, in the capacity of a PTE, has a system in place to ensure subrecipient audits are conducted and resolved?	2 CFR 200.331(d)(2)			
3.h.3.	As outlined in the Report on Internal Control Over Financial Reporting and Compliance or evident in the SF-SAC (Data Collection Form from the Federal Audit Clearinghouse (FAC)), if the grant recipient has administrative findings, significant deficiencies, and/or material weaknesses, it has a corrective action plan in place to resolve the findings, significant deficiencies, and material weaknesses related to internal controls?	2 CFR 200.514(c)			
	Core Activity 3: Financial Management				

	Number of Findings and Areas of Concern		#	#	
	Total Number of Findings and Areas of Concern		#	#	

Tool W. Subrecipient Risk Assessment Tool

Purpose

The reviewer should respond to the following questions to measure the grant subrecipient's pre-award risk assessment. Complete each the questions and score the results to ensure a thorough review. Reviewer scores below three denote a subrecipient risk assessment test failure.

Reviewer Checklist	Reviewer Score (1 - 5)	Pass/Fail
1. Is there evidence that all funds awarded under this program will be maintained in a manner that they will be accounted for separately and distinctly from other sources of revenue or funding? If the information is vague or incomplete, this should be noted and considered when scoring.		
2. Does the applicant have written accounting policies and procedures? How often are these policies and procedures updated? If the information is vague or incomplete, this should be noted and considered when scoring.		
3. Is the applicant's financial management system able to track actual expenditures and outlays with budgeted amounts for each grant or subgrant? If the information is vague or incomplete, this should be noted and considered when scoring.		
4. Does the applicant have procedures in place for minimizing the time between transfer of funds and disbursement for project activities? What is the applicant's policy for requesting payments for grant awards? If the information is vague or incomplete, this should be noted and considered when scoring.		
5. Does the applicant have effective internal controls in place to ensure that federal funds are used solely for authorized purposes? If the information is vague or incomplete, this should be noted and considered when scoring.		
6. Does the applicant have a documented records retention policy? If so, briefly describe the policy and confirm that the policy complies with federal regulations. Information on Record Retention and Access can be found at 2 C.F.R. §§ 200.333– 200.337. If the information is vague or incomplete, this should be noted and considered when scoring.		

7. Does the applicant or any of its employees have any potential personal or organizational conflicts of interest related to the possible receipt of award funds? Applicants are required to disclose in writing any potential conflicts of interest to their awarding agency. See 2 C.F.R. § 200.112. If there is potential conflict of interest, this should be noted and considered when scoring.		
8. Is the individual primarily responsible for fiscal and administrative oversight of grant awards familiar with the applicable grants management rules, principles, and regulations including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200)? Evaluate a list of the individual's qualifications and experience. If the individual is not familiar with the applicable rules and regulations, this should be marked as elevated risk.		
9. Does the applicant have supportive technology in place to assist them in the management of awarded funds that can help maintain compliance with Uniform Guidance, establish an audit trail, maintain standard procedures, and keep documented records of grant-related data? If not, this should be noted and marked as elevated risk.		
10. Does the applicant currently require employees to maintain time distribution records that accurately reflect the work performed on specific activities or cost objectives to support the distribution of employees' salaries among awards or other activities? See 2 C.F.R. § 200.430. If the information is vague or incomplete, this should be noted and considered when scoring.		

Note: Each reviewer is encouraged to modify this tool as appropriate to align with the specific grant program's goals and objectives. Scores may be assigned to each category, or this assessment may be approached in a more holistic manner.

Jim Pillen
Governor

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

July 17, 2023

Justin Schroeder, Designated EO Officer
Nebraska Department of Labor
550 South 16th Street Lincoln, NE 68508

Dear Mr. Schroeder:

Pursuant to Title 29, Code of Federal Regulations, Section 38.28, the Governor is required to designate an individual as a State-level Equal Opportunity (EO) Officer. This individual reports directly to the Governor and is responsible for state program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements of the Workforce Innovation and Opportunity Act and Part 38 of the Code of Federal Regulations.

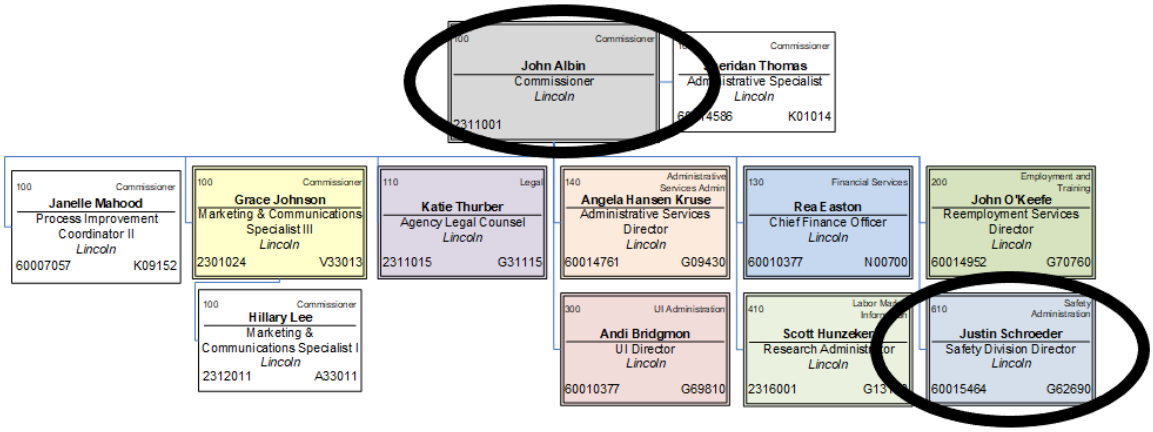
In accordance with my authority as Governor, I hereby designate Justin Schroeder, Safety Division Director of the Nebraska Department of Labor as the State-level Equal Opportunity Officer of the State of Nebraska.

I am confident that you have the knowledge, skills, and abilities to competently perform the duties of an EO Officer and will do an excellent job in this position. Be assured that this office is ready to provide the resources that you need to fulfill this important responsibility for the State of Nebraska.

Sincerely,

Jim Pillen
Governor

Nebraska Department of Labor



State 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
May 3, 2023

Supersedes
Nondiscrimination and Equal Opportunity, Change 3 (effective March 28, 2022)

Nondiscrimination and Equal Opportunity, Change 4

REFERENCE

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

BACKGROUND

All recipients of WIOA Title I financial assistance 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 the implementing regulations of WIOA Sec. 188, codified at 29 CFR Part 38, and are administered and enforced by the US Department of Labor Civil Rights Center (CRC).[2]

CHANGES

Under this Change 4, footnotes have been revised for clarity and links have been updated, where necessary.

[1] 20 CFR § 683.285(a)(1)
[2] 20 CFR § 683.285(a)(2); 29 CFR § 38.20; TEGL 37-14

ACTION

This policy supersedes and cancels the State's policy titled Nondiscrimination and Equal Opportunity, Change 3 (effective March 28, 2022). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Each local board must:

- meet the obligation to ensure nondiscrimination and equal opportunity as described in this policy; and
- ensure equal access to programs and services as described in this policy.

POLICY

The purpose of this policy is to:

- define recipient obligations regarding nondiscrimination and equal opportunity under WIOA Sec. 188 and 29 CFR Part 38, including:
    - applicability, meaning the recipients to which the obligations apply; and
    - prohibited activities and limitations on activities;
- establish the requirements and procedures regarding nondiscrimination and equal opportunity under WIOA Sec. 188 and 29 CFR Part 38; and
- identify consequences for failure to comply with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38.

This policy is organized in three sections and two appendices.

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Section I. Obligation to ensure nondiscrimination and equal opportunity

All recipients of WIOA Title I financial assistance must comply with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and its implementing regulations provided at 29 CFR Part 38, including:[3]

- the requirements of 29 CFR Part 32, Subparts B and C and Appendix A, which are the regulations requirements pertaining to employment practices and employment-related training, program accessibility and reasonable accommodation;[4]
- the requirements of Titles I, II and III of the Americans with Disabilities Act of 1990 (ADA);[5] and
- all applicable obligations the recipient may have under:[6]
    - the Equal Pay Act of 1963, as amended;
    - Title VII of the Civil Rights Act of 1964, as amended;
    - the anti-discrimination provision of the Immigration and Nationality Act of 1965, as amended;
    - Executive Order 11246 (c. 1965), as amended, pertaining to equal employment opportunity regarding Federal contractors and Federally-assisted constructions contractors and subcontractors;
    - the Age Discrimination in Employment Act of 1967, as amended;
    - Title IX of the Education Amendments of 1972, as amended;
    - Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, pertaining to nondiscrimination and individuals with a disability;
    - the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; and
    - the Age Discrimination Act of 1975, as amended; and
    - Executive Order 13160 (c. 2000) pertaining to nondiscrimination and parents in Federally-conducted education and training programs.

The obligation to comply with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 or 29 CFR Part 38 are not excused or reduced by any:[7]

- state or local law or other requirement; or

[3] 20 CFR § 683.285
[4] 29 CFR § 38.3(b)
[5] 29 CFR § 38.3(c)
[6] 29 CFR § 38.3(d)
[7] 29 CFR § 38.24

- private organization rules or policies.

(a) Applicability

The requirements of WIOA Sec. 188 and 29 CFR Part 38 apply to:[8]

- each recipient of WIOA Title I financial assistance;
- each one-stop partner, and its programs and activities, that are part of the one-stop delivery system; and
- the employment practices of each recipient, to the extent the employment is in the administration of or in connection with programs and activities conducted under WIOA Title I or the one-stop delivery system.

The requirements of WIOA Sec. 188 and 29 CFR Part 38 do not apply to:[9]

- programs or activities that are financially assisted under laws other than WIOA Title I and are not part of the one-stop delivery system, including programs or activities implemented under the Workforce Investment Act of 1998;
- contracts of insurance or guaranty; or
- Federal procurement contracts, with the exception of contracts to operate or provide services to Job Corps Centers.

(b) Prohibitions

In general, recipients are prohibited from using any method that has the purpose or effect of subjecting individuals to discrimination on a prohibited ground due to the recipient's administration of facilities and programs providing aid, benefits, service, or training.[10]

(1) Discrimination and harassment[11]

WIOA Sec. 188 prohibits discrimination and harassment based on race, color, religion, sex (including pregnancy[12]), national origin, age, disability, or political affiliation or belief. In addition, WIOA Sec. 188 prohibits discrimination against and harassment of any WIOA Title I program applicant or participant on the basis of citizenship status or participation in a WIOA Title I financially assisted program or activity. Further, a recipient must not exclude any individual from, or restrict any individual's participation in, any program or activity based on the recipient's belief or concern that the individual will encounter limited future employment opportunities because of the individual's race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship status, or participation in a WIOA Title I financially assisted program or activity.[13]

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[8] 29 CFR § 38.2(a)
[9] 29 CFR § 38.2(b)
[10] TEGL 37-14
[11] 29 CFR § 38.1. Note: 29 CFR §§ 38.6 – 38.12 provides detailed information on specifically prohibited actions.
[12] 29 CFR § 38.8
[13] 29 CFR § 38.24(c)

A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis described in 29 CFR § 38.5, except when such treatment is permitted under 29 CFR Part 38 or Federal law.[14]

(2) Intimidation and retaliation

A recipient must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has, with regard to the requirements and obligations of WIOA Sec. 188 or 29 CFR Part 38:[15]

- filed a complaint alleging a violation;
- opposed a practice prohibited by the nondiscrimination and equal opportunity provisions; or
- furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:
    - administration of the nondiscrimination and equal opportunity provisions;
    - exercise of authority under those provisions;
    - exercise of privilege secured by those provisions; or
    - otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions.

(3) Assistance for facilities for religious instruction or worship[16]

Except as described in Section I(c), WIOA Title I program funds must not be used to subsidize the employment of individuals participating in WIOA Title I programs where the participant would be carrying out the construction, operation, or maintenance of any part of any facility that is used or will be used for religious instruction or worship.

(c) Exceptions and limitations

(1) Facilities for religious instruction or worship[17]

The prohibition against use of WIOA Title I funds for facilities for religious instruction or worship, as described above, does not apply to maintenance of a facility that is not primarily or inherently devoted to religious instruction or worship when the organization operating the facility is part of a program or an activity providing services to WIOA Title I participants.

[14] 29 CFR § 38.38(c)
[15] 29 CFR § 38.19
[16] WIOA Sec. 188(a)(3)
[17] Ibid.

(2) Employment and training in religious activities[18]

WIOA Title I funds may be used to support employment and training in religious activities when the assistance is indirect. Financial assistance for employment in religious activities is considered indirect when the participant has been provided with a genuine and independent opportunity to choose the provider of the employment, even where the local WIOA Title I service provider pays the provider of employment directly. Financial assistance for training in religious activities is considered indirect when the participant:

- is given a genuine and independent private choice among training providers or program options, which must be provided in a manner that maximizes informed consumer choice; and
- can freely elect, from among those options, to receive training in religious activities.

For training in religious activities, individual training accounts (ITAs) are considered indirect assistance.

Section II. Requirements and procedures

In addition to the specific requirements described in this section, each local board, in general, must ensure that its local American Job Center(s) provides equal access to programs and services.[19]

(a) Requirements

(1) Accessibility

(i) Physical accessibility

Each recipient must insure that no qualified individual with a disability is excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities.[20]

(ii) Programmatic accessibility

Each recipient must insure that all WIOA Title I financially assisted programs and activities are programmatically accessible, which includes:[21]

- providing reasonable accommodations for individuals with disabilities;
- making reasonable modifications to policies, practices, and procedures;

[18] TEGL 1-05
[19] TEGL 37-14
[20] 29 CFR § 38.13(a)
[21] 29 CFR § 38.13(b)

- administering programs in the most integrated setting appropriate;
- communicating with persons with disabilities as effectively as with others; and
- providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

(2) Reasonable accommodations and modifications

With regard to employment and aid, benefits, service, and training, a recipient must:

- provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship;[22] and
- make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.[23]

(3) Communications

Each recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others, including communications with program applicants and participants, applicants for employment and employees, members of the public, and their companions.[24]

(4) Assurances[25]

Each recipient of WIOA Title I financial assistance must provide written assurances that it will adhere to and comply with the requirements of WIOA Sec. 188 and 29 CFR Part 38.

- In the case of a local board, the assurances are included in the local board's WIOA Title I grant agreement with NDOL.
- For all other recipients of WOA Title I financial assistance provided through the local board, the assurances must be provided in writing as part of an appropriate written agreement between the recipient and the local board or its authorized designee.

[22] 29 CFR § 38.14(a)
[23] 29 CFR § 38.14(b)
[24] 29 CFR § 38.15(a). Companion means a family member, friend, or associate of an individual seeking access to an aid, benefit, service, training, program, or activity of a recipient, who, along with such individual, is an appropriate person with whom the recipient should communicate [29 CFR § 38.15(a)(ii)].
[25] 29 CFR §§ 38.25 and 38.26

(5) Equal Opportunity Officers[26]

Every recipient must designate an Equal Opportunity Officer (EO Officer), except small recipients and service providers.

- The EO Officer should be a senior-level employee of the recipient.
- The EO Officer must not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer.
- The EO Officer is responsible for:
    - serving as the recipient's liaison with CRC;
    - monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations;
    - reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
    - developing and publishing the recipient's procedures for processing discrimination complaints and making sure that those procedures are followed;
    - reporting directly to the Commissioner of Labor and the NDOL State-level EO Officer (identified below) on nondiscrimination and equal opportunity matters;
    - undergoing training (at the recipient's expense) to maintain competency as an EO Officer; and
    - if applicable, overseeing the development and implementation of the recipient's Methods of Administration.

In Nebraska, NDOL is the WIOA Title I grant recipient agency and Justin Schroeder is the State-level EO Officer for state issues related to the grant. The State-level EO Officer also serves as a State-level EO Officer for NDOL and may be contacted at:

Justin Schroeder
State-level EO Officer
Nebraska Department of Labor
550 South 16th Street
PO Box 94600
Lincoln, NE 68509-4600
(402) 471-3712
TDD (800) 833-7352

Service providers are not required to designate an EO Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIOA Sec.

[26] 29 CFR §§ 38.28 – 38.33

188 and 29 CFR Part 38 rests with the Governor or local area grant recipient (i.e., Chief Elected Official), as specified in the state's nondiscrimination plan.[27]

(6) Equal Opportunity Notice[28]

Each recipient of WIOA Title I financial assistance must provide initial and continuing notice that it does not discriminate on any prohibited basis.

The notice must be provided to:

- registrants;
- applicants;
- participants;
- applicants for employment and employees;
- unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- subrecipients that receive WIOA Title I financial assistance from the recipient; and
- members of the public, including those with impaired vision or hearing and those with limited English proficiency.

The notice must contain the specific wording identified in 29 CFR § 38.35, which is provided as APPENDIX II of this policy.

(iii) Publications, broadcasts, and other communications

(A) Publication of the Equal Opportunity Notice[29]

At a minimum, the Equal Opportunity Notice must be:

- posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's web site pages;
- disseminated in internal memoranda and other written or electronic communications with staff;
- included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available;
- provided to each participant and employee; and

[27] 29 CFR § 38.33
[28] 29 CFR § 38.34
[29] 29 CFR § 38.36

- made part of each participant's and employee's file and be a part of both paper and electronic files, if both are maintained.

In addition, the Equal Opportunity Notice must be:

- provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments;
- provided to participants in appropriate languages other than English;[30] and
- initially published and provided within 90 calendar days of the latter of January 3, 2017 or the first date the requirements of WIOA Sec. 188 and 29 CFR Part 38 apply to the recipient (i.e., within 90 days of first becoming a recipient).

Where the Equal Opportunity Notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that the alternate-format notice has been given must be made a part of the employee's or participant's file.

(B) Printed and electronic materials and verbally-provided information[31]

Recipients must indicate the WIOA Title I financially assisted program or activity in question is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. This requirement applies to recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe WIOA Title I financially assisted program or activities or the requirements for participation by recipients and participants. When these materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or other equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient.

(C) Information provided through news media[32]

Recipients that publish or broadcast program information in the news media must ensure that the publications and broadcasts state that:

- the WIOA Title I financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I financially assisted program or activity is prohibited by Federal law); and
- auxiliary aids and services are available upon request to individuals with disabilities.

(iv) Orientations

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I financially assisted program or activity, a recipient must include a discussion of rights under the nondiscrimination and equal opportunity provisions of WIOA, including the right

[30] 29 CFR § 38.9
[31] 29 CFR § 38.38(a)
[32] 29 CFR § 38.38(b)

to file a complaint of discrimination with the recipient or CRC Director.[33] This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities.[34] When possible, the Equal Opportunity Notice should be provided in print and signed by WIOA Title I program participants and employees of the recipient and retained on file.

(7) Affirmative outreach[35]

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected under 29 CFR Part 38, including but not limited to:

- individuals with limited English proficiency;
- individuals with disabilities;
- persons of different sexes and age groups; and
- persons of various racial and ethnic/national origin groups and religions.

(8) Collection and maintenance of EO data[36]

Each recipient must collect data and maintain records the CRC Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with WIOA Sec. 188 and 29 CFR Part 38.

Records must be collected and maintained on:

- program applicants;
- registrants;
- eligible applicants/registrants;
- participants;
- terminees;
- employees; and
- applicants for employment.

Each recipient must record the race/ethnicity, sex, age, and where known, disability status of the groups specified above. Beginning on January 3, 2019, each recipient must also record the

[33] 29 CFR § 38.36
[34] 29 CFR §§ 38.9, 38.15, and 38.39
[35] 29 CFR § 38.40
[36] 29 CFR § 38.41

limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. This collected information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of:

- recordkeeping and reporting;
- determining eligibility, where appropriate, for WIOA Title I financially assisted programs or activities;
- determining the extent to which the recipient is operating its WIOA Title I financially assisted program or activity in a nondiscriminatory manner; and
- other uses authorized by law.

(i) Medical and disability-related information

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

(ii) Complaints[37]

Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis of:

- race;
- color;
- religion;
- sex (including pregnancy, childbirth, and related medical conditions);
- national origin;
- age;
- disability;
- political affiliation or belief;
- citizenship; or
- participation in a WIOA Title I financially assisted program or activity.

[37] 29 CFR 38.41(c)

The log must include:

- the name and address of the complainant;
- the basis of the complaint;
- a description of the complaint;
- the date the complaint was filed;
- the disposition and date of disposition of the complaint; and
- other pertinent information.

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

A service provider's responsibility for collecting and maintaining the information required under this section may be assumed by the Governor or local area grant recipient, as provided in the state's nondiscrimination plan.

(iii) Information to be provided to CRC

(A) Notification of administrative enforcement actions or lawsuits[38]

Each recipient must promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of:

- race;
- color;
- religion;
- sex (including pregnancy, childbirth, and related medical conditions);
- national origin (including limited English proficiency);
- age;
- disability;
- political affiliation or belief; or
- for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I financially assisted program or activity.

[38] 29 CFR § 38.42(a)

This notification must include the:

- names of the parties to the action or lawsuit;
- forum in which each case was filed; and
- relevant case numbers.

(B) Compliance reviews and complaint investigations[39]

Each recipient, as part of a compliance review[40] or monitoring activity[41] conducted or carried out by the CRC Director, must provide the following information:

- the name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and
- information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity.

This information must include the:

- names of the parties;
- forum in which each case was filed; and
- relevant case numbers.

At the discretion of the CRC Director, recipients may be required to provide, in a timely manner:

- any information and data that the Director considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38; and
- the particularized information and/or to submit the periodic reports that the CRC Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

[39] 29 CFR § 38.42(b)
[40] 29 CFR § 38.63
[41] 29 CFR § 38.65

(iv) Records retention[42]

Each recipient 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:

- records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and
- other records as are required under 29 CFR Part 38 or by the CRC Director.

Where a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those records for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review.

(v) Records access[43]

Each recipient must permit access by the CRC Director or the Director's designee during its hours of operation to its premises and to its employees and participants, to the extent that such individuals are on the premises during the course of the investigation, for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with a state's development and implementation of a nondiscrimination plan, and for inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Asserted considerations of privacy or confidentiality are not a basis for withholding information from CRC and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38.

Whenever any information that the Director asks a recipient to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the recipient must certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed or refused to provide it. This certification must list the name and address of the agency, institution, or person that has possession of the information and the specific efforts the recipient made to obtain it.

[42] 29 CFR § 38.43
[43] 29 CFR § 38.44

(b) Procedures

(1) Complaint filing[44]

Any individual, or individual's representative, who believes that the individual or any specific class of individuals, has been or is being subjected to discrimination, harassment, or retaliation prohibited under WIOA Sec. 188 or 29 CFR Part 38 may file a written complaint. The complaint may be filed with the recipient's EO Officer or the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.

Generally, a complaint must be filed within 180 days of the alleged discrimination, harassment, or retaliation. However, for good cause shown, the CRC Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent

(i) Required contents

Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- the complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant);
- the identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
- a description of the complainant's allegations, which must include enough detail to allow the CRC Director or the recipient, as applicable, to decide whether CRC or the recipient, as applicable, has jurisdiction over the complaint; the complaint was filed in time; and the complaint has apparent merit, in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 or 29 CFR Part 38; and
- the written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

A complaint may be filed by completing and submitting CRC's Complaint Information Form and Privacy Act Consent, which may be obtained either from the recipient's EO Officer or from CRC. The forms are available electronically on CRC's website[45] and in hard copy via postal mail upon written request to Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.

(ii) Right to representation

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.[46]

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[44] 29 CFR § 38.69
[45] The Complaint Information Form and Privacy Act Consent Form are accessible at https://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm.
[46] 29 CFR § 38.71

(2) Complaint processing procedures for recipients[47]

The procedures that a recipient adopts and publishes for processing complaints permitted under WIOA Sec. 188 and 29 CFR Part 38 must state that the recipient will issue a written notice of final action on complaints within 90 calendar days of the date on which the complaint is filed. At a minimum, the procedures must include the following elements:

- initial, written notice to the complainant that contains the following information:
  - an acknowledgment that the recipient has received the complaint;
  - notice that the complainant has the right to be represented in the complaint process;
  - notice of rights contained in 29 CFR § 38.35; and
  - notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in 29 CFR §§ 38.4(h) – (i), 38.34, and 38.36.
- a written statement of the issue(s), provided to the complainant, that includes the following information:
  - a list of the issues raised in the complaint; and
  - For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection;
- a period for fact-finding or investigation of the circumstances underlying the complaint;
- a period during which the recipient attempts to resolve the complaint which must include alternative dispute resolution (ADR), as described in 29 CFR § 38.72(c) and Section II(b)(2)(i);
- a written notice of final action, provided to the complainant within 90 calendar days of the date on which the complaint was filed, that contains the following information:
  - for each issue raised in the complaint, a statement of either:
    - the recipient's decision on the issue and an explanation of the reasons underlying the decision; or
    - a description of the way the parties resolved the issue; and
  - notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the notice of final action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

[47] 29 CFR § 68.72

(i) Alternative Dispute Resolution (ADR)[48]

The recipient's ADR procedures must provide for the following.

- The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
- The choice whether to use ADR or the customary process rests with the complainant.
- A party to any agreement reached under ADR may notify the CRC Director in the event the agreement is breached. In such circumstances, the following rules will apply.
    - The non-breaching party may notify with the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
    - The CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director as described in 29 CFR §§ 38.69 – 38.71.

(3) Complaint processing procedures for service providers[49]

The Governor or the local area grant recipient (i.e., Chief Elected Official), as provided in the state's nondiscrimination plan, must develop and publish, on behalf of its service providers, the complaint processing procedures required in 29 CFR § 38.72. The service providers must then follow those procedures.

(4) Notice of recipient's lack of jurisdiction[50]

If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing within five business days of making such determination. This 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.

(5) Notice of final action[51]

If the recipient issues a notice of final action before the 90 calendar 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. If, by the end of 90 calendar days from the

[48] 29 CFR § 38.72(c)
[49] 29 CFR § 38.73
[50] 29 CFR § 38.74
[51] 29 CFR §§ 38.75 and 38.76

date on which the 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 calendar days of the expiration of the 90 calendar day period. In other words, the complaint must be filed with the CRC Director within 120 calendar days of the date on which the complaint was filed with the recipient.

Section III. Failure to comply[52]

Whenever the Secretary of Labor finds that a state or other recipient of WIOA Title I financial assistance has failed to comply with the requirements of WIOA Sec. 188 or 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 United States 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 United States 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 United States 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.[53]

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.

[52] WIOA Sec. 188(b)
[53] WIOA Sec. 188(c)

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.[54]

1. aid, benefits, service, or training

Aid, benefit, service, or training means WIOA Title I financially assisted services, financial or other aid, training, or benefits provided by or through a recipient or its employees, or by others through contract or other arrangements with the recipient. Aid, benefit, service, or training includes, but is not limited to:[55]

- career services;
- education or training;
- health, welfare, housing, social service, rehabilitation, or other supportive services;
- work opportunities;
- cash, loans, or other financial assistance to individuals; and
- any aid, benefits, services, or training provided in or through a facility that has been constructed, expanded, altered, leased, rented, or otherwise obtained, in whole or in part, with Federal financial assistance under Title I of WIOA.

2. applicant

Applicant means an individual who is interested in being considered for any WIOA Title I financially assisted aid, benefit, service, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient.[56]

3. financial assistance

Financial assistance means any of the following:[57]

- any grant, subgrant, loan, or advance of funds, including funds extended to any entity for payment to or on behalf of participants admitted to that recipient for training, or extended directly to such participants for payment to that recipient;
- provision of the services of grant making agency personnel, or of other personnel at the grant making agency's expense; or

[54] Additional definitions relating to nondiscrimination and equal opportunity are provided in 29 CFR § 38.4.
[55] 29 CFR § 38.4(b)
[56] 20 CFR § 38.4(c)
[57] 29 CFR § 38.4(x)

- a grant or donation of real or personal property or any interest in or use of such property, including:
    - transfers or leases of property for less than fair market value or for reduced consideration;
    - proceeds from a subsequent sale, transfer, or lease of such property, if the grant making agency's share of the fair market value of the property is not returned to the grant making agency; and
    - the sale, lease, or license of, and/or the permission to use (other than on a casual or transient basis), such property or any interest in such property, either:
        - without consideration;
        - at a nominal consideration;
        - at a consideration that is reduced or waived either for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient;
        - waiver of charges that would normally be made for the furnishing of services by the grant making agency; or
        - any other agreement, arrangement, contract or subcontract (other than a procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under the statute or policy that authorizes assistance by the grant making agency.

4. participant

For purposes of the policy, participant means an individual who has been determined to be eligible to participate in, and who is receiving any aid, benefit, service, or training under, a program or activity financially assisted in whole or in part under WIOA Title I. Participant includes, but is not limited to, individuals receiving any service(s) under state employment service programs, and claimants receiving any service(s) or benefits under state unemployment insurance programs.[58]

5. pass-through entity

The term pass-through entity means a non-Federal entity, like a local board, that provides a subaward to a subrecipient to carry out some or all of the activities permitted or required under a Federal program.[59]

[58] 29 CFR § 38.4(oo)
[59] 2 CFR § 200.74

6. programmatic accessibility

Programmatic accessibility means policies, practices, and procedures providing effective and meaningful opportunity for individuals with disabilities to participate in or benefit from aid, benefits, services, and training.[60]

7. qualified individual with a disability[61]

Qualified individual with a disability means:

- with respect to employment, an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position; or

- with respect to aid, benefits, services, or training, an individual who, with or without auxiliary aids and services, reasonable accommodations, and/or reasonable modifications in policies, practices and procedures, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

8. reasonable accommodation[62]

The term reasonable accommodation means modifications or adjustments:

- to an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registrant desires;

- that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. these modifications or adjustments may be made to the environment where work is performed or aid, benefits, services, or training are given; or the customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given; and

- that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

[60] 29 CFR § 38.4(tt)
[61] 29 CFR § 38.4(ww)
[62] 29 CFR § 38.4(yy)

9. recipient[63]

For purposes of the policy, the term recipient means any entity that receives WIOA Title I funds either directly from the US Department of Labor or through the Governor or another recipient, including, but not limited to:

- local workforce development boards;
- one-stop operators;
- one-stop delivery system partners;
- Job Corps contractors and center operators, excluding the operators of Federally-operated Job Corps centers;
- Job Corps national training contractors;
- outreach and admissions agencies, including Job Corps contractors that perform these functions;
- placement agencies, including Job Corps contractors that perform these functions; and
- other national program recipients, including Native American program recipients; Migrant and Seasonal Farmworker Program recipients; and YouthBuild recipients; and
- other subrecipients, except for service providers.

Individuals participating in WIOA Title I programs are not recipients.

10. service provider

Service provider means any:[64]

- operator of, or provider of aid, benefits, service, or training to:
- program or activity that receives WIOA Title I financial assistance from or through any state or local area grant recipient;
- participant through that participant's ITA; or
- entity that is selected and/or certified as an eligible provider of training services to participants.

[63] 29 CFR § 38.4(zz)
[64] 29 CFR § 38.4(ggg)

11. small recipient[65]

A small recipient is defined as a recipient that:

- serves fewer than 15 program participants during the one grant year (i.e., program year); or
- employs fewer than 15 employees on any given day during one grant year (i.e., program year).

12. subrecipient[66]

The term subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out some or all of the activities permitted or required under a Federal program (e.g., WIOA Title I youth, adult, and dislocated worker programs). The term subrecipient also refers to any entity to which a local board provides a subaward for the administration of some or all of the requirements of the subaward provided to the local board by NDOL for administration of WIOA Title I youth, adult, and dislocated worker activities. Individuals participating in WIOA Title I programs are not subrecipients.

13. WIOA Title I financial assistance

WIOA Title I financial assistance means any of the following, when authorized or extended under WIOA Title I:[67]

- any grant, subgrant, loan, or advance of Federal funds, including funds extended to any entity for payment to or on behalf of participants admitted to that recipient for training, or extended directly to such participants for payment to that recipient;
- provision of the services of Federal personnel, or of other personnel at Federal expense; or
- a grant or donation of Federal real or personal property or any interest in or use of such property, including:
    - transfers or leases of property for less than fair market value or for reduced consideration;
    - proceeds from a subsequent sale, transfer, or lease of such property, if the Federal share of the fair market value of the property is not returned to the Federal Government; and
    - the sale, lease, or license of, and/or the permission to use (other than on a casual or transient basis), such property or any interest in such property, either:
        - without consideration;

[65] 29 CFR § 38.4 (hhh)
[66] 2 CFR § 200.93
[67] 29 CFR § 38.4(y)

- at a nominal consideration;
- at a consideration that is reduced or waived either for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient;
- waiver of charges that would normally be made for the furnishing of government services; or
- any other agreement, arrangement, contract or subcontract (other than a Federal procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under WIOA Title I.

14. WIOA Title I financially assisted program or activity[68]

WIOA Title I financially assisted program or activity means:

- a program or activity, operated by a recipient and financially assisted, in whole or in part, under Title I of WIOA that provides either:
  - any aid, benefit, service, or training to individuals; or
  - facilities for furnishing any aid, benefits, services, or training to individuals;
    - aid, benefit, service, or training provided in facilities that are being or were constructed with the aid of Federal financial assistance under WIOA Title I; or
    - aid, benefit, service, or training provided with the aid of any non-WIOA Title I financial assistance, property, or other resources that are required to be expended or made available in order for the program to meet matching requirements or other conditions which must be met in order to receive the WIOA Title I financial assistance. See the definition of “aid, benefit, service, or training” in this section.

[68] 29 CFR § 38.4(xxx)

APPENDIX II. Example Equal Opportunity Notice[69]

Equal Opportunity is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or
- making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of Federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

What to do if you believe you have experienced discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the:

- recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
- Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

[69] 29 CFR § 38.35

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	**Policy Category** Administrative Guidelines
	Effective Date 5/28/2020
	Supersedes
	Review/Revision Date 9/21/2023

Equal Opportunity and Nondiscrimination (9/21/2023)

Reference

Workforce Innovation and Opportunity Act (WIOA) 188; 29 CFR § 38.1-38.8, 68.72; 20 CFR § 683.285; TEGL 1-05; TEGL 37-14; Nebraska Department of Labor (NDOL) Nondiscrimination and Equal Opportunity Policy, Change 3.

Background

All recipients of WIOA Title I financial assistance must ensure nondiscrimination and equal opportunity in their provision of WIOA Title I services.[29] Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, are governed by the implementing regulations of WIOA Sec. 188, codified at 29 CFR Part 38, and are administered and enforced by the US Department of Labor Civil Rights Center (CRC).[30]

Obligation to ensure nondiscrimination and equal opportunity

All recipients of WIOA Title I financial assistance must comply with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and its implementing regulations provided at 29 CFR Part 38, including:[31]

- the requirements of 29 CFR Part 32, Subparts B and C and Appendix A, which are the regulations requirements pertaining to employment practices and employment-related training, program accessibility and reasonable accommodation;[32]
- the requirements of Titles I, II and III of the Americans with Disabilities Act of 1990 (ADA);[33] and
- all applicable obligations the recipient may have under:[34]
    - the Equal Pay Act of 1963, as amended;
    - Title VII of the Civil Rights Act of 1964, as amended;

[29] 20 CFR § 683.285(a)(1)
[30] 20 CFR § 683.285(a)(2); 29 CFR § 38.20; TEGL 37-14
[31] 20 CFR § 683.285
[32] 29 CFR § 38.3(b)
[33] 29 CFR § 38.3(c)
[34] 29 CFR § 38.3(d)

- the anti-discrimination provision of the Immigration and Nationality Act of 1965, as amended;
- Executive Order 11246 (c. 1965), as amended, pertaining to equal employment opportunity regarding Federal contractors and Federally-assisted constructions contractors and subcontractors;
- the Age Discrimination in Employment Act of 1967, as amended;
- Title IX of the Education Amendments of 1972, as amended;
- Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, pertaining to nondiscrimination and individuals with a disability;
- the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; and
- the Age Discrimination Act of 1975, as amended; and
- Executive Order 13160 (c. 2000) pertaining to nondiscrimination and parents in Federally-conducted education and training programs.

The obligation to comply with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 or 29 CFR Part 38 are not excused or reduced by any:[35]

- state or local law or other requirement; or
- private organization rules or policies.

Applicability

The requirements of WIOA Sec. 188 and 29 CFR Part 38 apply to[36] each recipient of WIOA Title I financial assistance, each One-Stop partner, and its programs and activities, that are part of the One-Stop delivery system, and the employment practices of each recipient, to the extent the employment is in the administration of or in connection with programs and activities conducted under WIOA Title I or the One-Stop delivery system.

The requirements of WIOA Sec. 188 and 29 CFR Part 38 do not apply to[37] programs or activities that are financially assisted under laws other than WIOA Title I and are not part of the One-Stop delivery system, including programs or activities implemented under the Workforce Investment Act of 1998, contracts of insurance or guaranty, or Federal procurement contracts, with the exception of contracts to operate or provide services to Job Corps Centers.

Prohibitions

In general, recipients are prohibited from using any method that has the purpose or effect of subjecting individuals to discrimination on a prohibited ground due to the recipient's administration of facilities and programs providing aid, benefits, service, or training.[38]

[35] 29 CFR § 38.24
[36] 29 CFR § 38.2(a)
[37] 29 CFR § 38.2(b)
[38] TEGL 37-14

Policy

Discrimination and Harassment[39]

WIOA Sec. 188 prohibits discrimination and harassment based on race, color, religion, sex (including pregnancy[40]), national origin, age, disability, or political affiliation or belief. In addition, WIOA Sec. 188 prohibits discrimination against and harassment of any WIOA Title I program applicant or participant on the basis of the individual's citizenship status or participation in a WIOA Title I financially assisted program or activity. Further, a recipient must not exclude any individual from, or restrict any individual's participation in, any program or activity based on the recipient's belief or concern that the individual will encounter limited future employment opportunities because of the individual's race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship status, or participation in a WIOA Title I financially assisted program or activity.[41]

A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees, or applicants for employment differently on any prohibited basis described in 29 CFR § 38.5, except when such treatment is permitted under 29 CFR Part 38 or Federal law.[42]

Intimidation and Retaliation

A recipient must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has, with regard to the requirements and obligations of WIOA Sec. 188 or 29 CFR Part 38:[43]

- filed a complaint alleging a violation;
- opposed a practice prohibited by the nondiscrimination and equal opportunity provisions; or
- furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:
    - administration of the nondiscrimination and equal opportunity provisions;
    - exercise of authority under those provisions;
    - exercise of privilege secured by those provisions; or
    - otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions.

Assistance for Facilities for Religious Instruction or Worship[44]

WIOA Title I program funds must not be used to subsidize the employment of individuals participating in WIOA Title I programs where the participant would be carrying out the construction, operation, or maintenance of any part of any facility that is used or will be used for religious instruction or worship.

[39] 29 CFR § 38.1. Note: 29 CFR §§ 38.6 – 38.12 provides detailed information on specifically prohibited actions.
[40] 29 CFR § 38.8
[41] 29 CFR § 38.24(c)
[42] 29 CFR § 38.38(c)
[43] 29 CFR § 38.19
[44] WIOA Sec. 188(a)(3)

Exceptions and Limitations

The prohibition against use of WIOA Title I funds for facilities for religious instruction or worship, as described above, does not apply to maintenance of a facility that is not primarily or inherently devoted to religious instruction or worship when the organization operating the facility is part of a program or an activity providing services to WIOA Title I participants.

WIOA Title I funds may be used to support employment and training in religious activities when the assistance is indirect. [45]Financial assistance for employment in religious activities is considered indirect when the participant has been provided with a genuine and independent opportunity to choose the provider of the employment, even where the local WIOA Title I service provider pays the provider of employment directly. Financial assistance for training in religious activities is considered indirect when the participant:

- is given a genuine and independent private choice among training providers or program options, which must be provided in a manner that maximizes informed consumer choice; and
- can freely elect, from among those options, to receive training in religious activities.

For training in religious activities, individual training accounts (ITAs) are considered indirect assistance.

Physical and Programmatic Accessibility

Each program or activity, must be operated in a manner that makes it readily accessible to qualified individuals with a disability. A qualified individual with a disability is an individual who, with or without a reasonable accommodation for his or her disability, meets eligibility requirements.

Each recipient must insure that no qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities.[46]

Program accessibility[47] requires the provision of reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

With regard to employment and aid, benefits, service, and training, a recipient must provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship;[48] and make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability,

[45] TEGL 1-05
[46] 29 CFR § 38.13(a)
[47] 29 CFR § 38.13(b)
[48] 29 CFR § 38.14(a)

unless making the modifications would fundamentally alter the nature of the service, program, or activity.[49]

In determining what types of auxiliary aids and services are necessary, a recipient must give primary consideration to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability. Some examples include: qualified interpreters, video remote interpreting service, text and video-based telecommunications products and systems, videotext displays, and telephone handset amplifiers.

Each recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others, including communications with program applicants and participants, applicants for employment and employees, members of the public, and their companions.[50]

Assurances[51]

Each recipient of WIOA Title I financial assistance must provide written assurances that it will adhere to and comply with the requirements of WIOA Sec. 188 and 29 CFR Part 38.

- In the case of the Greater Nebraska Workforce Development Board (GNWDB), the assurances are included in the WIOA Title I grant agreement with Nebraska Department of Labor (NDOL).
- For all other recipients of WIOA Title I financial assistance provided through the local board, the assurances are made part of the memorandum of understanding (MOU) agreement between the recipient and the local board.

Equal Opportunity Officer[52]

Every recipient must designate an Equal Opportunity Officer (EO Officer), except small recipients and service providers. A small recipient is defined as a recipient that serves fewer than 15 program participants during one grant year (program year) or employs fewer than 15 employees on any given day during one grant year.

The EO Officer is responsible for:

- serving as the recipient's liaison with Civil Rights Center (CRC);
- monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I financial assistance from the recipient, to make sure that the recipient and its sub recipients are not violating their nondiscrimination and equal opportunity obligations;
- reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- developing and publishing the recipient's procedures for processing discrimination complaints and making sure that those procedures are followed;
- reporting directly to the Commissioner of Labor and the NDOL State-level EO Officer on nondiscrimination and equal opportunity matters;

[49] 29 CFR § 38.14(b)
[50] 29 CFR § 38.15(a). Companion means a family member, friend, or associate of an individual seeking access to an aid, benefit, service, training, program, or activity of a recipient, who, along with such individual, is an appropriate person with whom the recipient should communicate [29 CFR § 38.15(a)(ii)].
[51] 29 CFR §§ 38.25 and 38.26
[52] 29 CFR §§ 38.28 – 38.33

- undergoing training (at the recipient's expense) to maintain competency as an EO Officer; and
- if applicable, overseeing the development and implementation of the recipient's Methods of Administration.

In Greater Nebraska, NDOL is the WIOA Title I grant recipient agency and the Greater Nebraska Administrator is the Greater Nebraska EO Officer related to the grant.

Reemployment Services Administrator, Greater Nebraska EO Officer
Nebraska Department of Labor
550 S. 16th Street, PO Box 94600
Lincoln, NE 68509-4600
NDOL.GreaterNebraska@Nebraska.gov

Service providers are not required to designate an EO Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38 rests with the Governor or local area grant recipient (i.e., Chief Elected Official), as specified in the state's nondiscrimination plan.[53]

Equal Opportunity Notice[54]

Each recipient of WIOA Title I financial assistance must provide initial and continuing notice that it does not discriminate in the delivery of programs and services or employment on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief; or against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participant in any WIOA Title I financially assisted program or activity. Case documentation must reflect the provision of the Equal Opportunity and Complaints & Grievances policies and processes with each participant. Case documentation includes a signed EO is Law form and case note clearly indicating the participant was provided this information.

The following specific wording is placed on EO Notice posters and in written EO policy statements:

Equal Opportunity is the Law

"It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity; providing opportunities in, or

[53] 29 CFR § 38.33
[54] 29 CFR § 38.34

treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

If you think that you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action."

This notice, in the form of Nebraska's Equal Opportunity is the Law poster, must be posted prominently in reasonable numbers and placed where customers and staff frequent.[55]

The Equal Opportunity Notice must also be:

- on the recipient's web site pages;
- disseminated in internal memoranda and other written or electronic communications with staff;
- included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available;
- reviewed verbally, signed, and provided to each participant and employee; and
- made part of each participant's and employee's file and be a part of both paper and electronic files, if both are maintained.

In addition, the Equal Opportunity Notice must be:

- provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments;
- provided to participants in appropriate languages other than English;[56] and

[55] 29 CFR § 38.36
[56] 29 CFR § 38.9

- initially published and provided within 90 calendar days of the latter of January 3, 2017 or the first date the requirements of WIOA Sec. 188 and 29 CFR Part 38 apply to the recipient (i.e., within 90 days of first becoming a recipient).

Note: When the Equal Opportunity Notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a case note that the alternate-format notice has been given must be made a part of the employee's or participant's file.

EO Tagline[57]

Recruitment brochures and other materials, including pamphlets, flyers, and other publications distributed or communicated in written or oral form, electronically or on paper, for customers, staff or the general public that describe programs financially assisted under Title I of WIOA or the requirements for participant by recipients and participants will include the following EO tagline:

"Equal Opportunity Program/Employer. Auxiliary aids and services are available upon request to individuals with disabilities."

If a phone number is included, the tagline must also include the telephone number of the text telephone (TTY) or other equally effective telecommunications systems, such as a relay service, video phone, or captioned telephone used by the recipient.

Program information that is broadcast in the news media and electronically such as on television and radio or on a large screen monitor must also include the tagline.

Orientations

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I financially assisted program or activity, a recipient must include a discussion of rights under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or CRC Director.[58] This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities. When possible, the Equal Opportunity Notice should be provided in print and signed by WIOA Title I program participants and employees of the recipient and retained on file.

Affirmative Outreach[59]

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected under 29 CFR Part 38, including but not limited to:

- individuals with limited English proficiency;
- individuals with disabilities;
- persons of different sexes and age groups; and
- persons of various racial and ethnic/national origin groups and religions.

[57] 29 CFR § 38.38(a) and (b)
[58] 29 CFR § 38.36
[59] 29 CFR § 38.40

Collection and Maintenance of EO Data[60]

Each recipient must collect data and maintain records the CRC Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38. The system and format in which the records and data are kept must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with WIOA Sec. 188 and 29 CFR Part 38.

EO data must be collected for all WIOA Title I financially assisted programs for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment by race/ethnicity, sex, age, and where known, disability status. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. This collected information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of:

- recordkeeping and reporting;
- determining eligibility, where appropriate, for WIOA Title I financially assisted programs or activities;
- determining the extent to which the recipient is operating its WIOA Title I financially assisted program or activity in a nondiscriminatory manner; and
- other uses authorized by law.

In Greater Nebraska, this information is recorded in the NEworks labor exchange system for applications, registrants, participants, and terminees. Employee's EO data is maintained on file.

Medical and Disability Information

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Complaints[61]

Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis of:

- race;
- color;
- religion;
- sex (including pregnancy, childbirth, and related medical conditions);
- national origin;
- age;
- disability;

[60] 29 CFR § 38.41
[61] 29 CFR 38.41(c)

- political affiliation or belief;
- citizenship; or
- participation in a WIOA Title I financially assisted program or activity.

The log must include:

- the name and address of the complainant;
- the basis of the complaint;
- a description of the complaint;
- the date the complaint was filed;
- the disposition and date of disposition of the complaint; and
- other pertinent information.

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

A service provider's responsibility for collecting and maintaining the information required under this section may be assumed by the Governor or local area grant recipient, as provided in the state's nondiscrimination plan.

Information to be Provided to CRC

Each recipient must promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief; or for any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participant in any WIOA Title I financially assisted program or activity.[62]

This notification must include the names of the parties to the action or lawsuit, forum in which each case was filed, and relevant case numbers.

Compliance Reviews and Complaint Investigations[63]

Each recipient, as part of a compliance review[64] or monitoring activity[65] conducted or carried out by the CRC Director, must provide the following information:

- the name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and

[62] 29 CFR § 38.42(a)
[63] 29 CFR § 38.42(b)
[64] 29 CFR § 38.63
[65] 29 CFR § 38.65

- information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity.

This information must include the names of the parties, forum in which each case was filed, and relevant case numbers.

At the discretion of the CRC Director, recipients may be required to provide, in a timely manner:

- any information and data that the Director considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38; and
- the particularized information and/or to submit the periodic reports that the CRC Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

Records Retention and Access[66]

The following records, whether they exist in electronic form (including email) or hard copy, must be retained for a period of not less than three years from the close of the applicable program year:

- records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and
- other records as are required under 29 CFR Part 38 or by the CRC Director.

Where a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those records for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review.

Each recipient must permit access by the CRC Director or the Director's designee during its hours of operation to its premises and to its employees and participants, to the extent that such individuals are on the premises during the course of the investigation, for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with a state's development and implementation of a nondiscrimination plan, and for inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

Asserted considerations of privacy or confidentiality are not a basis for withholding information from CRC and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 and 29 CFR Part 38.

[66] 29 CFR § 38.43 and 38.44

Whenever any information that the Director asks a recipient to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the recipient must certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed or refused to provide it. This certification must list the name and address of the agency, institution, or person that has possession of the information and the specific efforts the recipient made to obtain it.

Complaint Filing Procedures[67]

Any individual, or individual's representative, who believes that the individual or any specific class of individuals, has been or is being subjected to discrimination, harassment, or retaliation prohibited under WIOA Sec. 188 or 29 CFR Part 38 may file a written complaint. The complaint may be filed with the Greater Nebraska EO Officer or the Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.

Generally, a complaint must be filed within 180 days of the alleged discrimination, harassment, or retaliation. However, for good cause shown, the CRC Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent.

Required Content

Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- the complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant);
- the identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
- a description of the complainant's allegations, which must include enough detail to allow the CRC Director or the recipient, as applicable, to decide whether CRC or the recipient, as applicable, has jurisdiction over the complaint; the complaint was filed in time; and the complaint has apparent merit, in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA Sec. 188 or 29 CFR Part 38; and
- the written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

A complaint may be filed by completing and submitting CRC's Complaint Information Form and Privacy Act Consent, which may be obtained either from the recipient's EO Officer or from CRC. The forms are available electronically on CRC's website and in hard copy via postal mail upon written request to Director, Civil Rights Center, U.S. Department of Labor, Room N4123, 200 Constitution Avenue, NW, Washington, DC 20210.

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.[68]

[67] 29 CFR § 38.69
[68] 29 CFR § 38.71

Complaint Processing Procedures[69]

Greater Nebraska will issue a written notice of final action on complaints within 90 calendar days of the date on which the complaint is filed. Complaint procedures include:

1. Acknowledgement Letter
   Within five (5) business days of the filing of the complaint, the EO Officer will provide initial, written notice to the complainant acknowledging receipt of the complaint. The notice will include:
   - notice that the complainant and the respondent has the right to be represented by an attorney or other individual of their choice in the complaint process;
   - notice of rights contained in 29 CFR § 38.35;
   - notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages; and
   - notification of the Greater Nebraska Equal Opportunity & Nondiscrimination policy to initially attempt resolution of the complaint through mediation, which is an alternative dispute resolution (ADR). The mediation process must be explained to the complainant.

2. Statement of Issue(s)
   In addition to the acknowledgment letter, the complainant must also be provided with a written statement of the issue(s), including:
   - a list of the issues raised in the complaint; and
   - for each issue, a statement as to whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.

3. Alternative Dispute Resolution[70]
   ADR is a mediation process where all parties agree on a resolution to the discrimination complaint without going through the entire complaint process. The process must be directed by the EO Officer or his/her designee who does not have a conflict of interest in the complaint. It is the complainant's choice to use ADR or the customary process.

   Within twenty (20) calendar days of receipt of the acknowledgment notice and statement of issue(s), the complainant must accept or reject the offer of mediation. Failure to respond will be treated as a rejection and the process will proceed until the complainant responds or Notice of Final Action is issued. The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.

   If mediation is accepted, it must be held within thirty (30) calendar days of the filing of the complaint. If an agreement is reached that is satisfactory to both parties, the complaint is considered resolved. A party to any agreement reached under ADR may file a complaint with the Director of the CRC in the event the agreement is breached. In such circumstances, the following rules apply:
   a) The non-breaching party may file a complaint with the Director of the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach;
   b) The Director of the CRC must evaluate the circumstances to determine whether the agreement has been breached. If it is determined the agreement has been breached, the

[69] 29 CFR § 68.72
[70] 29 CFR § 38.72(c)

complainant may file a complaint with the CRC based upon his/her original allegation(s), and the Director of the CRC will waive the time deadline for filing such a complaint.

If the parties do not reach an agreement under ADR, the complainant will be given a Notice of Final Action and informed of the right to file a complaint with the Director of the CRC within 30 days of the notice date.

4. Mediation Not Accepted
   If mediation is not accepted within twenty (20) calendar days of receipt of the acknowledgment letter, the process will proceed and a Notice of Final Action will be issued.

5. A Period for Fact-finding
   A period for fact-finding or investigation of the circumstances underlying the complaint must be completed within thirty (30) calendar days of the filing of the complaint.

6. Notice of Final Action[71]
   A written Notice of Final Action must be provided to the complainant within sixty (60) calendar days of the filing of the complaint. The notice must include the following information:
   a) for each issue raised in the complaint, a statement of either:
      - the recipient's decision on the issue and an explanation of the reasons underlying the decision; or
      - a description of the way the parties resolved the issue.
   b) notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

Notice of Recipient's Lack of Jurisdiction[72]

If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing within five business days of making such determination. This 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.

Failure to Comply[73]

Whenever the Secretary of Labor finds that a state or other recipient of WIOA Title I financial assistance has failed to comply with the requirements of WIOA Sec. 188 or 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 United States Attorney General with a recommendation that an appropriate civil action be instituted or take such other action as may be provided by law.

[71] 29 CFR §§ 38.75 and 38.76
[72] 29 CFR § 38.74
[73] WIOA Sec. 188(b)

Once a referral is received or if the United States 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 United States 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.[74]

Disclaimer

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

[74] WIOA Sec. 188(c)

Heartland Workforce Solutions, Inc.
5752 Ames Avenue
Omaha, NE 68104
(402) 218-1166
www.hws-ne.org

Policy: Equal Opportunity & Nondiscrimination	Program: All
Policy No: 13	Effective Date: 05/24/22
Approval: HWS, Greater Omaha Workforce Development Board	Supersedes: EEO Policy 03/05/18

Reference

- Workforce Investment Opportunity Act (WIOA)
  - Section 188 [link, pg 173 start]
- WIOA - Notice of Proposed Rulemaking
  - 20 CFR § 683.285 [link]
- WIOA – Nondiscrimination on the Basis of Diability
  - 28 CFR § 35 [link]
- WIOA – Implementation of Nondiscrimination & Equal Opportunity Provisions
  - 29 CFR § 38 [link]
- Dept. of Labor (DOL) Training & Employment Guidance Letters (TEGL)
  - No. 37-14 [General link] [Accessible PDF link] [Attachment 1 link] [Attachment 2 link]

Purpose

This policy is to ensure non-discrimination and equal opportunity for all activities. Recipients are obligated to ensure nondiscrimination and equal opportunity, as well as nonparticipation in sectarian activities. Any entity that receives financial assistance under Title I of WIOA is a recipient including State and Local Workforce Development Boards, One-Stop operators, service providers, Job Corps contractors, and sub-recipients, as well as other types of individuals and entities.

Policy

PROHIBITION

Discrimination Regarding Particpation, Benefits, and Employment

No individual is to 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 such program or activity because of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

Involving Facilities for Sectarian Instruction or Religious Worship

Participants shall not be employed under WIOA Title I to carry out the construction, operation, or maintenance of any part of any facility that is used or is 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 WIOA participants).

Discrimination on Basis of Participant Status

No person may discriminate against an individual who is a participant in a program or activity that receives funds under WIOA Title I with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

Discrimination Against Certain Noncitizens

Participation in programs and activities or receiving funds under WIOA Title I 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 Attorney General to work in the United States.

Verification of Lawful Presence

Each agency responsible for determining eligibility for WIOA benefits in Nebraska is required to:

1) Have each applicant for WIOA services attest that he or she is a U.S. citizen or a qualified alien. This must be done using the format prescribed by the Nebraska Department of Administrative Services (DAS).

    a) If in the above Step 1, the applicant indicates he or she is an alien, then complete Step 2 as follows:

2) Verify his or her lawful presence in the United States using the SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security.

Discrimination on the Basis of Disability

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

For the purpose of applying these prohibitions against discrimination on the basis of disability, programs and activities funded or otherwise financially assisted in whole or in part under WIOA are considered to be programs and activities receiving Federal financial assistance. A recipient is obligated to provide physical and programmatic accessibility and reasonable accommodation/modification in regard to the WIOA program, as required by section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, and Section 188 of WIOA. Financial assistance provided under Title I of WIOA may be used to meet this obligation.

Sex Discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) Individuals

Entities in the public workforce systems are prohibited from discriminating on the basis of sex-based stereotypes, including stereotypes about how persons of a particular sex are expected to look, speak, or act. See TEGL 37-14, Attachment 2 for a non-exhaustive list of examples of unlawful discrimination against LGBT individuals.

Intimidation and Retaliation

Neither the recipient nor the Service Provider may discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has, with regard to the requirements and obligations of WIOA Sec. 188 or 29 CFR § 38:

- Filed a complaint alleging a violation;
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions; OR
- Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:
    - Administration of the nondiscrimination and equal opportunity provisions;
    - Exercise of authority under those provisions;
    - Exercise of privilege secured by those provisions; OR
    - Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions.

EQUAL OPPORTUNITY OFFICER

Every recipient must designate an Equal Opportunity Officer (EO Officer), except small recipients and service providers. A small recipient is defined as serving fewer than 15 beneficiaries during the entire grant year and employing fewer than 15 employees on any given day during the grant year.]

The EO Officer should be a senior level employee of the recipient. He or she must not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer.

Heartland Workforce Solutions is the WIOA Title I Grant Sub-Recipient Agency. The Executive Director of Heartland Workforce Solutions will serve as the EO Officer for issues related to the grant. The EO Officer may be contacted at:

Heartland Workforce Solutions, Inc.
Attention: Erin Porterfield
5752 Ames Avenue
Omaha, NE 68104
Phone: (402) 218-1163
TDD: (800) 833-7352
eporterfield@hws-ne.org

The EO Officer is responsible for:

- Serving as the recipient's liaison with Civil Rights Center (CRC);
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I funds from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR § 38;

- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;

- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure that those procedures are followed;

- Reporting directly to the Director of Administrative Services and the Commissioner of Labor about equal opportunity matters;

- Undergoing training (at the recipient's expense) to maintain competency; and

- If applicable, overseeing the development and implementation of the recipient's Methods of Administration.

NOTICE & COMMUNICATION

Each recipient must provide initial and continuing notice that it does not discriminate on any prohibited grounds. The notice must be provided to: registrants, applicants, participants, applicants for employment and employees, unions or professional organizations that hold collective bargaining or professional agreements with the recipient, sub-recipients that receive Title I funds from the recipient, and members of the public, including those with impaired vision or hearing. The recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

The specific wording in the notice is identified in 29 CFR § 38.30 and in Attachment A.

At a minimum, the notice must be:

- Posted prominently, in reasonable numbers and places;
- Disseminated in internal memoranda and other written or electronic communications;
- Included in handbooks or manuals; AND
- Made available to each participant and made part of each participant's file

The notice must be provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format, a record that such notice has been given must be made a part of the participant's file.

All brochures, pamphlets, and other publications which promote or broadcast WIOA program information must include the following tag line: "This WIOA Title I-financially assisted program/activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities."

Where a telephone number is provided, the materials must also include a TDD/TTY or relay service number.

Where a significant number or proportion of the population eligible to be served may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity, then the recipient must:

1) Consider the scope of the program/activity and the size and concentration of the population that needs services or information in a language other than English, AND
    a. Based on those considerations, take reasonable steps to provide services and information in appropriate languages.

In cases where there is not a significant proportion of the population that is limited-English-speaking, the recipient should still make reasonable efforts to meet the particularized language needs of individuals seeking services or information from the recipient. For more information, please see the NDOL Office of Employment and Training's Limited English Proficiency Plan, which is available at dol.nebraska.gov.

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I program or activity, a recipient must furnish (at no cost to the individual) appropriate auxiliary aids or services where necessary. In determining what type of auxiliary aid or service is appropriate and necessary, such recipient must give primary consideration to the requests of the individual with a disability.

Primary consideration means honoring the choice of the individual with a disability unless the agency can demonstrate that another effective means of communication exists, or that using the means chosen would result in a fundamental alteration in the service, program, or activity, or undue financial and administrative burdens.

ASSURANCES

Each application for financial assistance under Title I of WIOA must include the following assurance:

As a condition to the award of financial assistance from the United States Department of Labor (USDOL) under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- *Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity;*

- *Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin in programs or activities that receive federal financial assistance;*

- *Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination on the bases of race, color and national origin;*

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

- *The Americans with Disabilities Act, as amended, which prohibits discrimination on the basis of disability;*

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

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

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

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of the WIOA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between USDOL and the recipient, between the U.S. Department of Labor and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.

ORIENTATIONS

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, a recipient must include a discussion of rights under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or Civil Rights Center Director.

A hard copy of "Equal Opportunity is the Law" should be provided and signed by all participants and employees and retained on file. An example form is provided in Attachment A.

UNIVERSAL ACCESS

Recipients must take appropriate steps to ensure that they are providing universal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities, and individuals in differing age groups.

Such efforts may include, but are not limited to:

- Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;

- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; AND

- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations

REASONABLE ACCOMMODATIONS

With regard to aid, benefits, services, training, and employment, a recipient must provide reasonable accommodation to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. A recipient must not, directly or through contractual, licensing, or other arrangements, refuse to accommodate an individual's religious practices or beliefs unless to do so would result in undue hardship. Definitions of the terms "reasonable accommodation" and "undue hardship" are specified in 29 CFR § 38.4.

COMPLAINTS

Any person who believes that either they, or any specific class of individuals, have been or is being subjected to discrimination prohibited by WIOA or the regulations implementing the nondiscrimination provisions may file a written complaint, either by themselves or through a representative. The complainant may file with either the recipient's Equal Opportunity Officer:

Heartland Workforce Solutions, Inc.
Attention: Erin Porterfield
5752 Ames Avenue
Omaha, NE 68104
Phone: (402) 218-1163
TDD: (800) 833-7352
eporterfield@hws-ne.org

or to:

Director
Civil Rights Center
U.S. Department of Labor Room N4123
200 Constitution Avenue,
NW Washington, D.C. 20210

Generally, a complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, the CRC Director may extend the filing time.

Each complaint must be filed in writing, and must contain the following:

- Complainant's name and address (or another means of contacting the complainant);

- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);

- A description of the complainant's allegations. This description must include enough detail to allow the CRC Director or the recipient, as applicable, to decide who has jurisdiction over the complaint, whether the complaint was filed on time, and the merit of the complaint (whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or the regulations); AND

- The complainant's signature or the signature of the complainant's authorized representative

If a complaint is filed with the recipient, the complainant must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (CRC). If the recipient does not give the complainant a written Notice of Final Action within 90 days of the day the complaint was filed, the complainant does not have to wait for the recipient to issue that Notice before filing a complaint with CRC.

However, the CRC complaint must be filed within 30 days of the 90-day deadline (in other words, within 120 days after the day on which the complainant filed the complaint with the recipient). If the recipient does give the complainant a written Notice of Final Action on the complaint, but the complainant is dissatisfied with the decision or resolution, the complainant may file a complaint with CRC. The complainant must file the CRC complaint within 30 days of the date on which they received the Notice of Final Action.

Recipient's Discrimination Complaint Processing Procedures

The procedures that a recipient adopts and publishes must provide that the recipient will issue a written Notice of Final Action on discrimination complaints within 90 days of the date on which the complaint is filed.

The procedures must include the following elements:

1) An initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint and notice that the complainant has the right to be represented in the complaint process

    b. A written statement of the issue(s), provided to the complainant, that includes the following information - a list of the issues raised in the complaint, and for each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection. If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant in writing, immediately. This 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. The recipient may want to correspond through certified mail in order to verify date of receipt.

    c. A period for fact-finding or investigation of the circumstances underlying the complaint

    d. A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR). The ADR procedures must provide that the choice whether to use ADR or the customary process rests with the complainant. The procedures must allow for a party to any agreement reached under ADR to file a complaint with the CRC Director in the event the agreement is breached.

If that happens, then the non-breaching party may file a complaint with the CRC Director within 30 days of the date on which the non-breaching party learns of the alleged breach and the CRC Director must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with CRC based upon his/her original allegation(s), and the CRC Director will waive the time deadline for filing such a complaint. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director.

e. A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed. The Notice of Final Action must contain for each issue raised, a statement of either the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue.

In addition, it must include notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if he or she is dissatisfied with the recipient's final action on the complaint.

Where state or local laws explicitly bar discrimination based on gender identity and/or sex stereotyping, EO officers should advise participants and employees that additional state and local laws may also cover their claims, and how to file a complaint.

Failure to Comply

Whenever the United States Secretary of Labor finds that a State or other recipient of funds under WIOA Title I has failed to comply with this provision of the law, the Secretary shall notify such State or recipient and shall 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 United States 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 United States Attorney General has reason to believe that a State or other recipient of WIOA Title I funds is engaged in a pattern or practice of discrimination, the 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.

DATA & INFORMATION COLLECTION & MAINTENANCE

Each recipient must collect and maintain records to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of the WIOA.

Records must be collected and maintained on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known,

disability status of the specified groups. These records must be maintained for a period of not less than three years from the close of the applicable program year.

The information must be stored in a manner that ensures confidentiality and must be used only for the purposes of recordkeeping and reporting, determining eligibility for WIOA Title I-financially assisted programs/activities, or other uses authorized by law.

Each recipient must maintain - and submit upon request of the State EO Officer or the Civil Rights Center - a log of complaints that allege discrimination.

The log must include:

- The name and address of the complainant;
- The status of the complainant (i.e., employee, WIOA participant, applicant, etc.);
- The grounds for the complaint;
- A description of the complaint;
- The date the complaint was filed;
- The disposition and date of disposition of the complaint; AND
- Whether or not the complaint utilized an alternative dispute resolution (ADR) process.

The USDOL Civil Rights Center requires that all Discrimination Complaint Logs are submitted utilizing the electronic format they have established. The State Equal Opportunity Officer shall provide this electronic form on request. Records regarding complaints and actions taken on the complaints must be maintained for a period of not less than three years from the date of resolution of the complaint.

When any administrative enforcement action or lawsuit is filed against a grant applicant and recipient alleging discrimination on the ground(s) of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity, the grant applicant and recipient must promptly notify the Director of the Civil Rights Center. This notification must include: the names of the parties to the action or lawsuit; the forum in which each case was filed; and the relevant case numbers.

Disclaimer

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

Attachment A

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; AND

- Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;

- Providing opportunities in, or treating any person with regard to, such a program or activity; OR

- Making employment decisions in the administration of, or in connection with, such a program or activity

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); OR

- The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the Director of the CRC (at above address). You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

29 CFR § 38.30

I, _____, acknowledge that I have received a copy of the Equal Opportunity is the Law Notice.

Name Date

IMPORTANT! *This document contains* ***important information*** *about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you.* ***Call (402) 471-9000*** *for assistance in the translation and understanding of the information in this document.*

Spanish

¡IMPORTANTE! *Este documento contiene* ***información importante*** *sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo alguno para usted.* ***Llame al (402) 471-9000*** *para pedir asistencia en traducir y entender la información en este documento.*

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 فهم المعلومات الواردة في هذا المستند، وسنوفر المعلومات بلغتك المفضلة دون تحملك أي تكلفة. **اتصل على الرقم *(402) 471-9000*** 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 정보를 포함하고 있습니다. 귀하가 본 문서에 있는 정보를 이해하는 것은 대단히 중요하며, 귀하가 원하는 언어로 정보를 제공받으실 수 있습니다. ***(402) 471-9000***로 전화하여 본 문서에 있는 정보의 번역 및 이해를 위해 도움받으시길 바랍니다.

Human Resources Policy Bulletin

City of Lincoln

Number: 2022-1
Date: February, 2022

Reference:	Title:
Title VII of the Civil Rights Act of 1964 as amended Age Discrimination in Employment Act Americans With Disabilities Act as amended Genetic Information Nondiscrimination Act Uniformed Services Employee Rights and Re-employment Act Nebraska Fair Employment Practices Act Supersedes HR Policy Bulletin 2001-2	**Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

Objective

The City of Lincoln is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the City of Lincoln expects that all relationships among persons in the workplace will be business-like and free of explicit bias, prejudice, and harassment.

The City has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the Director of Human Resources or a member of the HR Department.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of the City prohibits disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Equal employment opportunity

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or perceived disability, marital status, citizenship, national origin, genetic information, or any other basis or characteristic protected by law. The City of Lincoln prohibits any such discrimination or harassment.

Reference:	Title:
Title VII of the Civil Rights Act of 1964 as amended Age Discrimination in Employment Act Americans With Disabilities Act as amended Genetic Information Nondiscrimination Act Uniformed Services Employee Rights and Re-employment Act Nebraska Fair Employment Practices Act Supersedes HR Policy Bulletin 2001-2	**Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

Retaliation

The City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports. The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Sexual harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, which are more than an isolated instance, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Title VII of the Civil Rights Act of 1964 as amended recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or

Reference:	Title:
Title VII of the Civil Rights Act of 1964 as amended Age Discrimination in Employment Act Americans With Disabilities Act as amended Genetic Information Nondiscrimination Act Uniformed Services Employee Rights and Re-employment Act Nebraska Fair Employment Practices Act Supersedes HR Policy Bulletin 2001-2	**Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to the City of Lincoln (e.g., an outside vendor, consultant, volunteer, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

The City encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, the human resources department or the employee's department head. See the complaint procedure described below.

Human Resources Policy Bulletin

City of Lincoln

Number: 2022-1
Date: February, 2022

Reference:	Title:
Title VII of the Civil Rights Act of 1964 as amended Age Discrimination in Employment Act Americans With Disabilities Act as amended Genetic Information Nondiscrimination Act Uniformed Services Employee Rights and Re-employment Act Nebraska Fair Employment Practices Act Supersedes HR Policy Bulletin 2001-2	**Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

In addition, the City encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The City recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Complaint Procedure

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, the employee's department head, or human resources department.

The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

If the complaint is found to be invalid, the complaining party will be so notified. If the complaint is found to have merit, corrective action will be implemented. Such action shall include but is not limited to eliminating any prohibited conduct or conditions, and imposing appropriate disciplinary sanctions including suspension, demotion or termination of employment. For those complaints or situations arising from employment in a setting overseen by FTA regulations, the Mayor will be so informed.

The City will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Human Resources Policy Bulletin

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Date: February, 2022

Reference:	Title:
Title VII of the Civil Rights Act of 1964 as amended Age Discrimination in Employment Act Americans With Disabilities Act as amended Genetic Information Nondiscrimination Act Uniformed Services Employee Rights and Re-employment Act Nebraska Fair Employment Practices Act Supersedes HR Policy Bulletin 2001-2	**Nondiscrimination/Anti-Harassment Policy and Complaint Procedure**

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, reassignment, suspension without pay, or termination, as the City believes appropriate under the circumstances. All discipline will be in accordance with Lincoln Municipal Code and any applicable labor agreements.

If a party to a complaint does not agree with its resolution, that party may proceed with any other remedies available through NEOC/EEOC.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

Doug McDaniel
Human Resources Director

February 7, 2022
Date

Leirion Gaylor Baird
Mayor

February 10, 2022
Date

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R E C E I P T

FOR

CITY OF LINCOLN PERSONNEL POLICY BULLETIN

NONDISCRIMINATION/ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

Number 2022-1

I hereby acknowledge that I have received and read a copy of the City's NonDiscrimination/Anti-Harassment Policy, Personnel Policy Bulletin No. 2022-1

_____ _____

Print Name Signature

___ ___ ___ ___ ___ ___ _____

Oracle Person Number Department

XXX – XX - __ __ __ __ _____

Last 4 Digits of Social Security Number Date

Please forward completed form to the Human Resources Department.

NDOL Workplace Information

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Workplace Harassment

Staff have the right to work in an environment free from discrimination based on race, color, religion, age, gender, sexual preference, disability, national origin or marital status.

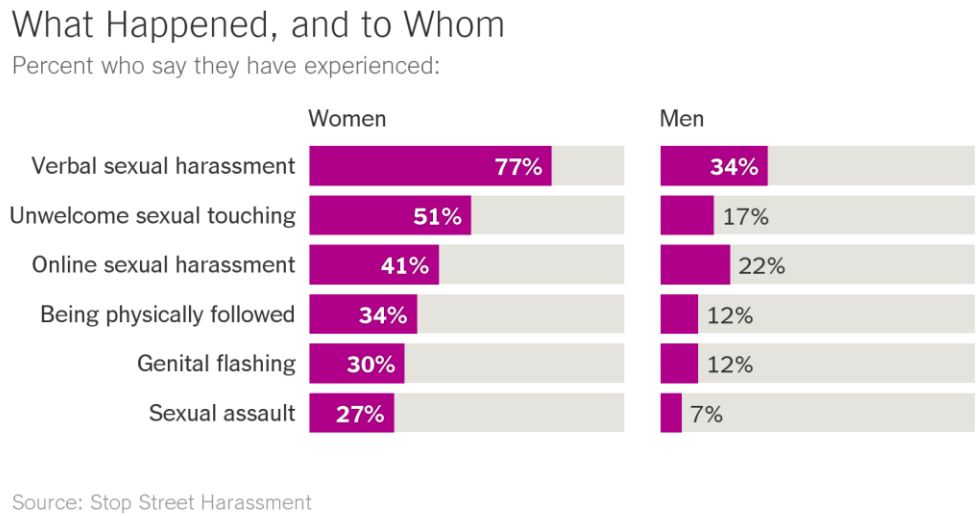
- Conduct towards another person or identifiable group of persons including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or creates an intimidating, hostile, or offensive work environment.



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Workplace Harassment

- Staff have the right to work in an environment free from sexual harassment, which includes unwelcome sexual advances, requests for sexual favors or other such conduct when:
  - Submission is made a term of employment, or
  - Submission or rejection becomes a basis for employment-related decisions, or
  - Conduct interferes with an employee's work performance.



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Workplace Harassment

- Keep in mind what you see as innocent teasing may be seen as harassment by someone else.
- NDOL takes all workplace harassment complaints seriously and has a process in place for investigating all allegations.
  - *Please review the policies manual for details on the complaint process.*

REPORT ANY suspected Harassment/Discrimination to your supervisor, HR or to the Commissioner.

Risk Factors:

Homogeneous Workforce
Culture/Language Differences
Social issues outside of Work
Young Workforce
High Value Employees

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Discrimination

The Nebraska Department of Labor does not discriminate on the basis of race, color, religion, sex, national origin, age, or disability in employment and services.

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Your Responsibilities

- Read and understand EO policies and procedures at https://dol.nebraska.gov/EqualOpportunity
- If you feel you have been discriminated against, contact HR
- Ensure customers know they can file a complaint with the EO Officer

EO Officer for compliance assistance

Justin Schroeder
State-level EO Officer
Director, Safety
402-471-8358 TDD/TTY 800-833-7352
Justin.Schroeder@nebraska.gov
NDOL.EOComplaints@Nebraska.gov



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NEBRASKA DEPARTMENT OF LABOR

Equal Opportunity and Nondiscrimination Training

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1

Unit I: Introduction and Applicability

The Workforce Innovation and Opportunity Act was signed on July 22, 2014 and is USDOL's primary mechanism for providing financial assistance for a comprehensive system of job training and placement services for adults and eligible youth.

- In June 2016,the Departments of Labor and Education issued joint regulations to implement joint administration activities applicable to anyone receiving or benefiting from WIOA funds including all programs and activities that are part of the one-stop delivery system that are operated as one-stop partners
- In December 2016, 29 CFR Part 38, of the Final Rule established implementing regulations for Equal Opportunity and Nondiscrimination.

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Unit I: Introduction and Applicability

The Final Rule updated Department regulations to be consistent with current law and its application to workforce development and workplace practices:

- Increased equality of opportunity for millions of job applicants, training participants, program beneficiaries and employees of recipients who interact with the workforce development system each year.
- Ensure equal access to the workforce system for people with disabilities by bringing the regulations in line with updated disability rights laws.
- Brought the U.S. Department of Labor Civil Rights Center (CRC) regulations in accord with the Disabilities Act Amendments Act of 2008 and the implementing regulations and guidance issued by the Department of Justice, as well as the implementing regulations and guidance issued by the Equal Employment Opportunity Commission.

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Unit I: Introduction and Applicability

- Ensure the definition of "disability" will be interpreted broadly, which will enable more individuals with disabilities to be effectively served within the workforce development system.
- Address accessibility requirements, such as information and electronic technologies and service animals.
- Enhance access to the workforce system, in particular for people with disabilities, individuals with limited English proficiency, those who face various forms of sexual discrimination, and individuals who are pregnant have had a child or have a related medical conduction.

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Why do I need to take this training?

The 29 CFR §38 applies to anyone receiving or benefiting from WIOA funds including:

- State level agencies that administer or are financed by WIOA Title I funds
- State Workforce Agencies
- State Employment Services Agencies
- State Unemployment Insurance Agencies
- State and Local Workforce Development Boards
- One-Stop Operators
- One-Stop partners' programs and activities
- Service providers including eligible training providers
- On-the-Job Training Employers

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QUIZ

1. Does the final rule apply to you?
   a) No, I don't work with the one-stop
   b) No, I don't do anything with WIOA
   c) Yes, it is applicable to NDOL

Answer
c) Yes, it is applicable to NDOL

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Unit 2: Prohibitions on Discrimination

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.

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Prohibited Discriminatory Actions

A recipient must not directly, or through contractual, licensing or other arrangement:

- Deny an individual any aid, benefit, service, or training
- Provide to an individual any aid, benefit, service, or training that is different, or is provided in a different manner, from that provided to others.
- Subject an individual to segregation or separate treatment.
- Restrict an individual in any way in the enjoyment or advantage or privilege enjoyed by others.

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Prohibited Discriminatory Actions

- Treat an individual differently from others in determining admission, enrollment, eligibility, membership or other requirement or condition.
- Limit the opportunity to participant as a member of a planning or advisory body.
- Limit an individual enjoyment of any right, privilege, advantage, or opportunity enjoyed by others.
- Aid or perpetuate discrimination by providing significant assistance to an entity that discriminates on a prohibited basis.
- Refuse to accommodate an individual's religious practices or beliefs, unless to do so would result in undue hardship.

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Prohibited Discriminatory Actions

Prohibitions apply to the administration of WIOA programs or activities providing any aid, benefit, service, training, or facilities in any manner, including but not limited to:

- Outreach and Recruitment
- Registration
- Counseling and Guidance
- Testing
- Selection, placement, appointment and referral
- Training
- Promotion and retention

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Prohibited Bases for Discrimination

Race:

The U.S. Equal Employment Opportunity Commission (EEOC) defines as discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features violates Title VII (Civil Rights Act of 1964), even though not all members of the race share the same characteristic.

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Prohibited Bases for Discrimination

Color:

Color discrimination can occur between persons of different races or ethnicities, or between persons of the same race or ethnicity. Although Title VII does not define "color," the courts and the Commission read "color" to have its commonly understood meaning – pigmentation, complexion, or skin shade or tone. Thus, color discrimination occurs when a person is discriminated against based on the lightness, darkness, or other color characteristic of the person. Title VII prohibits race/color discrimination against all persons, including Caucasians.

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Prohibited Bases for Discrimination

Religion:

- The EEOC defines "religious beliefs" to include theistic beliefs (a belief in God) as well as non-theistic moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views.
- Religion typically concerns "ultimate ideas" about "life, purpose and death," while social, political and/or economic philosophies and mere personal preferences are not "religious" beliefs.
- Title VII also protects employees/applicants from discrimination if they do not subscribe to a particular religious view or are an atheist.

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Prohibited Bases for Discrimination

Religion:

- Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization or group.
- An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment

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Prohibited Bases for Discrimination

Sex:

U.S. DOL regulations 29 CFR §38.7-38.8, define the term sex to include but is not limited to:

- pregnancy,
- childbirth and related medical conditions,
- sex stereotyping

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Prohibited Bases for Discrimination

Types of discriminatory actions based on sex:

- A distinction of married and unmarried persons applied differently to male and female.
- Parenthood
- Distinguishing on the basis of sex in job training/educational programs and other opportunities.
- Denying individuals who are pregnant opportunities or access.
- Making facilities available only to members of one sex.
- Height or weight requirements which lack justification.
- Strength, agility, or other physical requirements that lack a substantial legitimate justification
- Adverse treatment based on stereotypes, for example assuming females have or will have family caretaking responsibilities; a belief that women with children should not be working long hours

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Prohibited Bases for Discrimination

National Origin:

National origin discrimination includes treating someone adversely because:

- They (or their families or ancestors) are from a particular country or part of the world,
- Ethnicity or accent (including physical, linguistic, and cultural characteristics closely associated with a national origin group),
- Perceive them to be of a certain national origin even if they are not

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Prohibited Bases for Discrimination

National Origin Includes:

- **Ethnicity:** Hispanic or Latino Ethnicity: A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race
- **Limited English Proficient:** An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g. reading or writing).
- **Citizenship**: Individuals protected under this section include citizens or nationals of the U.S., lawfully admitted permanent resident aliens, refugees, asylees and parolees, and other immigrants authorized by the Secretary of Homeland Security of their designee to work in the United States.

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Prohibited Bases for Discrimination

Age:

- The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. The Act prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
- Age discrimination is the practice of letting a person's age unfairly become a factor when deciding who receives a new job, a promotion, or other job benefit. It most commonly affects older workers who feel they have been discriminated against in favor of younger workers, but there have been cases involving younger workers being displaced by older workers.

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Prohibited Bases for Discrimination

Disability:

Regulations define disability, with respect to an individual, as a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

- A record of such an impairment; or
- Being regarded as having such an impairment as described in the regulations

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Prohibited Bases for Discrimination

An individual is "regarded as having an impairment" if the individual is subjected to an action prohibited because of an actual or perceived physical or mental impairment substantially limits, or is perceived to substantially limit a major life activity, even if the recipient asserts, or may or does.

Not all medical conditions represent a disability:

- Nearsightedness corrected by contact lenses or glasses is not a disability; it is considered "minor impairment".
- Temporary conditions expected to last less than six months are not disabilities but "transitionary conditions".

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Prohibited Bases for Discrimination

Political Affiliation:

Political affiliation means actual or assumed membership with a certain political party or ideology.

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Prohibited Bases for Discrimination

- **Applicant:** an individual who is interested in being considered for assistance, benefit, service, or training by a program and signified that interest by submitting personal information in response to a request by program staff. Applicant for employment means a person or persons who make(s) an application for employment with an entity.
- **Participant:** an individual who has registered and has been determined to be eligible to participate in and who is receiving services (except for follow up services) under a program. Participant includes, but is not limited to, individuals receiving any service(s) under State Employment Service programs, and claimants receiving any service(s) or benefits under State Unemployment Insurance programs.
- **Beneficiary:** individual or individuals intended by Congress to receive aid.
- **Recipient:** an entity that receives WIOA Title 1B funds.

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Harassment

Harassment of an individual represented in any of the protected groups is a violation of the nondiscrimination provisions.

Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or citizenship or participation, and other unwelcome verbal or physical conduct based on one or more of the protected categories constitutes harassment.

- Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training or employment.
- Submission to or rejection of such conduct is used as the basis for limiting that individual's access to any aid, benefit, service, training or employment.
- Conduct has the purpose of effect of unreasonable interfering with an individual's participation in program or activity creating a hostile or offensive environment.

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Harassment

- Harassment because of sex includes: gender identity, failure to comport with sex stereotypes; harassed based on pregnancy, childbirth and related medical conditions; and sex-based harassment that is not sexual in nature but this is because of sex or where one sex is targeted for harassment.

NDOL's *Workplace Harassment Policy* can be found at http://dolintra.nebraska.gov/Home/Policies?Name=harass&Section . Employee questions on harassment may be directed to Dirk Hood, Human Resources Administrator at dirk.hood@Nebraska.gov or (402)471-4957.

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Scenarios

Scenario 1: Maggie recently applied for a job and was asked to attend an interview.

She received a follow-up phone call to say that she had the highest score and would be sent a job offer. The Human Resources Officer said they wanted her to begin September 15. Maggie responded she was willing to start as soon as possible because she'd really need the money when her baby was born the end of January.

Maggie received a letter the following week telling her that her application had been unsuccessful.

Was Maggie discriminated against?



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Scenarios



Scenario 1: Yes, Maggie experienced discrimination.

Sex discrimination as amended makes it unlawful to discriminate on grounds of pregnancy. There is no need to compare a pregnant woman's treatment to anyone else, not even how she would have been treated had she not been pregnant.

This scenario shows a direct discrimination as a result of treating this female applicant less favorably on the grounds of her pregnancy.

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Scenarios

Scenario 2: Tariq, a Christian Arab, works at a computer store. When a supervisor isn't around, his co-workers call him a terrorist and ask him if is family belongs to ISIS. They also make negative comments about Muslims because they think Tariq is Muslim.

Has Tariq been harrassed?



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Scenarios



Scenario 2: Yes, Tariq is being harassed because of his national origin and perceived religion.

The computer store may be held responsible if it knew about the harassment or should have known and did not try to stop it. Tariq should report his coworker's behavior to the manager responsible for handling harassment and discrimination complaints.

He also could file a complaint with the Equal Opportunity Commission.

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Scenarios

Scenario 3: Jorge, a Honduran citizen living in the United States accepted a summer work experience, he was assigned to a job with a landscaping company. On his first day, Jorge accidentally broke a lawn mower. The customer yelled at Jorge, called him "stupid" and complained that "foreign kids" like Jorge were "stealing jobs from hard-working Americans." Jorge did not see the customer again during the rest of the summer.

Did the customer harass Jorge?



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Scenarios



Scenario 3: No.

For workplace harassment to be illegal, it has to be severe or occur frequently. It may be both severe and frequent, but one instance of harassing conduct, by itself, is generally not illegal.

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Scenarios

Scenario 4: Sam is Jewish and was recently hired as a salesperson for a large department store chain. Sam tells Zoe, his manager, that he needs to be home before sundown on Friday, and that he is unable to work until after sundown on Saturday so he can observe the Sabbath.

He also tells Zoe that a few of his co-workers are willing to cover for him on Friday nights and Saturdays since business is better on the weekends and their pay is based partly on their sales. Zoe refuses to grant Sam's request not to work on Friday evenings and Saturdays.

Did Zoe discriminate against Sam?



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Scenarios



Scenario 4: Yes, Zoe discriminated against Sam based on his religion by refusing his request for a schedule change so he can observe his religion.

The store has a duty to consider whether it is possible to change Sam's work schedule so he can observe the Sabbath.

Because Sam has found other employees who are willing to swap shifts, the store should be able to grant the request.

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Quiz

1. A newly hired administrative planner requests a varied schedule to allow him to say prayers three times during the work day. The time involved would be less than a lunch period and two breaks available to a fulltime/permanent employee. Flexible schedules are available to others in this position. The supervisor should:
   a. Refer him to Human Resources with his request.
   b. Decline the request, there is no requirement that breaks be allowed at the same time every day.
   c. Evaluate the request in conjunction with Human Resource; only refusing if it can be shown to cause an undue hardship for NDOL.

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Quiz

2. A single mother of three contacts NDOL for more information on a job opening which she qualifies for. The Human Resources Officer is aware that the job will include extensive traveling. The Officer should:
   a. Provide her with qualifications, preferences and information on how to apply.
   b. Discourage her because she is single, has children at home and isn't really interested in being gone from home so will probably quit right away.
   c. Discourage her because this position is filled entirely by single men.

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QUIZ

3. A limited English proficient person comes into apply for a training program. You know the eligible training program selected and the NDOL workshops he selected are only provided in English. You would:
   a. Refer him to a local agency that works with this population.
   b. Arrange for language assistance and make arrangements for him to complete a WIOA application.
   c. Provide him with language assistance, bilingual information only on the activities you feel he would be interested in and appropriate for.

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Answers

1. c. Evaluate the request in conjunction with Human Resources; only refusing if it can be shown to cause an undue hardship for NDOL.
2. a. Provide her with qualifications, preferences and information on how to apply.
3. b. Arrange for language assistance and make arrangements for him to complete a WIOA application.

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Unit 3: Notice and Communication (§38.25-.27, §38.34–38.39)

What are the standards for notice and communication?

Initial and ongoing notice of Equal Opportunity Officer (EOO) information and that the agency does not discriminate on any prohibited basis must be provided to registrants, applicants, and eligible applicant/registrants; participants; applicants for employment and employees; unions and professional organizations; local workforce development areas and members of the public, including those with organizations, local workforce development areas; and members of the public, including those with impaired vision or hearing and those with limited English proficiency.

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Unit 3: Notice and Communication (§38.25-.27, §38.34–38.39)

Equal Opportunity Officer (EOO): The Governor must name a State Equal Opportunity Officer (EOO), the information must be provided initially and on a continual basis including position, title, address, and telephone number (voice and TDD/TTY) in:

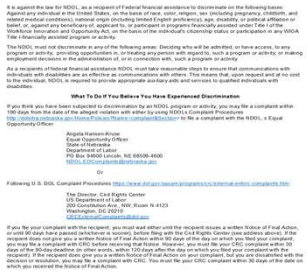
- All internal and external communications about nondiscrimination and equal opportunity programs;
- EOO info is also part of the mandated Equal Opportunity is the Law.

All employees must know who the NDOL Equal Opportunity Officer is.

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Equal Opportunity Is The Law



Equal Opportunity is the Law: The regulations require a specifically worded Equal Opportunity Is the Law notice/poster.

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Publications and Broadcasts

Prescribed taglines must be included in all publications, recruitment brochures, other materials and other communications to describe programs or the requirements for participation:

- Written
- Oral
- Electronically
- Paper

Mandated taglines are:

- "Equal opportunity employer/program"
- "Auxiliary aids and services are available upon request to individuals with disabilities"
- When a voice telephone is listed where a program may be reached, the materials must also include prominently a telephone number of the text telephone (TTY) or equally effective communication system such as relay service, videophone or captioned telephone.

Entities that publish or broadcast program information in the news media must ensure that broadcasts and publications state that the program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.

Materials of this nature should always be reviewed by the NDOL Public Information Office.

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Assurances

In grant agreements, contracts and other arrangements notification is required through mandatory assurances as a condition to the award of WIOA-Title I monies.

The entity assures among other things, that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- Section 188 WIOA
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs
- 29 CFR §38

Assurances are considered incorporated by operation of law in the grant, whether it is explicitly incorporated and whether there is a written agreement.

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QUIZ

1. Equal Opportunity is the Law statement can be found:
   a. On the agencies website.
   b. Posted in local and administrative offices.
   c. Provided to new employees.
   d. All of the above.
2. How does NDOL make sure that local areas, service providers, eligible training providers and others entering into agreements or contracts adhere to these U.S. DOL regulations?
   a. Include standardized assurances in all agreements, contracts or other notification.
   b. Discuss during the procurement process.
   c. Give them a copy of the Equal Opportunity is the Law Notice
3. What taglines must be included in all brochures and posters briefly describing NDOL services and the office address and phone number to apply for them?
   a. Language assistance available upon request
   b. TTY telephone number
   c. Auxiliary aids and services available upon request to individuals with disabilities
   d. Commissioner's Email address

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Answers

1. d. All of the above.
2. a. Include standardized assurances in all agreements, contracts or other notification.
3. c. Auxiliary aids and services available upon request to individuals with disabilities.

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Unit 4: Discriminatory Complaint Processing Procedure (§38.69-38.73)

Who may file a complaint?

Any person or the person's representative who believes that any of the following circumstances exist may file a written complaint:

- A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any NDOL program or activity as prohibited by 29 CFR 38.
- Either the person, or any specific class of individuals, has been or is being retaliated against as described in §38.19

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Unit 4: Discriminatory Complaint Processing Procedure (§38.69-38.73)

A person or the person's representative may file a complaint with either NDOL's EO Officer (or the person designated for this purpose) or the U.S. DOL Civil Rights Center Director. Complaints filed with the Director (U.S. DOL CRC) should be sent to the address listed in the notice or filed electronically as described in the notice.

Filing a complaint with NDOL does not affect the complainant's right to file a complaint with the CRC if he/she is not satisfied with the resolution provided by the State.

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When can a complaint be filed?

Generally, a complaint must be filed within 180 days of the alleged discrimination or retaliation. However, for good cause shown, the Director may extend the filing time. The time period for filing is for the administrative convenience of CRC, and does not create a defense for the respondent.

What are NDOL's Complaint Procedures?

NDOL's complaint procedures are available in both English and Spanish to employees through the intranet; to the public on the internet, posted in policies and plans on the internet and available upon request. Complaint procedures and/or complaint forms may be requested from any NDOL employee and/or American Job Center staffer.

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How to File a Complaint

Complaints made to the State Equal Opportunity Office can be filed in written format through the mail or emailed to the contact information appearing in the Equal Opportunity is the Law Notice:

Nebraska Department of Labor
Equal Opportunity Officer
PO Box 94600
Lincoln, NE 68509-4600
NDOL.EOComplaints@nebraska.gov

Complainants may request a meeting with the State EO Officer by calling 402-471-9000. Individuals with speech and/or hearing impairments may call 1-402-471-2786 or 1-800-833-7352.

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Complaints must be filed within 180 days of the alleged violation (except that the Director of the Civil Rights Center (U.S. DOL) may extend the filing time) and must:

- Fall under the State Jurisdiction.
- Have apparent merit, i.e. whether the allegation, if true, would violate any of the nondiscrimination and equal opportunity provisions.
- A complaint may be filed by completing and submitting an *NDOL Discrimination Complaint Information Form* available at all American Job Center (AJC) one-stops, or from any AJC partner or affiliate, or from any NDOL Career Center or from the NDOL Administrative Office. The form is also available at https://dol.nebraska.gov/EqualOpportunity.

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NDOL forms for filing a complaint are available in English and Spanish at https://dol.nebraska.gov/EqualOpportunity. Complaints must be filed in writing and must contain the following information:

a. Complainant's name, mailing address, and if available email address, and telephone number (or other means of contacting the complainant).
b. Identify the respondent alleged responsible for the discrimination.
c. A description of the allegation with sufficient information to determine:
   i. Jurisdiction over the complaint
   ii. Complaint was filed timely
   iii. Complaint has merit
d. Written or electronic signature of the complainant or their representative.
e. If complaint is for disability discrimination, include information that will identify complainant as an "individual with a disability":
   i. Has a physical or mental impairment which substantially limits one or more major life activities
   ii. Has a record of such impairment
   iii. Is regarded as having such impairments

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As an NDOL employee you are responsible for knowing how to file a discriminatory complaint as well as be able to provide that information upon request to any party wishing to file a complaint.

Complaint procedures are under Policies on the Intranet, included in program policies and available on the NDOL website.

https://dol.nebraska.gov/EqualOpportunity

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Criminal Fraud and Abuse

Information and complaints involving criminal fraud, waste, abuse or other criminal activity **must be reported immediately** through the United States Department of Labor's Incident Reporting System to the:

Department of Labor
Office of Inspector General | Office of Investigations
Room S5514
200 Constitution Avenue NW.
Washington, DC 20210

Or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1–800–347–3756. The Web site is http://www.oig.dol.gov/contact.htm (20 CFR §683.620).

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Scenarios

Scenario 1: The Equal Opportunity Officer has agreed to an informal meeting with Kaneda Brown. Kaneda is a customer whose ultimate goal is to attend a specific accredited training program, however, NDOL requires that each participant attend assessment, career planning and *World of Work* workshops prior to the approval of training support.

Discussion results in Ms. Brown identifying her complaint as the quality and outcome of these workshops, which she feels is poor with no real benefit to her. She wants to start school in three days, has already enrolled and is counting on NDOL for financial support.

Is this a discrimination complaint?



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Scenarios



Scenario 1: No. Even though the complainant is a female there is no indication that the complaint is about discrimination of a person, or a specific class of individuals on a prohibited basis.

Ms. Brown has the right to file a formal written complaint, however, she will receive a notification of lack of jurisdiction from the Equal Opportunity Officer within the timeframes set in NDOL's complaint procedures.

The Equal Opportunity Officer has neither jurisdiction nor responsibility for resolving grievances and complaints of a nondiscriminatory manner

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Scenarios

Scenario 2: Shawna was recently hired at NDOL. As a new employee, she received information on EO complaint procedures during orientation. In the first few weeks of her employment, Shawna discovers that her supervisor communicates in a way Shawna feels is insulting and inconsistent. At daily team meetings, performance and new procedures are discussed and Shawna feels that it is a waste of her time. In addition to the meetings, guidance is shared via email from other managers. Shawna complains that the supervisor is a poor communicator and is inefficient with the use of her time; Shawna also complains that the supervisor speaks to her as if she were a child.



Is this a discrimination complaint?

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Scenarios



Scenario 2: No, this is not a discrimination complaint. There is no indication that Shawna was treated differently or singled out because of her sex, religion, race, ethnicity, disability or national origin. Being subjected to multiple meetings and instructions from more than one source does not mean that Shawna has a hostile work environment. This is a complaint about a supervisor's management style. If Shawna wishes to file a complaint, it should be made to her supervisor or another manager.

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Quiz

1. How can a member of the public file a discriminatory complaint with NDOL?
   a. They can't unless they are a WIOA Participant, UI beneficiary or registered with Employment Services.
   b. By emailing the Director of Personnel.
   c. By using the *Discrimination Complaint Information Form* posted at https://dol.nebraska.gov/EqualOpportunity

2. What is a discrimination complaint?
   a. An allegation of discrimination of a person, or a specific class of individuals on a prohibited basis as identified in the Equal Opportunity Is the Law statement.
   b. A complaint about work hours.
   c. A complaint about the quality of a service or activity.

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Quiz

3. Do you know who the NDOL EOO is?
   a. Yes
   b. No
   c. Maybe
   d. I don't need to

4. Do you know where the complaint procedures can be found?
   a. Yes
   b. No
   c. I know who to ask

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Answers

1. c. By using the *Discrimination Complaint Information Form* posted at https://dol.nebraska.gov/EqualOpportunity.
2. a. An allegation of discrimination of a person, or a specific class of individuals on a prohibited basis as identified in the Equal Opportunity Is the Law statement.
3. a. Yes
4. a. Yes

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UNIT 5: Universal Access for Limited English Proficient (§38.13, §38.9, §38.41, Appendix to §38.9)

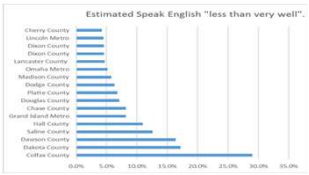
Universal access is taking appropriate steps to ensure access to programs and activities for all eligible individuals. In order to ensure universal access, NDOL must pay particular attention to the various functions it performs, including strategic planning; marketing and outreach; consultation with community groups; operational collaboration among partners; training; intake, registration, and orientation; and service delivery.

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An estimated 89.1% of Nebraska Households are "English speaking only"; 11.09% speak more than one language and 2.60% are Limited English Speaking Households. (2012-2016 Census Community Survey estimates.)

There are an estimated 87,469 people in Nebraska who speak English "less than very well". The largest population is Spanish speaking (3.4%) followed by Asian and Pacific Island languages (.9%). Saturation varies from counties estimated at 29% of their population to those with only an English speaking population.



Census FactFinder Language at Home estimates 2012-2016

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Reasonable steps to provide access to limited English Proficient populations generally may include; but are not limited to:

- An assessment of an LEP individual to determine language assistance needs.
- Provide oral interpretation or written translation of both hard copy and electronic materials in the appropriate language.
- Written training materials through written or oral translation.
- Oral training through in-person translation or telephone interpretation.
- Convey in appropriate languages how an individual may effectively learn about, participate in and/or access any aid, benefit, service or training you provide.
- Any language assistance services must be accurate, provided in a timely manner and free of charge
- Must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge.

NDOL requires that **foreign language translation materials be submitted to the NDOL Public Information Officer and must be translated by a certified translator.**

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For Vital Information

- For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, NDOL must translate vital information in written materials into these languages and make the translations readily available electronically, in hard copy, upon request, or at https://dol.nebraska.gov . The Department of Justice has set a threshold at 5% of the population as a significant portion, as the point where bilingual materials and information must be readily available.
- Must include a "Babel notice" indicating in appropriate languages that language assistance is available in all communications of vital information.

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For Vital Information

- Once NDOL becomes aware of the non-English preferred language, vital information must be conveyed in that language.
- A written language access plan to ensure LEP individuals have meaningful access has been developed for NDOL. Information on its content and location has been provided to all staff and management – NDOL's *LEP Plan* can be found at https://dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/ManualsPlansReports.

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Limitations on Interpreters: With implementation of the new nondiscriminatory standards an individual may not be required to provide their own interpreter. Programs **may not rely** on an LEP individuals' **minor child or adult** family or friend(s) to interpret or facilitate communication, **except** in emergency situations while waiting for a qualified interpreter, the accompanying adult (**but not minor child**) may interpret or facilitate communication when the information conveyed is of minimal importance to the services to be provided or when the LEP individual specifically request that the accompanying adult provide language assistance, the accompanying adult must agree and it must be appropriate under the circumstances.

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Scenarios

Scenario 1: An individual who speaks Urdu seeks information about unemployment insurance from NDOL's telephone call center that assists enrollees and applicants.

What happens?

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Scenarios

Scenario 1: UI must consider the proportion of Urdu-speaking LEP individuals served or encountered by the unemployment insurance program; the frequency with which Urdu-speaking LEP individuals come in contact with the unemployment insurance program; the resources available to NDOL and costs in determining how it will provide this LEP individual with language assistance.

Urdu is a language that is rarely, if ever, encountered. Because low-cost commercial language services, such as telephonic oral interpretation services, are widely available, UI should, at a minimum, provide the Urdu-speaking LEP individual telephonic interpretation services to ensure meaningful access to unemployment insurance benefits.

Programs have some flexibility as to the means to provide language assistance as long as you take reasonable steps to provide meaningful access to your services.

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Scenarios

Scenario 2: A Spanish speaking individual requests a translated brochure for an upcoming job fair. The center considers the importance of the information in the brochure, the proportion of LEP individuals served or encountered who speak this language, the frequency of that contact and the resources available referring to the NDOL LEP Plan as necessary.

It is determined, based on the customers they encounter for their area that only English materials are necessary. They refer the customer to the Hispanic Community Center for translation of the brochure.

Was this action appropriate?

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Scenarios

Scenario 2: The action taken does not meet either the letter or intent of regulations or NDOL policies.

In this instance NDOL is required to provide a written translation of the brochure for the LEP individual if the language is one spoken by a significant number or proportion of the LEP persons in the eligible service population and the language is frequently encountered. The Department of Justice has set the threshold for a "significant number" at 5%.; per NDOL's *Nondiscrimination Plan reports* Nebraska's Spanish speaking population is 10%.

Counties estimated as exceeding 5% for those who "speak English less than very well"(Census 2016 Community Survey) include: Colfax, Dakota, Dawson, Saline, Hall, Chase, Douglas, Platte, Dodge and Madison.

If the language is not spoken by a signification number or portion of the eligible population to be served and has not frequently been encountered reasonable accommodations still must be provided; in this case it could be through an oral summary of the brochure.

NDOL has developed Spanish language forms and information for multiple programs.
If you are unaware of what is available check with your supervisor,
Executive Director or the NDOL Equal Opportunity Officer.

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QUIZ

1. When is it okay to let minor children interpret for their parents?
   a. Never
   b. If parent requests
   c. If no interpreter or family member is available
   d. If there is a tornado warning and shelter must be sought
2. What languages are spoken by a significant number of Nebraska's population?
   a. Vietnamese
   b. Neur
   c. Spanish
   d. Arabic

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Answers

1. d. If there is a tornado warning and shelter must be sought.
2. c. Spanish

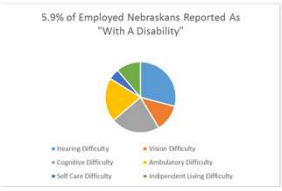
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UNIT 6: DISABILITY AND ACCESSIBILITY (§38.4 & .6, §38.12 – 17, §38.24)

Disability cuts across race, age, gender, sexual orientation and gender identity, ethnicity, religion and socio-economic status and is the only minority group that anyone can join at any time.

There are an estimated 59,004 individuals with disability in Nebraska's labor force.



Census 2016 American Community Survey; Universe: Civilian noninstitutionalized populations 18-64

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What is accessibility related to Disability?

Regulations require two types of accessibility which must be met:

- **Physical Accessibility** as defined in 29 CFR §38: No qualified individual with a disability may be excluded from participation in, or denied the benefits of program services or activities or be subjected to discrimination because facilities are inaccessible or unusable for individuals with disability.
- **Programmatic Accessibility**: Programs and activities must be programmatically accessible, which includes providing reasonable accommodations, making reasonable modifications to policies, practices, and procedures; administering programs in the most integrated setting appropriate; communicating with persons with disabilities as effectively as with others and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a program or activity.

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In considering sites or locations of facilities, NDOL cannot select sites that are not accessible to individuals with disabilities on a prohibited basis from programs and activities; or subjecting them to discrimination.

All State leases include a provision for ADA compliance:

18. Compliance with Civil Rights Laws and Equal Opportunity Employment. In connection with the performance of its obligations, under the terms of this Lease, Lessor shall comply with all applicable local, state and federal statutes and regulations regarding civil rights and equal opportunity employment. In connection with the performance of Lessor's obligations under the terms of this Lease, neither Lessor nor any subcontractor of lessor shall discriminate against employee or applicant for employment to be employed in the performance of this Lease, with respect to the employee or applicant hire, tenure, terms, conditions or privileges of employment, because of his or her race. Color, religion, sex, disability or National origin.

In connection with the performance of its obligations under the terms of this lease, Lessee/Tenant Agency shall comply with all applicable local, state and federal statutes and regulations regarding civil rights and equal opportunity employment. In connection with the performance of Lessee's obligations under the terms of this Lease, neither Lessee/Tenant Agency nor any of their subcontracts shall discriminate against any employee or applicant to be employed in the performance of this Lease with respect to the employee or applicant hire, tenure, terms, conditions of privileges of employment because of his or her race, color, religion, sex, disability or national origin."

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What is reasonable Accommodation?

With regard to any aid, benefit, service, training, and employment, NDOL must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

"Reasonable accommodation" is defined as "modifications or adjustments":

- To an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training or employment that the qualified applicant/registrant desires;
- That enable a qualified individual with a disability to perform the essential functions of a job, or receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities;
- That enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated qualified individuals without disabilities.

The best way to determine effective accommodations?
Ask the customer, employee or applicant.

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Evaluation of Accommodation Requests

Accommodations are not necessarily automatic. You may need to conduct an evaluation of a **requested/needed accommodation** to determine if meeting the request would cause undue hardship for your program; the burden of proof rests with NDOL.

In general, undue hardship means significant difficulty or expense incurred by NDOL taking into consideration:

- The nature and net cost of the accommodation taking into consideration the availability of tax credits and deductions, and/or outside funding.
- The type of operation or operation.
- The impact of the accommodation upon the operation of the facility or facilities.

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Evaluation of Accommodation Requests

In those circumstances where NDOL believes that the proposed accommodation or alteration would cause undue hardship. The decision must be a written statement of the reasons and a copy provided to the individual(s) who requested accommodation.

NDOL must consult with the individual(s) and take any other action that would not result in such hardship, but would ensure, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training or employment provided by the NDOL.

Employees wishing learn more about employee accommodations should contact Dirk Hood, Human Resources Administrator at (402) 471-4957 or dirk.hood@nebraska.gov for forms and procedures

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What is Fundamental Alteration?

Reasonable modifications must also be made in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity.

A "**fundamental alteration**" is defined as a change in the essential nature of a program or activity as defined in this part, including but not limited to an aid, service, benefit, or training; or cost that NDOL can demonstrate would result in an undue burden.

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Fundamental Alteration

In those circumstances where NDOL believes that the proposed modification would fundamentally alter the program, activity, or service, the burden of proof rests with NDOL. The decision must only be made after considering

- The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation.
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation (number of persons served or employed there). The effect on expenses and resources of facility.
- The overall financial resources of NDOL (Number of persons served or employed; number, type and location of facilities; type of operation),
- The impact upon the operation (impact on ability of others served and employees to perform duties and facilities ability to carry out its mission).

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Accommodations

The agency is not required to provide:

- Personal devices such as wheelchairs;
- Individually prescribed devices, such as prescription eyeglasses or hearing aids;
- Readers for personal use or study; or
- Services of a personal nature (assistance in eating, toileting or dressing).

Individuals with a disability are not required to accept any accommodation, aid, benefit, service, training, or opportunity provided (representatives or guardians of IWD cannot decline food, water, medical treatment or medical services to that individual).

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Aids and Devices

In general, NDOL must have policies, practices or procedures which allow aids and devices commonly used by an individual with a disability.

Service Animals: Policies, practices, or procedures must permit the use of a service animal by an individual with a disability.

- Service animals must be under handler's control.
- A request for removal of service animal from the premises may be made if:
  1. Animal is out of control and handler does not take effective action to control; or
  2. Animal is not housebroken.

The individual with a disability must be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

NDOL is not responsible for the care or supervision of a service animal.

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Aids and Devices

You must not inquire about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal:

1. If the animal is required because of a disability, and
2. What work or task the animal is trained to perform. You must not require documentation of animal certification, training or license to serve.

You must not make inquiries if it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g. guide dog, observed pulling wheelchair, providing assistance with balance or stability . . .).

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Aids and Devices

You **must** permit individuals with disabilities to be accompanied by their service animals in all areas of a facility where members of the public, participants in services, programs or activities, beneficiaries, registrants, applicants, eligible applicants/registrants, applicants for employment and employees, or invitees are allowed to go. They must be allowed to use service animal in a food preparation area unless it can be demonstrated that the presence of a service animal presents a direct threat to the health or safety that cannot be eliminated or reduced by a reasonable accommodation.

You may not charge a surcharge for service animal.

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Aids and Devices

MOBILITY AIDS AND DEVICES: Use of wheelchairs and manually-powered mobility aids must be permitted (wheelchairs, walkers, crutches, canes, braces, etc.) in any area open to pedestrian use.

NDOL must have made reasonable modifications in policies, practices or procedures to permit the use of other mobility devices unless it can be demonstrated a class of mobility device cannot be operated in accordance with legitimate safety requirements.

Assessment factors include:

- Type, size, weight, dimensions and speed;
- Volume of pedestrian traffic; and
- Facilities design and operational characteristic (e.g. square footage, density and placement of stationary services, availability for storage if requested).

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Communication with Individuals with Disabilities Auxiliary Aids and Services

NDOL must:

- Take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

  A "Companion" is defined as a family member, friend, or associate of an individual seeking access to an aid, benefit, service, training, program, who, along with such individual, is an appropriate person with whom the NDOL should communicate.
- Furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including beneficiaries, registrants, applicants, eligible applicants/registrants, participants, members of the public, and companions, an equal opportunity to participate in, and enjoy the benefits of programs, or activities.

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Communication with Individuals with Disabilities Auxiliary Aids and Services

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with:

- Method of communication used by the individual,
- Nature, length, and complexity of the communication involved; and
- Context in which the communication is taking place.

In determining what types of auxiliary aids and services are necessary, primary consideration must be given to the requests of individuals with disabilities. In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

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Examples of Auxiliary Aids or Services:

Interpreters: NDOL must not require an individual with a disability to bring another individual to interpret for him or her. You must not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except—

- In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
- Where the individual with a disability specifically requests that an accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.

You **must not rely on a minor child** to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

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Examples of Auxiliary Aids or Services:

Video remote interpreting (VRI) services - standards require the following:

- Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high-quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of the individual's body position;
- A clear, audible transmission of voices; and
- Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

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Examples of Auxiliary Aids or Services:

Electronic and information technology: When developing, procuring, maintaining, or using electronic and information technology, you must utilize electronic and information technologies, applications, or adaptations which:

- Incorporate accessibility features for individuals with disabilities;
- Are consistent with modern accessibility standards, such as Section 508 Standards (36 CFR part 1194) and W3C's Web Content Accessibility Guidelines (WCAG) 2.0 AA; and provide individuals with disabilities access to, and use of, information, resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits provided by the electronic and information technologies are provided to individuals with disabilities in an equally effective and equally integrated manner.

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Examples of Auxiliary Aids or Services:

Telecommunications: Where you communicate by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and/or members of the public, text telephones (TTYs) or equally effective telecommunications systems must be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.

Programs which use an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, the system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including internet-based relay systems.

NDOL must respond to telephone calls from a telecommunications relay service established under Title IV of the Americans with Disabilities Act in the same manner that it responds to other telephone calls.

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Examples of Auxiliary Aids or Services:

Information and Signage: You must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities.

Signage at the public entrances to any inaccessible facility must provide direction to a location where information can be obtained about accessible facilities. The signage provided must meet the Standards for Accessible Design under the Americans with Disabilities Act. Alternative standards for the signage may be adopted when it is clearly evident that such alternative standards provide equivalent or greater access to the information.

The international symbol for accessibility must be used at each primary entrance of an accessible facility.

If you have questions on your facilities physical accessibility a *Checklist for Readily Achievable Barrier Removal* with barrier removal suggestions is available at https://www.ada.gov/racheck.pdf , it can be copied or printed for your use. An example of information includes how to determine if entrance doors are accessible including the required width, signs, wall space on the pull side, heights, closed fist test and how to use a fish scale to determine if the door can be opened with five (5) pounds or less of pressure.



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Examples of Auxiliary Aids or Services:



The standards should be consulted for guidance in situations not covered. Additional resources, including ADA standards for Accessible Design, technical assistance publications, and questions and answers are available on their website: https://www.ada.gov.

If you have job accommodation questions visit the Job Accommodation Network (https://askjan.org/). JAN is a leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and capitalize on the value and talent that people with disabilities add to the workplace.

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Scenarios

Scenario 1: Steven has just started working part-time at a call center. He is one of 57 operators responsible for handling program telephone calls. All of the operators work in small workstations in one large room. Normally employees chose their own workstations on a first-come, first-serve basis.

Because Steven uses a wheelchair, he has great difficulty moving up and down the narrow aisles. Even through Steven arrives 30 minutes ahead of his start time, he frequently cannot find an available workstation before his shift begins. Steven tells his manager, Andrew, about the problem and asks to be permanently assigned a workstation close to the door. Andrew tells Steven that NDOL does not give special treatment to anyone and suggests Steven try coming to work earlier.

Was the action appropriate?



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Scenarios



Scenario 1: Andrew discriminated against Steven when it refused his request for a reasonable workplace change that he needed because of his disability.

There is no indication that assigning Steven a workstation by the door would be too expensive or too disruptive for NDOL.

Although NDOL often meets informal requests for accommodation, the supervisor failed to inform Steven of the NDOL process to formally request accommodations or refer him to Human Resources.

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Scenarios

Scenario 2: Anne has worked for the State for five years. Employees have access to information on all internal job vacancies and a couple of weeks ago she noticed a job advertised she knew she could do and it would be a promotion for her.

She sent in an application form and got notice back that the selection process involves a written test as well as an interview.

Anne contacted the Human Resources Officer in charge of the recruitment exercise and told him that it would be difficult for her to take part in the written exercise because she has a visual impairment and was registered blind several years ago.

The HR Officer suggested that Anne withdraw her application.



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Scenarios



Scenario 2: It is unlawful for employers to discriminate against disabled people in recruitment, whilst employed (e.g. in opportunities for promotion, transfer, training or any benefit) and after employment has ceased (e.g. by giving a poor reference, referring to the person's disability as being a hindrance). Employers also have a duty to take reasonable steps to prevent disabled people being placed at a substantial disadvantage in any of these aspects of employment compared with people who are not disabled – this is known as the employer's duty to make "reasonable accommodations".

When Anne made the HR Officer aware that she was a disabled person he should have discussed with her the type of adjustments that she would need to be able to participate in the recruitment exercise. An alternative method of completing the test should have been explored or indeed consideration given to waiving the test for this particular individual. Making the disabled person withdraw from the recruitment process would amount to unlawful disability discrimination.

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Scenarios

Scenario 3: Jake arrives at the reception desk for the testing portion of a position he has applied for, Pat who is responsible for checking the names on the registration list and escorting them to the testing location tells Jake he will need to reschedule.

Jake is visually impaired and accompanied by a service dog. Pat informs him that the room used for all NDOL's testing is not available due to a failure in the heating system. Pat tells him she doesn't know if it is possible for Human Resources to reschedule when the heating system is repaired. She cannot let him attend today because testing is being done in the lunch room and health rules do not allow animals in the space.

Does this action represent discrimination?



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Scenarios



Scenario 3: Yes, NDOL did not meet basic expectations for auxiliary aids. Nondiscrimination and Equal Opportunity laws and regulations provide that individuals with a disability must be permitted to be accompanied by their service animals in all areas of a facility where members of the public, participants in services, programs or activities, beneficiaries, registrants, applicants, eligible applicants/registrants, applicants for employment and employees, or invitees, as relevant, are allowed to go.

Service animals are allowed in food preparation areas, unless NDOL can show that the presence of the animal presents a direct threat to health or safety that cannot be eliminated or reduced by a reasonable accommodation.

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Scenarios

Scenario 4: Gabby, whose father is a motorcycle mechanic, came to NDOL to attend a public meeting. Gabby uses a "scooter" in place of a wheelchair as a mobility device. The scooter has been modified to move faster than a wheelchair or normal scooter; it is also a few inches longer and noticeably heavier than a wheelchair.

After consideration of the space and customers, the public, guests and employees, NDOL regretfully informs her that the scooter cannot be operated in their facility.

Can NDOL refuse use of the mobility device in their facility?



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Scenarios



Scenario 4: Yes. NDOL must permit the use of mobility devices unless it can be demonstrated that the class of mobility device cannot be operated in accordance with legitimate safety concerns.

NDOL assessed the request considering its type, size, weight, dimensions and speed. Also considered were the volume of pedestrian traffic in public areas; the design and operational characteristic of the facility. Although the facility meets all ADA requirements the density and placement of stationary services would not allow for passage of the scooter.

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100

QUIZ

1. NDOL is required to modify what?
   a. Facilities
   b. Meet any accommodation request made by an individual with a disability.
   c. Make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination, either direct or disparate impact.
   d. Regulations barring animals from the premises.
2. How are requests for accommodation/modification made?
   a. Through written procedures, considering mandated factors, in consultation with management, completed by issuing a written notification.
   b. Informally through verbal request with supervisor or manager making decision.
   c. Referring request to NDOL Human Relations for processing.
   d. Referring customer request directly to program management.

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101

QUIZ

3. When can you bar the use of service animals?
   a. When the animal is out of control or not housebroken.
   b. When the activity is in a food preparation area.
   c. When it is not apparent what the need for the animal is.
   d. There are a large number of people in the space.

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Answers

1. c. Make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination, either direct or disparate impact.
2. a. Through written procedures, considering mandated factors, in consultation with management, completed by issuing a written notification.
3. a. When the animal is out of control or not housebroken.

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UNIT 7: Employment Practices (§38.18)

Employment practices are covered by 29 CFR part 38, prohibited discrimination is the same for employment practices as it is for all others: It is an unlawful employment practice to discriminate on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin, age, disability, or political affiliation or belief in the administration of, or in connection with any NDOL program or activity.

- Employee selection procedures must comply with the *Uniform Guidelines on Employee Selection Procedures* 41 CFR 60-3, where applicable. These guidelines apply to tests and other selection procedures which are used as a basis for employment decisions.
- Must comply with Section 504 of the Rehabilitation Act
- Must comply with State of Nebraska Personnel Division rules and regulations

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UNIT 7: Employment Practices (§38.18)

Employers, employment agencies or other entities should be aware of obligations imposed by:

- Titles I and II of the ADA
- Sec. 503 of the Rehabilitation Act of 1975
- The Anti-Discrimination and Nationality
- Be compliant with State and Local requirements.

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105

State employment recruitment and selection standards include (Chapter 4) requires that NDOL:

- Take positive action in all areas of operation to insure that every citizen is given fair and equal opportunity for employment and advancement.
- Take affirmative action steps to fully implement the State Affirmative Action Rules.
- Ensure that standards, criteria or methods of selection do not discriminate against individuals with disabilities.
- Job postings are listed through the Recruitment Unit, DAS-State Personnel Division for formal announcement in State Personnel sponsored publications and websites.
- Develop a selection device to be uniformly administered prior to the selection process.

Employment practices including recruitment, screening, testing and scoring must be based on written criteria which is necessary and relevant to the job. Testing which results in disparate results for some groups must be discontinued

State employment standards found at Title 273 – Nebraska Administrative code (http://das.nebraska.gov/personnel/nerules/rules_final_with_cover.pdf) reflect those of Federal employment practice standards found at 41 CFR 60-3.

Reasonable accommodations for individuals with disabilities are required.

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INTIMIDATION: The agency cannot retaliate, discharge, intimidate, threaten, coerce or discriminate against any individual because they:

- Filed a complaint
- Opposed a practice prohibited
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing or any other activity related to:
  1. Administration of nondiscrimination & equal opportunity provisions of WIOA or 29 CFR §38:
  2. Exercise of authority under those provisions :or
  3. Exercise of private secured by those provisions; or
  4. Exercised any rights and privileges.

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Scenarios

Scenario 1: During an interview for an accountant position Gale had with NDOL, she was asked whether she had any children, whether she planned to have any more children, what church she attended and what her husband did for a living. Gale felt that some of these questions were designed to sift out married women of child bearing years. She later learned that two 40 year old males were the only applicants called in for a second interview.



Are these questions illegal?

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Scenarios



Scenario 1: Yes. The questions are discriminatory on the basis of both gender and religion. Neither are relevant to any job duties.

NDOL and the State of Nebraska procedures are to complete forms for every job opening identifying the position, the qualifications, and a scoresheet for applications; interview questions and parameters for scoring. These questions would not have been approved as appropriate for the interview script; management and supervisors should not ask or consider any questions outside of the defined format.

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Scenarios

Scenario 2: A supervisor of a printing company requested information on how to accommodate an employee who has developed reduced concentration and memory loss due to mental illness. His duties included operating copy machines, maintaining the paper supply, filling orders, and checking the orders for accuracy. He was having difficulty staying on task and remembering what tasks he had completed.

Is the supervisor responsible for considering accommodations which have not been requested?

Are reasonable accommodations available to address these issues?



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Scenarios



Scenario 2: According to the U.S. Equal Opportunity Commission, as a general rule, the individual with a disability must inform the employer than an accommodation is needed. However, an employer should initiate reasonable accommodation interactive processes without being asked if:

- He knows the employee has a disability;
- He knows or has reason to know; and
- That the employee is experiencing workplace problems because of disability and knows, or has reason to know that the disability prevents the employee from requesting accommodation.

Possible Accommodations:

An accommodation consultant suggested laminating a copy of his daily job tasks and checking items off with an erasable marker. Another suggestion was to use a watch with an alarm set for every hour as a reminder to check on his other job responsibilities

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111

Quiz

1. The prohibitions for discrimination published in 29CFR §38 applies to NDOL employees?
   a. Yes
   b. No
   c. In part
2. Retaliation, discharge, intimidation, threats, coercion or discrimination cannot occur against anyone who:
   a. Called in sick when they weren't
   b. Opposed a change in work hours
   c. Filed a discrimination complaint
   d. Refused to serve a customer

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Answers

1. a. Yes
2. c. Filed a discrimination complaint.

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UNIT 8: EQUAL OPPORTUNITY OFFICER (§38.28-38.33)

NDOL must have an Equal Opportunity Officer (EOO) designated by the Governor. The designated EOO must be someone who reports directly to the highest-level position with authority for NDOL.

Angela Hansen-Kruse, Director of Administrative Services is the current EOO for Nebraska Department of Labor and the Greater Nebraska Workforce Development Area.

It is your responsibility to know who the EOO is and be able to provide the information upon request. If you have staff reporting to you, you are responsible for ensuring that they have the knowledge.

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QUIZ

1. Who is NDOL's Equal Opportunity Officer?
   a. I don't know and don't care.
   b. Katie Thurber because she is agency counsel.
   c. Angela Hansen-Kruse - Director of Administrative Services

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Answers

1. c. Angela Hansen-Kruse, Director of Administrative Services

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UNIT 9: Affirmative Outreach (§38.40)

Programs and personnel activities must take steps which involve reasonable efforts to include members of the various groups protected by the nondiscrimination regulations and rules.

Outreach is required for, but not limited to:

- Individuals with limited English proficiency,
- Individuals with disabilities,
- Persons of different sexes,
- Persons of various racial and ethnic/national origin groups,
- Persons of various religions; and
- Persons in different age groups.

Affirmative outreach is mandatory for program applicants and participants as well as for NDOL employment opportunities.

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QUIZ

1. Affirmative outreach is required for:
   a. Employee Recruitment
   b. Program outreach
   c. Both of the above

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Answer

1. c. Employee recruitment and program outreach

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UNIT 10: Data and Information Collection and Maintenance (§38.41 - 38.45)

NDOL must collect and maintain data records, in accord with U.S. DOL procedures. Information is that which is required to determine whether programs and recipients are complying with nondiscrimination and equal opportunity provisions.

Records must be maintained on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employment containing:

- Race/ethnicity
- Sex
- Age
- Where known, disability status
- NEworks records limited English proficiency and effective January 3, 2019 federal requirements add preferred language

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Knowledge of disability status or medical condition and access to information in related files may be shared only with:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- Government officials engaged in enforcing policies of the State and/or U.S. DOL.
- Supervisors, managers, and others necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for the individual.
- Certain individuals within Human Resources
- Upon receipt of a release of information or subpoena

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Retention of records standards are set through U.S. DOL regulations, *Uniform Administrative Requirement* regulations, State of Nebraska *Records Management System*, NDOL *Nondiscrimination Plan, Equal Opportunity Nondiscrimination Policy* and *Records Management Policy*. Records are maintained in hard copy, electronic or both the **longest applicable period**.

Nebraska Secretary of State record retention requirements are applicable to each NDOL department. The *Department of Labor Schedule 45* can be found at http://www.sos.ne.gov/records-management/labor_schedule.html.

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Uniform Administrative Requirements (2 CFR §200.333) set retention standards that supersede the States:

- Financial records, supporting documents, statistical records and all other non-federal entity records pertinent to Federal funds be retained for period **of three years from the date of submission of the final expenditure report**. Any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.
- Records for real property and equipment acquired with Federal funds must be retained for **three (3) years after final disposition**.
- Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the **end of the non-Federal entity's fiscal year in which the program income is earned**.

The U.S. DOL, Inspectors General, the Comptroller General of the United States, NDOL, State Auditor or any of their authorized representatives, have the right of access to any documents, papers, or other records, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

The right of access last as long as the records are retained.

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Examples:

Employment Services 45-3

45-3-16 JOB BANK

Continuously updated computer listing of available jobs. Includes description of the job, the employer, and other pertinent data necessary for processing applicants. Two sets of information are processed with one listing containing suppressed data for use by job applicants.

COMPUTER RECORD: Dispose of when superseded.

SECURITY MICROFICHE: Transfer to security storage; dispose of after 5 years.

MICROFICHE WORK COPY: Dispose of when superseded

Unemployment Insurance 45-7

45-7-23 EMPLOYER CORRESPONDENCE NEW ACCOUNTS AND ADDITIONS FILE; YEARLY NOTIFICATION OF CONTRIBUTION RATE (FORMERLY EMPLOYER CORRESPONDENCE NEW ACCOUNTS AND ADDITIONS FILE)

Employer liability history file. Includes determination finding based on the Nebraska Employment Security Law, correspondence, memos and copies of billings. Employer data includes subject date, delinquent date, predecessor, ownership, name, address and current status.

ORIGINAL RECORD: Scan and dispose of after image quality has been verified.

SECURITY CD: Transfer to security storage; dispose of after 10 years.

CD WORK COPY: Dispose of after 10 years.

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Examples:

Human Resources 45-5

EMPLOYMENT HISTORY FILES

Description: History files of employees as outlined in Schedule #124.

Retention: Transfer to the State Records Center 2 years after termination of employment; dispose of 10 years after termination of employment.

General Counsel and Legislative Affairs 45-4

Description: W.I.A. MONITORING UNIT Paperwork and correspondence monitoring and evaluation program effectiveness of W.I.A. programs administered by the Nebraska Department of Labor.

ORIGINAL RECORD: 5 years after the date the final expenditure report is submitted to the US DOL, OR 5 years after any litigation, claim, negotiation or other pending action has been resolved (whichever is later)

Greater Nebraska Local Workforce Development Area 45-9

FISCAL RECORDS ACCOUNTING RECORDS May include ledger records of all transactions, disbursement documents, general documents, expense vouchers, intra-state documents, etc.

Dispose of after 3 years provided audit has been completed.

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Scenarios

Scenario 1: Jacque, a long time State employee, met with Jennifer, a Human Resources Officer, at her desk to discuss alternate jobs Jacque might qualify for and would be easier for her to adapt to with a changing medical condition. Jennifer asked lots of questions, took copious notes on the limitations, discussed possible accommodations and made paper copies of the jobs Jacque wanted to consider. Jennifer went to lunch leaving the file on her desk.



During lunch Jennifer and her friend, Danielle, who is a supervisor in the same agency, discussed what they'd been doing that day. Jennifer mentioned that she was surprised by how many job openings were available in Danielle's department; that she'd been looking at agency jobs with Jacque to find one that would be less physically taxing for her.

When Jacque met with a department to discuss an open job the supervisor said "I know you are developing some medical problems and I just don't think our division would be a good fit for you. Of course, you are free to apply for any internal opening."

Was there a breach in the maintenance of collected data?

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Scenarios



Scenario 2: In this scenario the answer is yes. Jennifer failed to hold this meeting in a private space, left the documents on her desk and offered the information to Danielle in casual conversation.

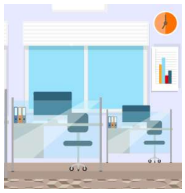
Perhaps without intent, she failed to protect information collected which could and did result in disclosure of a disability. She did not meet the requirements to limit access of the medical information to only those allowed to access.

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Scenarios

Scenario 2: Following a long process a department is going to downsize into a smaller more modern office space. When comparing current storage areas to the new space it became apparent something would have to go.



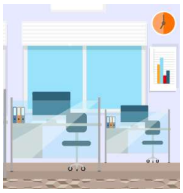
Two new employees were sent to go through the oldest boxes in the storage room and shred what did not have to be moved. When they came across four year old participant expenditure files created by staff that were no longer there; the files were shredded.

What should have been considered?

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Scenarios



Scenario 2: The records may or may not have been eligible for disposal. All retention periods need to be considered before disposal following whichever applicable procedures require the longest retention period:

- State program policy
- Federal program policy
- *Uniform Administrative Requirements* retention standards
- State of Nebraska *Records Management Retention Schedules*

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Quiz

1. Which NDOL programs must collect information on race/ethnicity, sex, age, disability status and Limited English proficiency?
   a. Unemployment Insurance
   b. NDOL Personnel
   c. Local Area Workforce Development Area programs
   d. NDOL Employment Services
   e. All of the above
2. Disability status and knowledge can be shared with:
   a. Supervisors and managers in relation to accommodations for a single individual
   b. Employers being recruited for OJT or Work Experience
   c. Other NDOL staff
   d. Employer before the individual is referred on a job order

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Quiz

3. Records can be disposed of:
   a. According to the schedule set by U.S. DOL
   b. According to the *Uniform Administrative Requirements*
   c. According to the WIOA State Policies
   d. According to 29 CFR Part 38
   e. According to the Secretary of State *Record Retention Schedule*
   f. After considering all, after the longest retention required.

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Answers

1. e. All of the above
2. a. Supervisors and managers in relation to accommodations for a single individual
3. f. After considering all, after the longest retention required.

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Unit 11: Oversight
(29 CFR §38.13, §38.28, §38.51-.53, §38.60-.68)

Who's watching?

Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, are governed by the implementing regulations of WIOA Sec. 188, codified at 29 CFR Part 38; administered and enforced by:

- U.S. Department of Labor Civil Rights Center (CRC).
- U.S. DOL
- NDOL Equal Opportunity Officer
- NDOL Equal Opportunity Officer designee
- Office of General Counsel Monitor
- Local Workforce Development Area Equal Opportunity Officers

Local Workforce Development Boards are required to appoint an Equal Opportunity Officer for the local area. Among the EOO's duties is oversight of the American Job Centers and programs, including providers, to ensure compliance with the Act, implementing regulations and State Policies. NDOL programs may be included in reviews by EOOs for local areas with separate administration.

State procedures and policies can be found in the *Nebraska Nondiscrimination Plan* and *Monitor Manual* posted at www.dol.nebraska.gov .

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Federal, State and local reviewers will examine programs and activities including, but not limited to, consideration of the possibility of both discriminatory and disparate treatment.

- **Discrimination** is commonly described as the act of treating a person differently — negatively or positively — because of that person's race, class, sexual orientation or gender or any other group to which that person belongs, rather than assessing individual needs and merits.

  Unlawful discrimination occurs when a person is harassed or treated arbitrarily or differently because of their membership in a "protected class." A protected class is a group of people who share common characteristics and are protected from discrimination and harassment by federal, state, and/or local laws.

- **Disparate impact** occurs when an employer or person applies a neutral rule that treats everyone equally in form, but has a disadvantageous effect on some people of a protected characteristic compared to others.

  In United States anti-discrimination law, the theory of disparate impact holds that practices in employment, housing, or other areas may be considered discriminatory and illegal if they have a disproportionate "adverse impact" on persons in a protected class.

- **Prejudice** refers to thoughts and attitudes a person holds toward a group of people, while discrimination refers to actual actions against such a group, as defined by the online Introduction to Sociology textbook from Openstax College. Anti-discrimination laws exist to prevent discriminatory actions against any group of people.

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The Governor is responsible for oversight and monitoring of all NDOL programs including compliance with nondiscrimination and equal opportunity provisions of WIOA and 29 CFR §38. The Office of General Counsel developed and implemented the Governor's oversight system; annually monitoring the compliance of NDOL and others, including a determination as to whether each entity is conducting its programs, activities and employment in a nondiscriminatory manner. Reviewers may use the monitoring system or the review tool developed by the EOO.

NDOL oversight includes, but is not necessarily limited to:

- Statistical Analysis (records and data)
- An investigation of any significant differences appearing in the analysis (participation in programs, activities or employment).
- An assessment of whether the administrative obligations have been met (Under section 188 or §38 – for example recordkeeping, notice and communication) and the duties assigned through the Nebraska *Nondiscrimination Plan* posted on the NDOL website (https://dol.nebraska.gov).
- A determination that records are collected and maintained as prescribed and are available to provide data and reports.
- Accuracy of management information system recorded data.

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Quiz

1. NDOL fulfills the oversight responsibilities assigned to the:
   a. State Workforce Development Board
   b. Commissioner of Labor
   c. Governor
2. Equal Opportunity and Nondiscrimination reviews may be initiated and conducted by:
   a. U.S. DOL Region V
   b. U.S. DOL Civil Rights Center
   c. NDOL Equal Opportunity Officer
   d. NDOL WIOA Monitor
   e. Any or all of the above

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Answers

1. c. Governor
2. e. Any or all of the above

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UNIT 12: QUESTIONS AND RESOURCES

Questions on this training should be addressed to Sue DeMoss, training developer at sue.demoss@nebraska.gov .

Technical Assistance may be requested from the NDOL Equal Opportunity Officer at Angela.hansen-kruse@nebraska.gov .

NDOL **employee questions** related to sexual harassment policy or requesting accommodations should be addressed to Dirk Hood, Human Resources Administrator at dirk.hood@nebraska.gov.

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NASWA Equal Opportunity Committee

NASWA Equal Opportunity Committee Meeting

Agenda

September 22-23, 2022 | *Chicago, IL*

Thursday, September 22	**1:30p – 5:00p**	Meeting Room: **State Room** (2nd Level)

12:00 PM ***Hosted Lunch – Crystal Room (3rd Level)***

1:30 PM Welcome & Passing of the Gavel

- Michael Harrington (VT), Outgoing Chair of the NASWA Equal Opportunity Committee
- Anna Hui (MO), Incoming Chair of the NASWA Equal Opportunity Committee

Illinois Welcome

- Anna D'Ascenzo (IL)

1:45 PM Promising Practices

Illinois: Equal opportunity structure & special projects to assist equal and meaningful access

- Anna D'Ascenzo (IL)

California: Equal opportunity initiatives including new Language Access Officer position & grant funds to boost multilingual access

- Matilda Aidam (CA)

Washington State: Process to assess employee dual language skills

- Teresa Eckstein (WA)

3:15 PM ***Break***

3:30 PM NASWA Update

- Scott B. Sanders, President & CEO, NASWA

3:45 PM Committee Business & State Roundtable

- Approval of June Minutes
- Subcommittee Updates

  Communication Subcommittee
  - Ron Arthur (CO)

  Policy & Promising Practices Subcommittee
  - *Legislative Priorities*
  - Danielle Smith (MO) & Dennis Johnson (MA)

  Award Subcommittee
  - Hillary Hewko, NASWA
- Discussion on Subcommittees for the Association Year: Opportunity to discuss the creation or reorganization of Subcommittees

5:00 PM ***Adjourn for the Day***

Friday, September 23	**8:30a – 12:00a**	Meeting Room: **State Room** (2nd Level)

7:30 AM ***Hosted Breakfast – Gold Room (2nd Level)***

8:30 AM U.S. Department of Labor Equity Initiatives

- Suzanne Simonetta, Director, Division of Performance Management, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor

9:30 AM Language Access Training

- Naomi Barry-Pérez, Director, Civil Rights Center, U.S. Department of Labor
- Michael Mulé, Attorney-Advisor, Civil Rights Division, Federal Coordination and Compliance Section, U.S. Department of Justice

10:30 AM ***Break***

10:45 AM U.S. Department of Labor Civil Rights Center Update

- Naomi Barry-Pérez, Director, Civil Rights Center, U.S. Department of Labor

11:15 PM State Roundtable

12:00 PM ***Adjourn***

Save the Dates

2023 Winter Policy Forum
Washington, DC
February 15, 2023

NASWA Equal Opportunity Committee Meeting
Washington, DC
February 16-17, 2023
Registration will be available on the NASWA Website.

2nd Midwest Equal Opportunity Summit
Kansas City, MO
(Missouri, Colorado, Delaware, Iowa, Kansas, Minnesota, Tennessee, and Virginia)
November 16-18, 2022





2ND ANNUAL MIDWEST
EQUAL OPPORTUNITY SUMMIT

NOVEMBER 16-18, 2022

TN Department of Labor & Workforce Development

Missouri Job Center Connect

Department of Labor & Industrial Relations

Delaware Works Board

Virginia Employment Commission

KansasWorks

Employment and Economic Development

Iowa Workforce Development

Colorado Department of Labor and Employment

2ND ANNUAL EQUAL OPPORTUNITY SUMMIT

MISSOURI DEPARTMENT OF HIGHER EDUCATION & WORKFORCE DEVELOPMENT

NOVEMBER 16-18, 2022 • STONEY CREEK CONFERENCE CENTER – KC • 18011 BASS PRO DRIVE, INDEPENDENCE, MO 64055

WEDNESDAY, NOVEMBER 16, 2022 • DAY 1

11:00 A.M. - 1:00 P.M. — REGISTRATION

1:00 P.M. - 1:25 P.M. — WELCOME

Open Session Meeting Room: Salon A & B

EO Summit Committee Members
Dr. Mardy Leathers, Director, Missouri Office of Workforce Development
Anna Hui, Director, Missouri Department of Labor and Industrial Relations
Clyde McQueen, President & CEO, Full Employment Council

1:25 P.M. - 1:55 P.M. — THE AFTER EFFECTS OF COVID

Presenter: **Dr. Rui Yao,** Professor/Director of Graduate Studies, University of Missouri

1:55 P.M - 2:00 P.M. — BREAK

2:00 P.M. - 2:55 P.M. — BREAKOUT SESSIONS

Section 188 & Accessibility – *Meeting Room: Salon C*
Presenters:
Ron Arthur, Colorado State EO Officer
Cortney Fish, Training Core Manager Thompson Center for Autism & Neurodevelopmental Disorders University of Missouri Extension
Michael Soodjinda, Chief Executive Director, The Whole Person

Section 188 & Data Collection – *Meeting Room: Wood*
Presenters:
Tony Vaughan, Missouri Department of Labor and Industrial Relations
Korin Ell, MO Central Region Local EO Officer
Ryan Allen, LWD Administrator (TN)
Kshitiz Rastogi, Workforce Development Chief of Operation Officer (TN)

Section 188 & Affirmative Outreach – *Meeting Room: Metal*
Presenters:
Karen Dowdy, MO Ozark Region Local EO Officer
Lesa Barber, Director of Missouri Vocational Rehabilitation Business Services
Heather Stein, Minnesota State EO Officer

2:55 P.M. - 3:00 P.M. — BREAK

3:00 P.M. - 3:55 P.M. — BREAKOUT SESSIONS (REPEAT)

3:55 P.M. - 4:00 P.M. — BREAK

4:00 P.M. - 4:55 P.M. — BREAKOUT SESSIONS (REPEAT)

5:00 P.M. — DINNER ON YOUR OWN

2ND ANNUAL EQUAL OPPORTUNITY SUMMIT

MISSOURI DEPARTMENT OF HIGHER EDUCATION & WORKFORCE DEVELOPMENT

NOVEMBER 16-18, 2022 • STONEY CREEK CONFERENCE CENTER – KC • 18011 BASS PRO DRIVE, INDEPENDENCE, MO 64055

THURSDAY, NOVEMBER 17, 2022 • DAY 2

Meeting Room: Salon A & B

7:30 A.M. - 8:30 A.M. — BREAKFAST AND REGISTRATION

8:30 A.M. - 10:00 A.M. — PART ONE: SECTION 188 OF WIOA – NONDISCRIMINATION PLAN REQUIREMENTS
Presenter: **Naomi Perez,** Director, U.S. DOL Civil Rights Center (CRC)

10:00 A.M. - 10:15 A.M. — BREAK

10:15 A.M. - 11:45 A.M. — PART TWO: SECTION 188 OF WIOA – LANGUAGE ACCESS REQUIREMENTS
Presenter: **Valerie Hughes,** Director, U.S. DOL Civil Rights Center (CRC)

11:45 A.M. - 12:00 P.M. — BREAK

12:00 P.M. - 12:55 P.M. — LUNCH WITH THE EEOC (LUNCH PROVIDED)
Presenter: **Toria Mroz,** Outreach & Education Program Manager, EEOC STL District Office

12:55 P.M. - 1:00 P.M. — BREAK

1:00 P.M. - 1:55 P.M. — INDIVIDUAL PLACEMENT AND SUPPORTS (IPS), MENTAL HEALTH FIRST AID (MHFA) AND DE-ESCALATION TIPS, A MISSOURI PARTNERSHIP
Presenters:
Missy McGaw, Director of Mental Health, Missouri Vocational Rehabilitation
Grace Jordan, VR Counselor, Missouri Vocational Rehabilitation
Julia Holland, Licensed Professional Counselor, State of Missouri
Peggy Gorenflo, Licensed Professional Counselor, State of Missouri

1:55 P.M. - 2:00 P.M. — BREAK

2:00 P.M. - 2:55 P.M. — AMERICAN JOB CENTERS SERVING LGBTQ+ CUSTOMERS
Presenter: **Katy Erker-Lynch,** PROMO Executive Director

2:55 P.M. - 3:00 P.M. — BREAK

3:00 P.M. - 3:55 P.M. — ADVANCING GENDER EQUITY FOR WOMEN IN THE WORKPLACE
Presenter: **Gina Rodriguez,** Regional Administrator US DOL Women's Bureau

3:55 P.M. - 4:00 P.M. — BREAK

4:00 P.M. - 4:55 P.M. — OFCCP AND VETERAN'S EMPLOYMENT TRAINING PARTNERSHIP WITH THE AMERICAN JOB CENTERS
Presenters:
Walker Plank, Assistant Director OFCCP
Steven J. Olsen, Director (Iowa), U.S. DOL Veterans' Employment & Training Service

5:00 P.M. — DINNER ON YOUR OWN



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FRIDAY, NOVEMBER 18, 2022 • DAY 3

Meeting Room: Salon A & B

7:30 A.M. - 8:30 A.M. — **BREAKFAST AND REGISTRATION**

8:30 A.M. - 9:25 A.M. — **REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES**
Presenter: **Troy Balthazor,** Executive Director, Great Plains ADA Center

9:25 A.M. - 9:30 A.M. — **BREAK**

9:30 A.M. - 10:25 A.M. — **TRENDING DISCRIMINATION COMPLAINTS IN MISSOURI**
Presenter: **Dr. Alisa Warren,** Executive Director, Missouri Commission on Human Rights

10:25 A.M. - 11:25 A.M. — **AMERICAN JOB CENTERS SERVING REFUGEES CUSTOMERS**
Presenter: **Tara Burkhart,** Assistant Executive Director/Chief Program Officer, Jewish Vocational Services

11:25 A.M. - 11:45 A.M. — **EQUAL OPPORTUNITY OFFICER ROLES AND RESPONSIBILITIES**
Presenters:
Danielle Smith, Missouri State DEIA & Equal Opportunity Officer, MDHEWD
EO Committee Members

11:45 A.M. - 12:00 P.M. — **CLOSING REMARKS**
Anna Hui, Director, Missouri Department of Labor and Industrial Relations

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SESSION SPEAKERS AND DESCRIPTIONS

SECTION 188 & ACCESSIBILITY SESSION – MEETING ROOM: SALON C

Section 188 of WIOA requires WIOA Recipients to provide physical and programmatic accessibility to individuals with disabilities. Section 188 of WIOA includes accessibility requirements for electronic and information technologies, applications, or adaptations which incorporates features for individuals with disabilities.

Presenters:
Ron Arthur, Colorado State EO Officer,
Cortney Fish, Training Core Manager Thompson Center for Autism & Neurodevelopmental Disorders University of Missouri, University of MO Extension
Michael Soodjinda, Chief Executive Director, The Whole Person

SECTION 188 & DATA COLLECTION SESSION – MEETING ROOM: WOOD

Section 188 of WIOA requires that data must be collected about WIOA Recipients' race/ethnicity, sex, age, and where known, disability status, preferred language (participants only) records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment to conduct a statistical or other quantifiable analysis of records and data kept by the recipient according to Section 188 of WIOA, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status. This session will describe different methods and approaches on how to collect and analyze the data.

Presenters:
Jaimee Bullock, Iowa Equality & Diversity and State EO Officer
Tony Vaughan Missouri Department of Labor and Industrial Relations
Korin Ell, MO Central Region Local EO Officer
Ryan Allen, LWD Administrator (TN)
Kshitiz Rastogi, Workforce Development Chief of Operation Officer (TN)

SECTION 188 & AFFIRMATIVE OUTREACH SESSION – MEETING ROOM: METAL

WIOA Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including, but not limited to, persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.

Presenters:
Karen Dowdy, MO Ozark Region Local EO Officer
Lesa Barber, Director of Missouri Vocational Rehabilitation Business Services
Heather Stein, Minnesota State EO Officer

SECTION 188 OF WIOA – NONDISCRIMINATION PLAN REQUIREMENTS

Each Governor must establish and implement a Nondiscrimination Plan for State Programs as defined in Section 188 of WIOA and 29 CFR 38. In those States in which one agency contains both SWA or unemployment insurance and WIOA Title I-financially assisted programs, the Governor must develop a combined Nondiscrimination Plan. Each Nondiscrimination Plan must be designed to give a reasonable guarantee that all recipients will comply, and are complying, with the nondiscrimination and equal opportunity provisions of WIOA and Section 188 of WIOA.

Presenter: **Naomi Perez**, Director, US. DOL Civil Rights Center (CRC)

LANGUAGE ACCESS REQUIREMENTS UNDER SECTION 188 OF WIOA

WIOA Recipients are required to take reasonable steps to provide language assistance and should develop a written language access plan to ensure that LEP individuals have meaningful access.

Presenter: **Naomi Perez**, Director, US. DOL Civil Rights Center (CRC)

LUNCH WITH THE EEOC

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability, or genetic information.

Presenter: **Toria Mroz**, Outreach & Education Program Manager, EEOC St. Louis District Office

INDIVIDUAL PLACEMENT AND SUPPORTS (IPS), MENTAL HEALTH FIRST AID (MHFA), AND DE-ESCALATION TIPS, A MISSOURI PARTNERSHIP

Under the Americans with Disabilities Act (ADA) and other nondiscrimination laws, most employers must provide "reasonable accommodations" to qualified employees with disabilities. Many employers are aware of different types of accommodations for people with physical and communication disabilities, but they may be less familiar with accommodations for employees with disabilities that are not visible, such as mental health conditions. Over the last few years, increasing numbers of employers have expressed a desire and need for information and ideas on accommodations for employees with mental health conditions.

Presenters:
Missy McGaw, Director of Mental Health, Missouri Vocational Rehabilitation
Grace Jordan, VR Counselor, MO Vocational Rehabilitation
Julie Holland, MO Licensed Professional Counselor,
Peggy Gorenflo, MO Licensed Professional Counselor

ADVANCING GENDER EQUITY FOR WOMEN IN THE WORKPLACE

Women workers, particularly women of color, experience multiple types of inequality in the labor force, including gender and racial wage gaps, occupational segregation, and a disproportionate burden of costs associated with caregiving.

Presenter: **Gina Rodriguez**, Regional Administrator, U.S. DOL Women's Bureau Regional Administrator

OFCCP & VETERANS EMPLOYMENT TRAINING SERVICES PARTNERSHIP WITH THE AMERICAN JOB CENTERS

OFCCP enforces laws specifically prohibiting federal contractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. The laws OFCCP enforces also require these employers to provide equal employment opportunity to all employees and job applicants. Covered federal contractors have several responsibilities and specific obligations that include listing all employment openings with the appropriate state or local employment service delivery system (ESDS). Examples of an ESDS are state and local employment and career agencies, state job banks, and local One-Stop Career Centers.

Presenters:
Walker Plank, Assistant Director, U.S. DOL Office of Federal Contract Compliance Programs
Steven Olsen, U.S. DOL Veterans Employment Training Services

AMERICAN JOB CENTERS SERVING LGBTQ+ CUSTOMERS

This session will discuss how LGBTQ+ individuals experience unemployment and employment discrimination. Compared the rest of the American population, LGBTQ+ individuals experience unemployment and unemployment discrimination at significantly higher rates making it particularly important that full access to the services provided by the public workforce system help them overcome the employment-related barriers they encounter. This session will give ways to prevent, identify, and address discrimination.

Presenter: **Katy Erker-Lynch**, Executive Director, PROMO

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

This session will discuss how WIOA Recipients are obligated to provide modifications or adjustments to an application/ registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registrant desires; or modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.

Presenter: **Troy Balthazor**, Director, Great Plains ADA Center

TRENDING DISCRIMINATION COMPLAINTS IN MISSOURI

The mission of the Missouri Commission on Human Rights is to develop, recommend, and implement ways to prevent and eliminate discrimination and to provide fair and timely resolutions of discrimination claims through enforcement of the Missouri Human Rights Act. This session will discuss trending discrimination complaints in the State of Missouri.

Presenter: **Dr. Alisa Warren**, Executive Director, MCHR

AMERICAN JOB CENTERS SERVING REFUGEE CUSTOMERS

Refugees are individuals and families who have been forced to flee their countries because of fear of persecution for their race, ethnicity, religion, political beliefs, or membership in a particular social group. The United States Refugee Admissions Program provides protection and eases suffering for the most vulnerable refugees by offering them safe haven through permanent resettlement. Refugee resettlement is an important humanitarian response. This session will discuss how resettlement is a critical tool for foreign policy, it strengthens our economy, and it enriches our society.

Presenter: **Tara Burkhart**, Assistant Executive Director/Chief Program Officer, Jewish Vocational Services

EQUAL OPPORTUNITY OFFICER ROLES AND RESPONSIBILITIES

Equal Opportunity Officers are responsible for implementing and enforcing Section 188 of WIOA into a recipient's operation. This session will discuss the EO Officer's roles and responsibilities under Section 188 of WIOA.

Presenter: **Danielle Smith**, Missouri State DEIA & Equal Opportunity Officer, MDHEWD

2ND EQUAL OPPORTUNITY COMMITTEE MEMBERS:

Danielle Smith, Missouri EO Officer
Sara Seaver, Missouri EO Officer
John Ybarra, Kansas EO Officer
Fred Gaston, Tennessee State EO Officer
Evelyn Gaines, Guzman Tennessee
Karen Lilledahl, Minnesota EO Officer
Heather Stein, Minnesota EO Officer
Wanda Holifield, Delaware EO Officer
Ron Arthur, Colorado EO Officer
Jaimee Bullock, Iowa EO Officer
Shirley Bray-Sledge, Virginia EO Officer
Korin Ell, MO Local EO Officer
Karen Dowdy, MO Local EO Officer
Angela Erby, MO Local EO Officer
Dot Coleman, MO Local EO Officer

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EO SUMMIT PRESENTERS AND COMMITTEE MEMBERS



Dr. Mardy Leathers
Director of Workforce Development, MDHEWD



Anna Hui
Director, Missouri Department of Labor & Industrial Relations



Clyde McQueen
President & CEO, Full Employment Council



Dr. Rui Yao
Professor/Director of Graduate Studies, University of Missouri



Ron Arthur
Colorado State EO Officer,
EO Committee Member



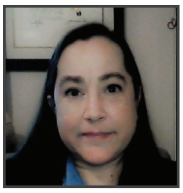
Cortney Fish
Training Core Manager, Thompson Center for Autism, MU Extension



Michael Soodjinda
Chief Executive Director, The Whole Person



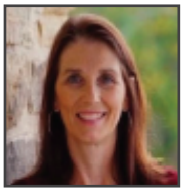
Tony Vaughan
Business Service Manager, Missouri Department of Labor and Industrial Relations



Jaimee Bullock
Iowa State Equality & Diversity Officer, EO Officer,
EO Committee Member



Heather Stein
Minnesota Director of Diversity, State EO Officer,
EO Committee Member



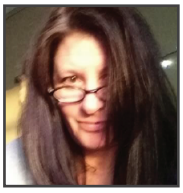
Lesa Barber
Director of Vocational Rehabilitation Business Services, MO Vocational Rehabilitation



Karen Dowdy
MO Ozark Region, Local EO Officer,
EO Committee Member



Naomi Perez
Director, U.S. DOL Civil Rights Center (CRC)



Toria Mroz
Outreach & Education Program Manager, EEOC St. Louis



Missy McGaw
Director of Mental Health, Office of Adult Learning & Rehabilitation Services, MO Vocational Rehabilitation



Grace Jordan
VR Counselor, Office of Adult Learning & Rehabilitation Services, MO Vocational Rehabilitation



Julie Holland
Licensed Professional Counselor, State of Missouri



Katy Erker-Lynch
PROMO Executive Director



Gina Rodriguez
Regional Administrator, U.S. DOL Women's Bureau



Walker Plank
Assistant Director, OFCCP



Steven J. Olsen
Director (Iowa), U.S. DOL Veterans' Employment & Training Service



Troy Balthazor
Executive Director, Great Plains ADA



Dr. Alisa Warren
Executive Director, MO Commission on Human Rights



Tara Burkhart
Assistant Executive Director/Chief Program Officer, Jewish Vocational Services



Danielle Smith
Missouri State DEIA, Equal Opportunity Officer,
EO Committee Member



Karen Lilledahl
Minnesota EO Officer,
EO Committee Member



Sara Seaver
Equal Opportunity Officer, Missouri Department of Labor and Industrial Relations,
EO Committee Member



Dot Coleman
MO East Jackson County Region Local EO Officer,
EO Committee Member



Angela Erby
MO STL County Region Local EO Officer,
EO Committee Member



Fred Gaston
Tennessee State EO Officer,
EO Committee Member



Wanda Holifield
Delaware State EO Officer,
EO Committee Member



John Ybarra
Kansas State EO Officer,
EO Committee Member



Korin Ell
MO Central Region Local EO Officer,
EO Committee Member

Kshitiz Rastogi
Workforce Development Chief of Operation (TN)

Ryan Allen
LWD Administrator (TN)

Peggy Gorenflo
MO Licensed Professional Counselor



101 WIOA EO OFFICER TRAINING

Presented by Danielle Smith,
Missouri State EO Officer/Diversity, Equity, Inclusion, & Accessibility Director

WEBINAR ETIQUETTE

- Today's presentation is being recorded.
- You may submit your questions in the chat box at any point during the presentation.
- Turn off your webcam during the presentation
- Please mute your phones during the presentation.

Thank you!

TODAY'S TOPICS

101 WIOA EO Officer Training

- Missouri's Equal Opportunity Structure
- Overview - Role of the US Civil Rights Center (CRC)
- Overview – Role of the Governor
- Brief Overview of the Nondiscrimination Plan (NDP)
  - Section 188 of WIOA Requirements
  - Possible Supporting Documentation
- Questions/Comments

Missouri Office of Workforce Development is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri TTY User: 711 for Relay Missouri.



NASWA Equal Opportunity Committee Meeting Agenda February 16-17, 2023

***Washington D.C.* | Hyatt Regency Washington on Capitol Hill**

Thursday, February 16	**8:30a – 5:00p**	Meeting Room: **bold**	(Level)

7:30 AM ***Hosted Breakfast***

8:30 AM Welcome & Introductions

- Anna Hui (MO), Chair of the NASWA EO Committee
- Maurice Emsellem (CA), Vice-Chair of the EO Committee

DC Welcome

9:00 AM Presentation of the 2023 William J. Harris Award

- Teresa Eckstein (WA), Co-Chair of the Award Subcommittee
- Shirley Bray-Sledge (VA), Co-Chair of the Award Subcommittee

Sharing promising practices from the 2023 nominations

- Harris award recipient and other nominees

10:30 AM ***Break***

10:45 AM Committee Roundtable

11:45 AM Committee Business & Subcommittee Overview

- Approval of September Minutes
- Subcommittee Overview

<u>Communication Subcommittee</u>

- Ron Arthur (CO) & Tonya Scott (AL)

<u>Policy & Promising Practices Subcommittee</u>

- *Legislative Priorities*
- Danielle Smith (MO) & Dennis Johnson (MA)

12:00 PM ***Hosted Lunch – Room (Level)***

1:30 PM USDOL Civil Rights Center Update

- Naomi Barry-Perez, Director, and staff

3:00 PM ***Break***

3:30 PM Joint Meeting: NASWA's WLMI Committee

DRAFT

5:00 PM	***Adjourn for the day***

Friday, February 17	**8:30a – 12:00p**	Meeting Room: **bold**	(Level)

7:30 AM	***Hosted Breakfast – Room (Level)***
8:30 AM	Subcommittee Break Outs/Report Outs
9:00 AM	USDOL Office of Disability Employment Policy Update and Discussion (*invited*)
10:00 AM	Committee Roundtable
10:30 AM	***Break***
10:45 AM	Committee Roundtable
12:00 PM	***Adjourn***

Save the Dates

June 8-9, Minneapolis, MN. Registration and a link to the hotel block will be shared soon on the NASWA website.

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I–financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I–financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of Federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I–financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose):

State-Level Equal Opportunity Officer
Justin Schroeder
Nebraska Department of Labor
550 S. 16th Street
Lincoln, NE 68508
Phone: 402-471-3712 TDD/TTY: 800-833-7352
Email: NDOL.EOComplaints@Nebraska.gov

or

Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 20210
or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Equal Opportunity is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or
- making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of Federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

What to do if you believe you have experienced discrimination:

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the:

- **Employees, Applicants for Employment:** Attention:
  Equity and Diversity Officer
  555 S. 10th Street, #304, Lincoln, NE 68508
  Phone: (402) 441-8691

- **Program Participants, Applicants for Assistance:**
  Attention: Ombudsman, Title VI/ADA Official 555 S 10th Street, #301, Lincoln, NE 68508
  Phone: (402) 441-7511; or

  Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N- 4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

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Vietnamese - LUU 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) 413-9236** 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) 413-9236** upang humingi ng tulong sa pagsasaling-wika at pag-unawa sa impormasyong nasa dokumentong ito.

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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) 413-9236** 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) 413-9236** para solicitar ajuda para traduzir e compreender as informações contidas neste documento.

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وسنوفر المعلومات بلغتك **(**للحصول على مساعدة في ترجمة المعلومات الواردة في هذا المستند وفهمها
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Korean중요**!** 본문서는귀하의권리,책임및/또는이익에관한중요한정보를포함하고있습니다.
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We serve ALL veterans, but you may be eligible for additional programs and services if you are a veteran or eligible spouse who is:

- 18 to 24 years old
- A disabled veteran according to Veterans' Affairs or having a disability claim pending with the VA *or* were discharged or released from active duty because of a service-connected disability
- Homeless
- Vietnam Era Veteran
- Separated from the military in the last 36 months and unemployed for 27 or more weeks within the last year
- Criminal justice system involved
- Lacking a high school diploma or GED
- A public assistance recipient, or low income
- A transitioning service member in need of career services
- Member of the Armed Forces who is wounded, ill, or injured and receiving treatment in Military Treatment Facilities (MTFs) or Warrior Transition Units (WTUs)
- The spouse or other family caregiver of such wounded, ill, or injured member.

If so, please ask to see a veteran staff member at one of the Nebraska Department of Labor job centers or American Job Centers to receive specialized services.

Our job centers can help you make the most of NEworks. Get a list of locations at dol.nebraska.gov/ContactUs

Services Available

Reemployment Program
Career Pathway Planning
Employer Connections
Skills Assessments
Resume Assistance
Hiring Events & Job Fairs
Interview Preparation
Unemployment Benefits Assistance

Populations Served

Job Seekers, Unemployed and Underemployed Workers
Veterans
Youth (16-24)
Prior Offenders
Migrant Seasonal Farmworkers

NEBRASKA
DEPARTMENT OF LABOR

A proud partner of the
americanjobcenter®
network

Updated: 9/8/2022



Veterans' Employment Services **Guide**

NEBRASKA
Good Life. Great Connections.

Department of Labor
dol.nebraska.gov

What kind of services are available to veterans?

The Nebraska Department of Labor is dedicated to providing employment and training services to all Veterans as we extend our gratitude for your service to the United States of America.

American Job Centers provide job seekers with a full range of assistance at one location. Many of our locations include specialized staff who serve eligible Veterans and eligible spouses exclusively.

Veterans and eligible spouses receive access, on a priority of service basis, to the full range of public employment and training services, including:

- Career assessment and counseling
- Assistance with résumés, cover letters, and interviewing skills
- Support services referrals
- Job placement assistance and referrals
- Information on careers, training, education, and financial aid
- Job search workshops
- Labor market information
- Computers with internet access
- Assistance with navigating computer programs
- Help with the online job application process
- Assistive technology hardware and software for special needs

What does priority of service mean?

Priority of service means Veterans and eligible spouses who meet the eligibility requirements for a program or service are to receive access to that program or service either earlier in time or instead of persons who are not eligible for priority of service.

Federal law and regulations require all workforce programs funded by the Department of Labor to provide priority of service to:

1. Veterans who served in the active military, naval, or air service and who were discharged under conditions other than dishonorable; and,
2. Eligible spouses of veterans who have total service-connected disabilities or who died as a result of service-connected disabilities.

Workforce Programs Funded by the U.S. Department of Labor

Wagner-Peyser Employment Services

Workforce Innovation and Opportunity Act (WIOA) Services

Trade Adjustment Assistance (TAA) Services

Work Opportunity Tax Credit (WOTC)

Jobs for Veterans State Grant

Career Information Websites

- **NEWORKS**
  Find and apply for jobs, post your resume, research labor market information
  neworks.nebraska.gov
- **CAREER ONE-STOP**
  Career resources, wages, and employment trends
  www.careeronestop.org
- **FEDS HIRE VETS**
  Federal employment information for veterans, transitioning service members, and human resource professionals
  www.fedshirevets.gov
- **O-NET ONLINE**
  Defines and describes occupations in detail. Contains helpful information for resume creation
  www.onetonline.org
- **O-NET MILITARY TO CIVILIAN CAREERS CROSSWALK**
  Translates military job descriptions into civilian job descriptions
  www.onetonline.org/crosswalk/MOC
- **VETERANS EMPLOYMENT CENTER**
  Job seeker resources for veterans
  www.va.gov/careers-employment

Equal Opportunity Program/Employer TDD/TTY: 800-833-7352
Auxiliary aids and services are available upon request to individuals with disabilities.

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Spanish
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Chinese - Traditional
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Vietnamese
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Tagalog
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NEBRASKA DEPARTMENT OF LABOR
OFFICE OF UNEMPLOYMENT INSURANCE
PO BOX 94600
LINCOLN, NE 68509-4600

Notice of Requirement to Report

Claimant Identification Number:
0000402464

Claim Benefit Year Ends (BYE):
04/13/2024

UI Claim Office:
2441

Job Seeker Reg Office:
2441

RESA Office:
2441

[redacted]

Mail Date: 05/10/2023

Dear [redacted]

You have been enrolled in Nebraska's Reemployment (NEres) Program. Through this program, a job coach will work with you to develop a plan for returning to work as quickly as possible.

In order to remain eligible for unemployment insurance benefits, you must meet with your job coach. See the meeting details below.

Date:	5/23/2023
Time:	9:30 AM
Location:	917 Wildwood Lane Room 104 Nebraska City, NE 68410

Prior to your meeting:

1. Complete the Skills and Work Values assessments in NEworks.nebraska.gov; instructions are attached to this letter.
2. Upload your government issued photo ID in NEworks. Instructions are provided at dol.nebraska.gov/uibenefits

During the meeting, your job coach will discuss:

- Skills and Work Values assessment results
- Your resume
- Your return-to-work plan
- Any concerns you may have about your unemployment claim
- Referrals to additional services that fit your needs

Failure to attend the meeting will result in denial of unemployment benefits. Please contact your job coach immediately if:

- You have concerns about attending your scheduled meeting
- You have missed the meeting
- You need an interpreter or other special accommodation
- You have gone back to work

NDOL Job Coach:	LISA R SAND
Telephone:	4022236084
Email:	LISA.SAND@NEBRASKA.GOV

We look forward to working with you!

Sincerely,
Nebraska Reemployment (NEres)
Nebraska Department of Labor, Division of Reemployment Services
NDOL.NEres@Nebraska.gov

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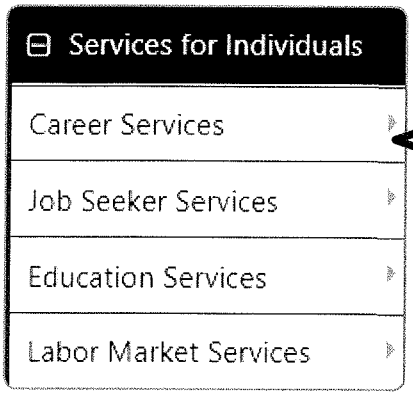
How To:

Take the Skills and Work Values Assessments in NEworks

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DEPARTMENT OF LABOR

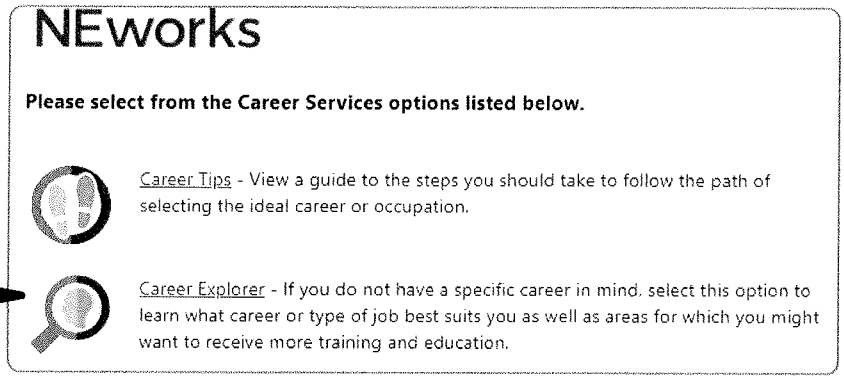
NEworks Assessments

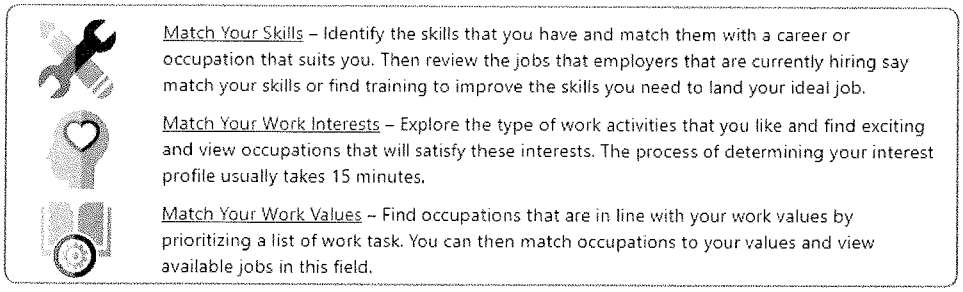
In NEworks you can take skills, interests, and work values assessments, which can help you obtain valuable information to guide the career planning process.



1. Go to NEworks.nebraska.gov and login to your NEworks account.
2. On the far left side, under Services for Individuals, click on Career Services.

3. Click on Career Explorer.

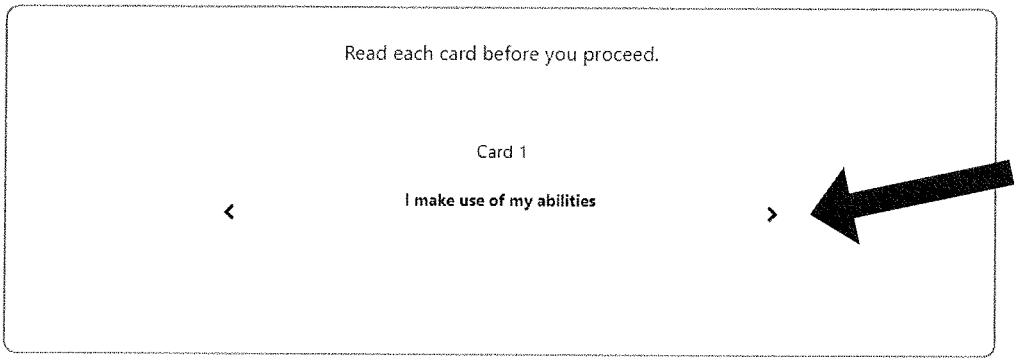


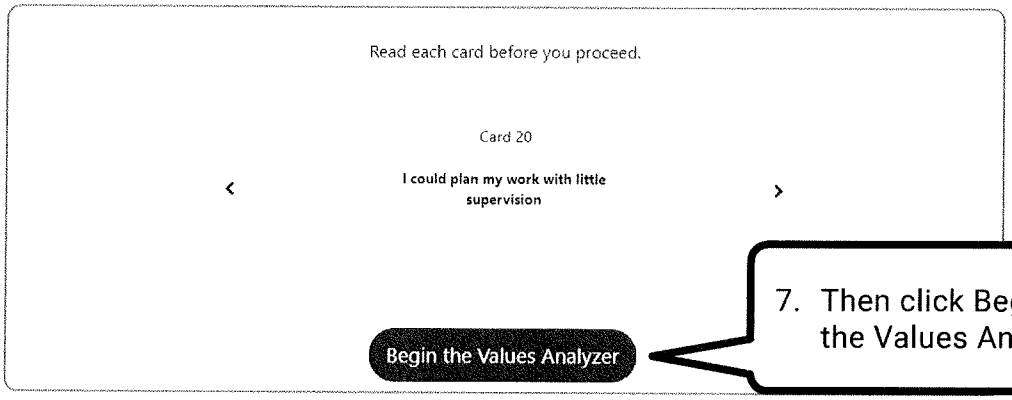


4. Please complete the Match Your Skills and Match Your Work Values assessments.

5. In the Match Your Skills assessment, select Your Job Skills. Then select either Option 1 or Option 2.

6. In the Match Your Work Values assessment, you must read each card before you may proceed.





7. Then click Begin the Values Analyzer.



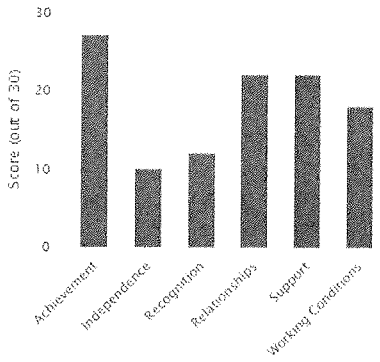
8. After sorting the cards, click the next button at the top of the table.

9. When complete, the results will look like this:

Work Values Analyzer Scores

Here are the Work Interest Scores of your Work Values Analyzer. Work values are the aspects of work that are important to you. You can click on any work value to learn more. When you're ready, click the *Next* button to explore careers and jobs that match these interests.

Work Values	Score (out of 30)
Achievement	27
Independence	10
Recognition	12
Relationships	22
Support	22
Working Conditions	18



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Reemployment Services
Limited English Proficiency Plan

February 2022

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Executive Summary:

Individuals who do not speak English as their primary language and those who have limited ability to read, write, speak, or understand English may incur a barrier to employment and are entitled to language assistance in their effort to enter the workforce. The quality and accuracy of the language assistance is critical to these efforts and shall be provided in a timely manner to ensure maximum access to services. This plan provides individuals with language access barriers, also referred to as Limited English Proficiency (LEP), access to programs and services provided by the American Job Centers and Nebraska Department of Labor (NDOL) offices on an equitable basis. This plan is applicable to all NDOL Division of Reemployment Services (DRS) entities that receive federal financial assistance.

Introduction/Background

Planning Committee

In an effort to provide equitable services to individuals with language access barriers the NDOL Division of Reemployment Services has established a planning committee consisting of the following team members:

2022 LEP Planning Committee

Lori Marquez, Scottsbluff (bilingual)
Tom Prescott, Omaha (bilingual)
Jennifer Guillen, Columbus (bilingual)
Kathy Cedillo, DRS
Ronesha Love, GL OSO
Dawn Carrillo, Lincoln
Lisa Sand, Beatrice
Regina Ielacqua, North Platte
Josh Hanson, GN OSO
Savannah High, GO OSO

Limited English Proficiency Plan

NDOL Reemployment Services

February 2022

Purpose

The planning committee is responsible for: identifying major concentrations of ethnic groups with language access barriers in each region; staff training needs; inventorying and identifying language assistance aids such as posters, handbooks, forms, handouts, etc.; and making recommendations to the DRS for development of other language assistance aids to assist with service delivery.

The Division of Reemployment Services LEP Plan is reviewed and updated on an annual basis with the exception of any major changes in demographics, types of services, program changes, or other factors affecting a specific geographic location. Should any of these changes occur, an immediate review of the situation and corresponding plan update will be completed. The annual review, as well as any necessary modifications, will be conducted by the LEP committee members. The LEP committee schedules meetings on a quarterly basis to review any issues or concerns potentially affecting the LEP plan or populations with language access barriers.

The Wagner-Peyser Governor’s Reserve funds (10% set aside) may be used to support procurement of language assistance materials and to support costs associated with group language assistance training. Individual clients who require language assistance training and are eligible for Workforce Innovation and Opportunities Act (WIOA) programs and services may be funded from the specific program area funds (Adult, Dislocated Worker, and Youth). These determinations will be left to the Workforce Development Areas. Language assistance tools will also be utilized on an as needed basis for the State Rapid Response Activities and the Trade Adjustment Assistant Assistance (TAA) Program.

The goal of this plan is to function as a tool used to assess the effectiveness of Reemployment Service Division’s service delivery to individuals with language access barriers.

Title VI of Civil Rights Act of 1964

Section 601 of Title VI of the Civil Rights Act of 1964 provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The requirement to provide meaningful access under Title VI applies beyond the education context to include all of the programs and activities of all recipients of Federal financial assistance.

Executive Order No. 13166

On Aug. 11, 2000, President Clinton issued Executive Order No. 13166, entitled “Improving Access to Service for Persons with Limited English Proficiency” (available electronically at dol.gov/oasam/regs/statutes/Eo13166.pdf). This executive order was meant to clarify Title VI of the Civil Rights Act of 1964. The executive order was issued to ensure equal accessibility to federally funded programs and services to otherwise eligible individuals not proficient in the English language. The executive order states that:

Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.

Executive Order No. 13166 ensures that in addition to federal agencies, recipients of federal financial assistance funds must also comply with Title VI and the LEP guidelines of the agency from which the funds are received. In addition, each agency subject to the requirements of Title VI must publish guidance to its respective recipients clarifying its obligation. As a recipient of federal funding, this requirement applies to all programs and services offered by the Division of Reemployment Services.

United States Department of Labor Guidance

The United States Department of Labor (DOL) has provided policy guidance to federal financial assistance recipients regarding the Title VI prohibition against national origin discrimination affecting LEP persons. The DOL has created a webpage entitled “LEP Toolkit” which provides numerous resources for recipient agencies to utilize as they create LEP Plans. This webpage is accessible at dol.gov/oasam/programs/crc/lepcnt.htm.

Among the available LEP planning resources provided by DOL, is the “Policy Guidance on the Prohibition of National Origin Discrimination as it Affect Person with Limited English.” This guidance policy was published in the Federal Register on May 29, 2003. The DOL policy guidance states:

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally assisted programs and activities.

The DOL policy guidance helps to ensure “that federally assisted programs aimed at the American public do not leave some behind simply because they face challenges communicating in English.” Sub-recipients likewise are held to the same standards when federal funds are passed through from one recipient to a sub-recipient.

29 CFR part 37 provides regulations for the implementation of policies and procedures that provide equal opportunity and equal access in a nondiscriminatory manner. 29 CFR § 37.35(a) states that where “a significant number or proportion of the population eligible to be served, or likely to be directly affected, by a [WIOA] Title I – [financially] assisted program or activity may need services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity”.

The Section 188 regulations require recipients ‘‘to take reasonable steps to provide services and information in appropriate languages’’ [29 CFR 37.35(a)(2)]. Even where there is not a significant number or proportion of LEP persons in the community serviced by the recipient, recipients nonetheless are required to ‘‘make reasonable efforts to meet the particularized language needs of limited-English speaking individuals who seek services or information from the recipient’’ [29 CFR 37.35(b)].

Analysis

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the U.S. DOL has stated that the starting point is an individualized assessment that balances the following four factors:

Factor 1: The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) ‘Very Well,’ (2) ‘Well,’ (3) ‘Not Well,’ and (4) ‘Not At All.’ For planning and statistical purposes, we are considering individuals who speak English at any level below “Very Well” as Limited English Proficient (LEP).

As part of this planning process, we have included statistics from the 2019 U.S. Census Bureau American Community Survey 5-Year Estimates Tables to illustrate the number of individuals living in the state of Nebraska who speak English less than “Very Well.” In addition, this U.S. Census survey indicates the number of individuals in each language group among the total population of individuals who speak English less than “Very Well.” These statistics help to identify prominent and/or growing language groups for planning purposes at a state level, region level, and by Workforce Development Area.

Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program

The program must be evaluated in relationship to the number of LEP persons who are within the program area and the number of times those persons have frequented the program or activity. NDOL utilizes the NEworks system, the state's public labor exchange system, to provide information to job seekers, to register program applicants and participants, and to list available jobs throughout Nebraska. User statistics have been pulled from NEworks Registered Individuals, which indicate voluntary self-identification information which may help to indicate a potential need for language assistance among individuals.

Factor 3: The Nature and Importance of the Program, Activity, or Service Provided to the Recipient

The DRS provides a wide range of programs, activities and services. The DRS provides Veterans Services, Job Seeker Services, Business Services, Labor Market Information, and a multitude of other services. The DRS is responsible for administering numerous programs that receive federal funding, including: Workforce Innovation and Opportunities Act, Wagner-Peyser, Veterans, Trade Adjustment Assistance, Rapid Response, Work Opportunity Tax Credit (WOTC), and many other programs receiving federal funding or grants.

Factor 4: The Resources Available to the Recipient and Costs

NDOL DRS serves the entire state of Nebraska and is required by federal law to provide access to LEP persons, and to ensure that its sub-recipients also provide such access. The Wagner-Peyser Governor's Reserve funds (10% set aside) may be used to support procurement of language assistance materials and to support costs associated with group language assistance training.

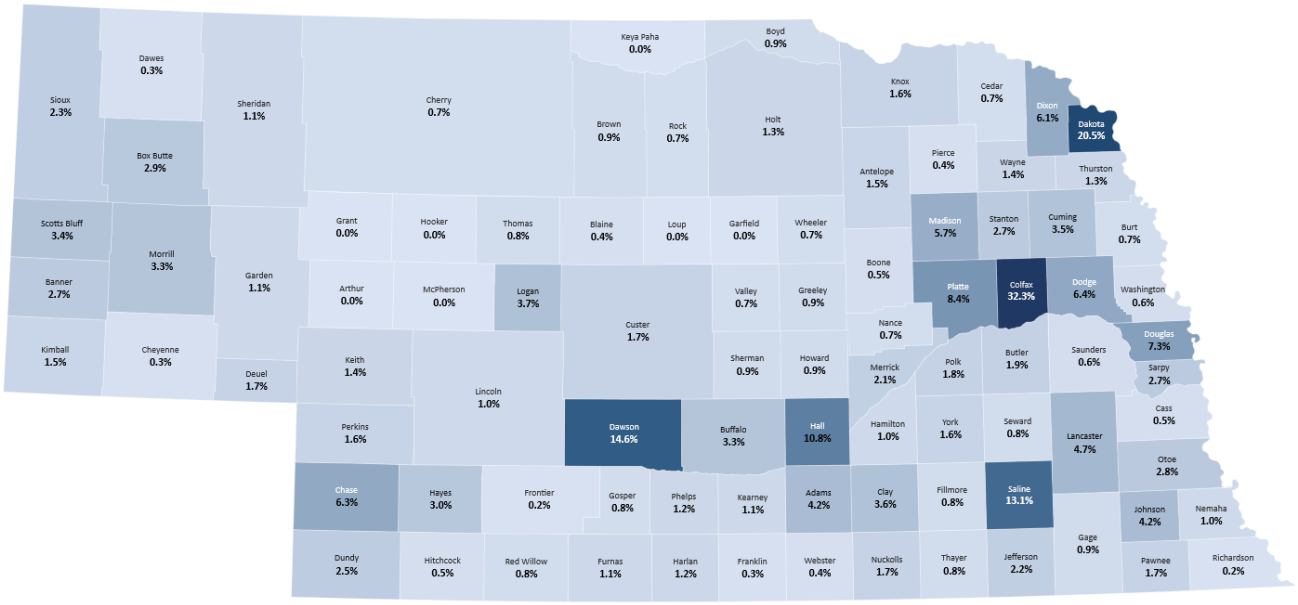
Identifying Individuals with Language Barriers:

In Nebraska, there are an estimated 91,000 individuals or 5.1 percent of the population age 5 years and older who speak a language other than English and speak English less than very well according to the 2015-2019 American Community Survey estimates in Table B16004. The highest numbers of people with limited English proficiency generally reside in the most populous counties in the state with Douglas (37,823), Lancaster (13,875), Hall (6,134) and Sarpy (4,454) counties topping the list.

Individuals with language access barriers account for a significant proportion of the population in several counties when the percent of the total county population age five and older is considered. In Colfax County, almost a third (32.3 percent) of the population speak

limited English. Other counties with high concentrations of individuals with language access barriers include Dakota with 20.5 percent, Dawson with 14.6 percent, Saline with 13.1 percent and Hall with 10.8 percent. A second group including Platte, Douglas, Dodge, Chase, Dixon, and Madison counties range from 5.7 percent to 8.4 percent, all above the statewide average of 5.1 percent. This group of 11 counties accounted for more than two-thirds (69.1 percent) of all the limited English speakers in the state.

Percent of Individuals Age 5 and Older Who Speak English Less Than Very Well by County



In the map above, shading displays the percentage of each county's population age 5 and older who speak English less than very well.

Table 1: Number and percentage of each county's population age 5 and older who speak English less than very well.

Rank	County	Total Number of Individuals Who Speak English Less than Very Well	Percentage of Population by County Who Speak English Less than Very Well
1	Colfax	3150	32.3%
2	Dakota	3771	20.5%
3	Dawson	3163	14.6%
4	Saline	1750	13.1%
5	Hall	6134	10.8%
6	Platte	2571	8.4%
7	Douglas	37823	7.3%
8	Dodge	2202	6.4%
9	Chase	228	6.3%
10	Dixon	323	6.1%

11	Madison	1843	5.7%
12	Lancaster	13875	4.7%
13	Adams	1237	4.2%
14	Johnson	209	4.2%
15	Logan	32	3.7%
16	Clay	211	3.6%
17	Cuming	298	3.5%
18	Scotts Bluff	1136	3.4%
19	Buffalo	1504	3.3%
20	Morrill	147	3.3%
21	Hayes	25	3.0%
22	Box Butte	293	2.9%
23	Otoe	410	2.8%
24	Sarpy	4454	2.7%
25	Stanton	148	2.7%
26	Banner	18	2.7%
27	Dundy	44	2.5%
28	Sioux	25	2.3%
29	Jefferson	150	2.2%
30	Merrick	152	2.1%
31	Butler	146	1.9%
32	Polk	87	1.8%
33	Custer	168	1.7%
34	Nuckolls	69	1.7%
35	Pawnee	43	1.7%
36	Deuel	30	1.7%
37	York	204	1.6%
38	Knox	130	1.6%
39	Perkins	42	1.6%
40	Antelope	87	1.5%
41	Kimball	54	1.5%
42	Wayne	126	1.4%
43	Keith	106	1.4%
44	Holt	126	1.3%
45	Thurston	85	1.3%
46	Phelps	106	1.2%
47	Harlan	37	1.2%
48	Kearney	67	1.1%
49	Sheridan	55	1.1%
50	Furnas	48	1.1%
51	Garden	19	1.1%
52	Lincoln	330	1.0%
53	Hamilton	87	1.0%
54	Nemaha	64	1.0%

55	Gage	175	0.9%
56	Howard	55	0.9%
57	Brown	26	0.9%
58	Sherman	26	0.9%
59	Greeley	19	0.9%
60	Boyd	17	0.9%
61	Seward	135	0.8%
62	Red Willow	85	0.8%
63	Fillmore	40	0.8%
64	Thayer	39	0.8%
65	Gosper	15	0.8%
66	Thomas	5	0.8%
67	Cedar	53	0.7%
68	Burt	46	0.7%
69	Cherry	38	0.7%
70	Valley	27	0.7%
71	Nance	23	0.7%
72	Rock	9	0.7%
73	Wheeler	5	0.7%
74	Saunders	114	0.6%
75	Washington	113	0.6%
76	Cass	128	0.5%
77	Boone	26	0.5%
78	Hitchcock	12	0.5%
79	Pierce	24	0.4%
80	Webster	13	0.4%
81	Blaine	2	0.4%
82	Cheyenne	30	0.3%
83	Dawes	29	0.3%
84	Franklin	8	0.3%
85	Richardson	15	0.2%
86	Frontier	6	0.2%
87	Arthur	0	0.0%
88	Garfield	0	0.0%
89	Grant	0	0.0%
90	Hooker	0	0.0%
91	Keya Paha	0	0.0%
92	Loup	0	0.0%
93	McPherson	0	0.0%

The highest number and percent of Limited English speakers in the state, and all regions within the state, speak Spanish. The 60,470 people who spoke Spanish comprised 66.5 percent of all limited English speakers in the state. Other languages of Asia with 5.4 percent

was second in the ranking. The top eight categories below account for 90.0 percent of all individuals with language access barriers in Nebraska.

Table 2: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Nebraska

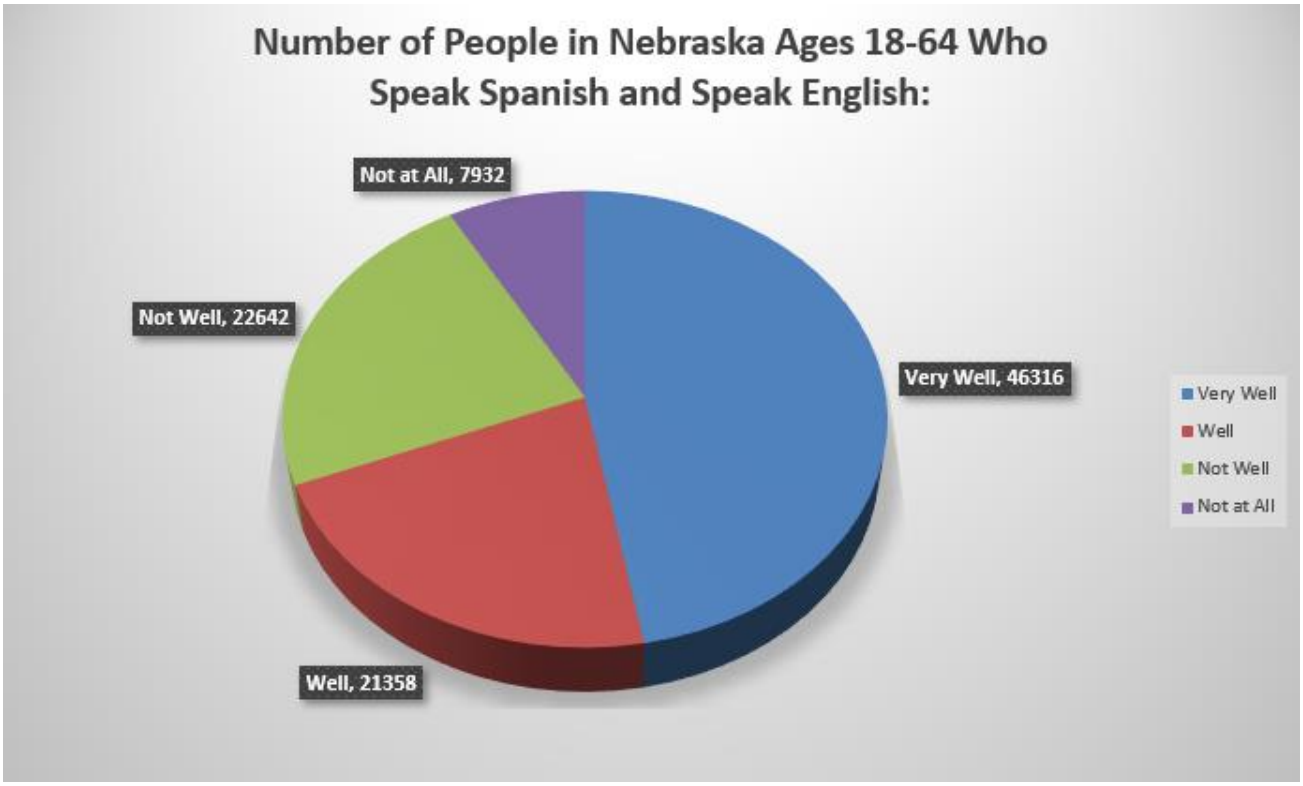
Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	60,470	66.5%
Other languages of Asia	4,945	5.4%
Vietnamese	4,238	4.7%
Chinese (incl. Mandarin and Cantonese)	3,111	3.4%
Amharic, Somali, or other Afro-Asiatic languages	2,712	3.0%
Arabic	2,172	2.4%
Nepali, Marathi, or other Indic	2,085	2.1%
Swahili or other languages of Central, Eastern, and Southern Africa	1,625	2.3%
All Other Languages	9,642	12.4%

Examples of **Other languages of Asia** include Burmese. Karen, Turkish, and Uzbek. Examples of **Other Afro- Asiatic languages** include Amharic, Chaldean Neo-Aramaic, Somali, and Tigrinya. Examples of **Other languages of Central, Eastern, and Southern Africa** include Ganda, Kinyarwanda, and Lingala**.** According to the US Census Bureau, the coding of specific languages was updated in 2016 to reflect languages in accordance with the International Organization for Standardization's IOS-639-3 standard; no comparison was made to previous years due to changes. **Language categories 2015-2019 American Community Survey estimates in** Table **B16004**

The number of languages or language groups with limited English speakers varies considerably by Workforce Areas within the state. Greater Nebraska has six language or language groups with one percent or more of limited English speakers with Spanish topping the list at 84.7 percent. Within Greater Nebraska, there are marked differences between regions in the linguistically isolated populations. Greater Lincoln has eight language or language groups with one percent or more limited English speakers with Spanish at 32.5 percent. The Greater Omaha area has eight language or language groups with one percent or more limited English speakers, consisting of Spanish with 62.8 percent followed by Other Asian and Pacific Island languages with 12.5 percent.

The American Community Survey 2015-2019 estimates Table B16004 has detailed information on Spanish language speakers between the ages of 18 and 64. It has the

categories: “Speak Spanish,” “Speak Spanish – - Speak English Very Well,” “Speak Spanish – - Speak English Well,” “Speak Spanish – Speak English Not Well,” and “Speak Spanish – Speak English Not At All.” In Nebraska, an estimated 98,248 people speak Spanish and of those, 23 percent speak English “Not Well” and 8.1 percent do not speak English at all.



Greater Nebraska Workforce Development Area:

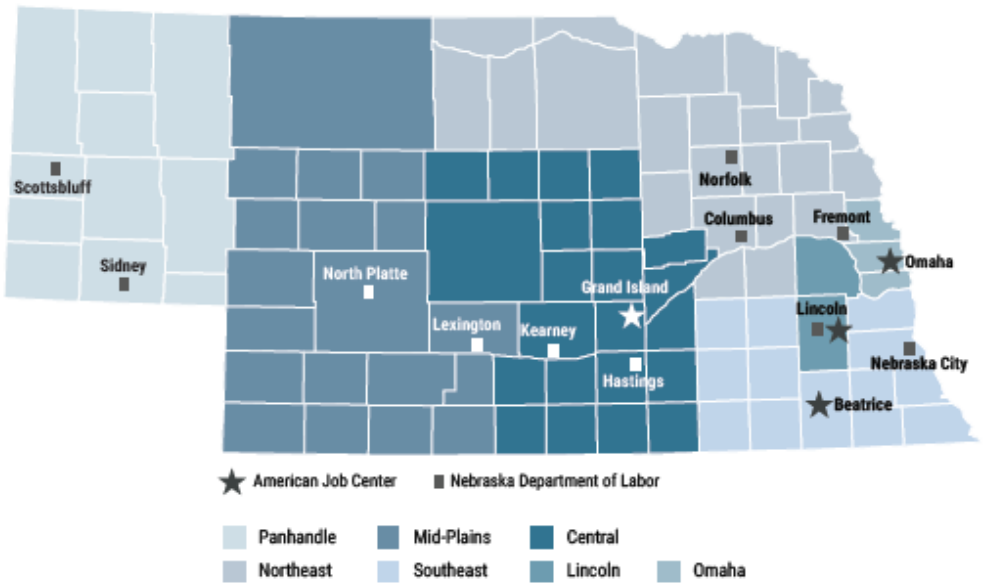
The American Community Survey 2015-2019 estimates, the most recent data available for county level data, show that there were 33,384 individuals in Greater Nebraska age five years and older who speak a language other than English at home and speak English less than “Very Well.” Spanish is the language most frequently spoken by individuals with language access barriers with 84.7 percent for the Greater Nebraska region. This percentage varies across regions within Greater Nebraska from 89.6 percent in the Northeast Region to 78 percent in the Mid-Plains Region. The number of languages spoken by at least one percent of linguistically isolated populations also varies among the regions of Greater Nebraska from three languages/language groups in the Northeast Region to eight in the Southeast Region.

Table 2: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Greater Nebraska Workforce Development Area

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	28,292	84.7%
Other Asian and Pacific Island	1,013	3.0%
Vietnamese	425	1.3%
Chinese (incl. Mandarin, Cantonese)	418	1.3%
Other Indo-European	388	1.1%
Arabic	334	1.0%
German or other West Germanic	256	0.8%
Korean	200	0.6%
French, Haitian, or Cajun	183	0.5%
Russian, Polish, or other Slavic	170	0.5%
Tagalog (incl. Filipino)	164	0.5%
All Other Languages	1,541	4.6%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Job Centers



Beatrice **
American Job Center
2317 N. 6th St., Ste. 3
402-223-6060
ndol.beatricewfd@nebraska.gov

Columbus **
3100 23rd St., Ste. 22
402-564-7160
ndol.columbuswfd@nebraska.gov

Fremont *
827 North D Street
402-934-2392

Grand Island **
American Job Center
203 East Stolley Park Rd, Ste. A
308-385-6300
ndol.grandislandwfd@nebraska.gov

Hastings **
2727 W. 2nd St., Ste. 338
402-462-1867
ndol.hastingswfd@nebraska.gov

Kearney
315 60th Street, Suite 225
402-326-4885

Lexington
1501 Plum Creek Parkway, Ste. 3
308-324-2064
ndol.lexingtonwfd@nebraska.gov

Lincoln
American Job Center
1111 O Street, Ste. 205
402-441-1640
AJC@lincoln.ne.gov

Lincoln **
1111 O Street, Ste. 222
402-471-2275
ndol.lincolnwfd@nebraska.gov

Nebraska City *
917 Wildwood Lane, Room 104
402-873-3384
ndol.nebraskacitywfd@nebraska.gov

Norfolk **
105 E. Norfolk Ave., Ste. 120
402-370-3430
ndol.norfolkwfd@nebraska.gov

North Platte **
600 E. Francis, Ste. 9
308-535-8320
ndol.northplattewfd@nebraska.gov

Omaha **
American Job Center
Heartland Workforce Solutions
5752 Ames Ave.
402-444-4700
admin@hws-ne.org
ndol.omahawfd@nebraska.gov

Scottsbluff **
505A Broadway, Ste. 300
308-632-1420
ndol.scottsbluffwfd@nebraska.gov

Sidney
371 S College Drive Room #148
308-254-4429
ndol.sidneywfd@nebraska.gov

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Greater Nebraska Panhandle Region

The Panhandle Region includes the following Nebraska Counties: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux. NDOL Career Centers located in the Panhandle include:

- Scottsbluff: 505A Broadway, Ste. 300, Scottsbluff, NE 69361 Phone: (308) 632-1420
- Sidney: 2246 Jackson St, Sidney, NE 69162, Phone: (308) 254-4429

Table 3: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Panhandle Nebraska

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	1,480	80.6%
Chinese (incl. Mandarin, Cantonese)	115	6.3%
Other Indo-European	111	6.0%
Tagalog (incl. Filipino)	34	1.9%
Other Asian and Pacific Island languages	30	1.6%
Korean	22	1.2%
German or other West Germanic languages	17	0.9%
Arabic	13	0.7%
Russian, Polish, or other Slavic languages	8	0.4%
French, Haitian, or Cajun	7	0.4%
Vietnamese	0	0.0%
All Other Languages	12	0.7%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 4: Percentage of Individuals Identifying as Hispanic

Panhandle Offices	Registered Individuals	WIOA Enrollments
Scottsbluff	15.38%	14.29%
Sidney	8.07%	0.00%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Greater Nebraska Mid-Plains Region

The Mid-Plains Region includes the following Nebraska Counties: Arthur, Blaine, Chase, Cherry, Dawson, Dundy, Frontier, Furnas, Gosper, Grant, Harlan, Hayes, Hitchcock, Hooker, Keith, Lincoln, Logan, McPherson, Perkins, Red Willow, Thomas. NDOL Career Centers located in Mid-Plains include:

- North Platte: 600 E. Francis, Ste. 9, North Platte, NE 69104, Phone: (308) 535-8320
- Lexington: 1501 Plum Creek Parkway, Lexington, NE 68850, Phone: (308) 324-2064

Table 5: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Mid-Plains Nebraska

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	3,290	78.0%
Arabic	164	3.9%
Vietnamese	136	3.2%
Korean	48	1.1%
Russian, Polish, or other Slavic languages	44	1.0%
Other Asian and Pacific Island	37	0.9%
Tagalog (incl. Filipino)	32	0.7%
Chinese (incl. Mandarin, Cantonese)	30	0.7%
German or other West Germanic Languages	29	0.7%
French, Haitian, or Cajun	9	0.2%
Other Indo-European	6	0.1%
All Other Languages	416	9.9%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 6: Percentage of Individuals Identifying as Hispanic

Mid-Plains Offices	Registered Individuals	WIOA Enrollments
North Platte	8.05%	0.00%
Lexington	18.44%	0.00%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Greater Nebraska Central Region

The Central Region includes the following Nebraska Counties: Adams, Buffalo, Clay, Custer, Franklin, Garfield, Greeley, Hall, Hamilton, Howard, Kearney, Loup, Merrick, Nance, Nuckolls, Phelps, Sherman, Valley, Webster, Wheeler. In the Central Region, there are three NDOL Career Center locations:

- Hastings: 2727 W. 2nd St., Ste. 338, Hastings, NE 68901, Phone: (402) 462-1867
- Grand Island (American Job Center): 203 East Stolley Park Rd, Ste. A, Grand Island, NE 68801, Phone: (308) 385-6300
- Kearney: 315 W 60th St, Ste. 225, Kearney, NE 68845, Phone: (402) 326-4885

Table 7: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Central Nebraska

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	8,166	82.4%
Vietnamese	326	3.3%
Other Asian and Pacific Island	241	2.6%
Chinese (incl. Mandarin, Cantonese)	124	1.3%
French, Haitian, or Cajun	119	1.2%
Other Indo-European languages	99	1.0%
Arabic	95	1.0%
German or other West Germanic	54	0.5%
Korean	46	0.5%
Russian, Polish, or other Slavic	29	0.3%
Tagalog (incl. Filipino)	10	0.1%
All Other Languages	515	5.2%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 8: Percentage of Individuals Identifying as Hispanic

Central Offices	Registered Individuals	WIOA Enrollments
Grand Island	14.75%	20.59%
Hastings	11.21%	9.26%
Kearney	0.00%	0.00%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Greater Nebraska Southeast Region

The Southeast Region includes the following Nebraska Counties: Cass, Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer, York. In Southeast Nebraska, there are three NDOL Career centers:

- Beatrice (American Job Center): 5109 W. Scott Rd., Ste. 413, Beatrice, NE 68310-7059, Phone: (402) 223-6060
- Nebraska City: 917 Wildwood Lane, Room 104, Nebraska City, NE 68410-3312, Phone: (402) 873-3384

Table 9: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Southeast Nebraska

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	2,671	79.4%
Other Asian and Pacific Island languages	153	4.6%
Korean	74	2.2%
Vietnamese	73	2.2%
German or other West Germanic	66	2.0%
Russian, Polish, or other Slavic	65	1.9%
Chinese (incl. Mandarin, Cantonese)	58	1.7%
Tagalog (incl. Filipino)	48	1.4%
French, Haitian, or Cajun	24	0.7%
Arabic	17	0.5%
Other Indo-European languages	15	0.4%
All Other Languages	98	2.9%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 10: Percentage of Individuals Identifying as Hispanic

Southeast Offices	Registered Individuals	WIOA Enrollments
Beatrice	9.13%	6.45%
Nebraska City	5.85%	0.00%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Greater Nebraska Northeast Region

The Northeast Region includes the following Nebraska Counties: Antelope, Boone, Boyd, Brown, Burt, Butler, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Holt, Keya Paha, Knox, Madison, Pierce, Platte, Polk, Rock, Stanton, Thurston, Wayne. In Northeast Nebraska, there are two NDOL Career Centers:

- Columbus: 3100 23rd St., Ste. 22, Columbus, NE 68601-3161, Phone: (402) 564-7160
- Norfolk: 105 E. Norfolk Ave., Ste. 120, Norfolk, NE 68701, Phone: (402) 370-3430

Table 11: 2017 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Northeast Nebraska

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	13,700	89.6%
Other Asian and Pacific Island languages	515	3.4%
Other Indo-European languages	157	1.0%
Chinese (incl. Mandarin, Cantonese)	91	0.6%
Vietnamese	72	0.5%
Arabic	70	0.5%
Tagalog (incl. Filipino)	47	0.3%
German or other West Germanic languages	93	0.6%
French, Haitian, or Cajun	24	0.1%
Russian, Polish, or other Slavic languages	24	0.1%
Korean	10	0.1%
All Other Languages	500	3.3%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 12: Percentage of Individuals Identifying as Hispanic

Northeast Offices	Registered Individuals	WIOA Enrollments
Columbus	14.67%	11.63%
Norfolk	13.99%	10.26%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Greater Omaha Workforce Development Area:

The Omaha Workforce Development Area, located in the eastern part of the state, includes Douglas, Sarpy, and Washington counties. Omaha has one American Job Center, Heartland Workforce Solutions, 5752 Ames St, Omaha, NE 68104, Phone: (402) 444-4700.

The American Community Survey 2015-2019 estimates show that the Omaha Workforce Development Area has a total of 42,390 individuals who speak English less than "Very Well." This accounts for 6.0 percent of the population age 5 and older. The table below displays the languages or language groups of people who spoke English less than "Very Well." Spanish speakers top the ranking with 62.8% of the individuals with language access barriers comprising 3.8% of the area's overall population age five and older.

Table 13: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Greater Omaha

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	26,615	62.8%
Other Asian and Pacific Island	5,291	12.5%
Other Indo-European languages	2,642	6.2%
Chinese (incl. Mandarin, Cantonese)	1,068	2.5%
Vietnamese	949	2.2%
Arabic	798	1.9%
French, Haitian, or Cajun	752	1.7%
Russian, Polish, or other Slavic	565	1.3%
Korean	365	0.9%
Tagalog (incl. Filipino)	399	0.9%
German or other West Germanic	168	0.4%
All Other Languages	2,778	6.6%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 14: Percentage of Individuals Identifying as Hispanic

Omaha Region	Registered Individuals	WIOA Enrollments
Omaha	9.58%	22.65%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Greater Lincoln Workforce Development Area:

The Lincoln Workforce Development Area includes the following Nebraska Counties: Lancaster and Saunders. There is a Lincoln Job Center located at 1111 O Street, Suite 222, Lincoln, NE 68508, Phone: (402) 471-2275 and an American Job Center, Lincoln located at 1111 O Street, Suite 205, Lincoln, NE 68508, Phone: (402) 413-9236.

The American Community Survey 2015 - 2019 estimates show that the Lincoln Workforce Area has 13,989 people who speak English less than "Very Well". The table below displays the languages or language groups of people who spoke English less than "Very Well." Individuals speaking Spanish and Vietnamese are the two most prevalent language groups. However, the Lincoln Workforce Development Area has six additional languages or language groups spoken by one percent or more of the limited English population.

Table 15: 2019 Number and Percent of Individuals Age 5 and Older Who Speak English Less than "Very Well" by Language or Language Group in Greater Lincoln

Language or Language Group	Number of Individuals 5 Years and Older Who Speak English Less than "Very Well"	Percent of Limited English Speakers Who Speak English Less than "Very Well"
Spanish	4,548	32.5%
Vietnamese	2,691	19.2%
Chinese (incl. Mandarin, Cantonese)	1,625	11.6%
Other Indo-European languages	1,302	9.3%
Other Asian and Pacific Island languages	1,300	9.3%
Arabic	1,028	7.3%
Russian, Polish, or other Slavic	469	3.4%
Korean	263	1.9%
German or other West Germanic	67	0.5%
Tagalog (incl. Filipino	64	0.4%
French, Haitian, or Cajun	32	0.2%
Other and unspecified languages	600	4.3%

Examples of **Other Asian and Pacific Island Languages** include Thai, Lao, Burmese, Karen, Hmong, Japanese, Korean, Ilocano, Samoan, Hawaiian, or other Austronesian languages and Tagalog. Examples of **other West Germanic Languages** are Dutch and Yiddish. Examples of **Other Indo-European languages** are Greek, Russian, Polish, Hindi, Albanian, and Swedish. Examples of other **Slavic languages** are Bulgarian, Czech, and Ukrainian. **2015-2019 American Community Survey estimates in Table C16001**.

Table 16: Percentage of Individuals Identifying as Hispanic

Lincoln Region	Registered Individuals	WIOA Enrollments
Lincoln	6.99%	11.35%

Information from NEworks: self-identified as Hispanic/Latino during Program Year 2020 (7/1/20-6/30/21).

Individuals Self-Identifying as Hispanic or Latino origin in Nebraska:

Because the majority of limited English speakers speak Spanish, it may be helpful for planning purposes to look at the change in the number of individuals who self-identify as Hispanic or Latino in the state. Overall, the state saw a 77% increase in the number of individuals in this self-identifying category from 2000 to 2010. Since then, according to Census American Community Survey 2019 5-year estimates, the population of individuals who self-identify as Hispanic or Latino origin now comprises 10.8% of the state's population.

U.S. Census Bureau, 2010 Census. 2015-2019 American Community Survey estimates in Table B03002.

DRS Language Assistance Measures:

NDOL field staff have access to LanguageLine for over the phone interpretation services in more than 240 languages. In addition, field staff may utilize LanguageLinc, which provides in-person interpretation. The Nebraska Commission for the Deaf and Hard of Hearing maintains a list of certified American Sign Language interpreters, who may be contacted to provide sign-language interpretation on an independent contractor basis.

Likewise, if a customer enters an NDOL field office with their own interpreter, depending on their program guidance, field staff may accommodate the customer's desire for their own language interpreter. Individuals with language access barriers served by DRS staff are responded to in a manner that is respectful and courteous. Staff persons who are contacted either by telephone, written communication, or personal contact will utilize LanguageLine to assist the customer. Individuals with language access barriers will receive the same level of service as all customers served by DRS.

Brochures, signage, and complaint forms are available in multiple languages in all offices throughout the State. Use of these resources ensures that LEP individuals have equitable access to programs operated by the Office of Employment and Training. The DRS maintains ongoing efforts to create and provide translation of Equal Employment Opportunity (EEO) brochures, posters, and customer materials.

Notification to LEP Persons

DRS staff have an obligation to provide notice about language access services, including providing signage in the job center and promoting language accessibility to community organizations, community colleges, and other local partners.

Accessibility of Information Online

NEworks

NEworks is the labor exchange, case management and reporting site for the DRS programs. NEworks is currently available in both English and Spanish. NEworks is accessible at NEworks.nebraska.gov.

NDOL Website

The NDOL public website provides information for workers and employers. This includes information about job searching, training, the Workforce Innovation and Opportunities Act, and many additional programs and services. The NDOL site is accessible at dol.nebraska.gov.

The site features the option of selecting language translation services provided via Google Language Tools. The translation through Google utilizes an automated/computerized translation which serves as an approximation for the site's original content. NDOL has provided a Translation Disclaimer Statement indicating potential issues with the automated translation process. Available languages listed on the NDOL site include: Spanish, Chinese, French, German, Italian, Korean, Russian, Polish, Arabic, Portuguese, Japanese, and Norwegian. The NDOL website provides information on how to contact local field staff for additional assistance.

Social Media

DRS utilizes multiple social media platforms in order to improve and increase its public outreach. The social media platforms used include:

- Facebook (facebook.com/Nebraska.DOL)
- Twitter (twitter.com/NE_DOL)
- LinkedIn (https://www.linkedin.com/m/company/Nebraska-department-of-labor)
- YouTube (youtube.com/user/NEDeptOfLabor).

At this time, all information published to social media platforms is published exclusively in English.

Accessibility of Rapid Response Information to LEP Individuals

DRS manages Nebraska's Rapid Response activities as the designated Dislocated Worker Unit. Rapid Response provides assistance to workers who are dislocated due to plant closures and substantial layoffs, and is a required activity under the Workforce Innovation and Opportunities Act (WIOA).

Rapid Response meetings provide information to dislocated workers about American Job Center services, WIOA training activities, Trade Adjustment Assistance, Unemployment Insurance benefits, LMI, financial counseling, federal financial assistance, and many other job-seeker services and programs. Many of the printed information guides disseminated during Rapid Response meetings are available in Spanish. Interpreter/translation assistance is provided at Rapid Response events as needed.

Training Staff:

Training on serving individuals with language access barriers will be conducted by the DRS for staff. The DRS LEP Coordinator, in conjunction with the agency monitor and the Equal Opportunity (EO) Officer or designee will coordinate, schedule and implement statewide training. LEP training will be conducted annually, with the training materials and topics being coordinated with the EO Officer or designee. Additional training sessions will be conducted via video conference alerting staff to any major changes necessitating alterations to the LEP plan that would directly influence daily activities. Likewise, training materials and tools are shared with staff through meetings and emails as the DRS or the LEP committee becomes aware of them. Some of these items include but are not limited to resources such as, I Speak Cards, free website translations services, federal initiatives and tools, Nebraska's Non-English Speaking Worker's Protection Act (Neb. Rev. Stat. § 48-2207 to 48- 2214), U.S. Census data, and a translatable glossary of workforce terms.

The content, details and topics of training will be determined based upon the need across the state, recommendations by staff and also by the EO officer, as well as budget constraints.

The DRS continues to implement the practice of promoting bilingual skills as part of the hiring practice. This has become a desired skill listed on most DRS job announcements across the state. Applicants are not screened out if they do not have bilingual skills; however, it is desirable if bilingual skills are present in an applicant, as the DRS strives to hire qualified candidates who possess bilingual skills in order to ensure access to services for LEP customers.

Dissemination of DRS's LEP Plan

The DRS LEP Plan is accessible on NDOL's Manuals, Plans, and Reports page at dol.nebraska.gov/EmploymentAndTraining/LCRWP/WIOA/ManualsPlansReports.

LEP Complaint Procedures

DRS's complaint procedures provide the opportunity to receive feedback from individuals with language access barriers and ensures the process is accessible regardless of language barriers.

Individuals who think they have been subjected to discrimination involving LEP, Title VI, and related statutes may contact the Nebraska Equal Opportunity Commission at (402) 471-2024 or 1 (800) 642-6112. Individuals who think they have been subjected to discrimination under a WIOA Title I financially-assisted program or activity may file a complaint within 180 days from the date of the alleged violation with:

Angela Hansen-Kruse, EO Officer
Nebraska Department of Labor 550 S.
16th Street
P.O. Box 94600 Lincoln, NE
68509-4600
(402) 471-8358 TDD (800) 833-7352

For Assistance with Unemployment Insurance TTY
(402)471-0016

Auxiliary aids and services available upon request to individuals with disabilities.

Official Nebraska Government Website

NEworks

En Español | Sign In / Register



Attention Employers:

Would you like to be reimbursed up to 50% for new employees? Please contact your local job center for information on Trade and Title I programs: dol.nebraska.gov/ContactUs

Enter a keyword and/or location to find jobs.

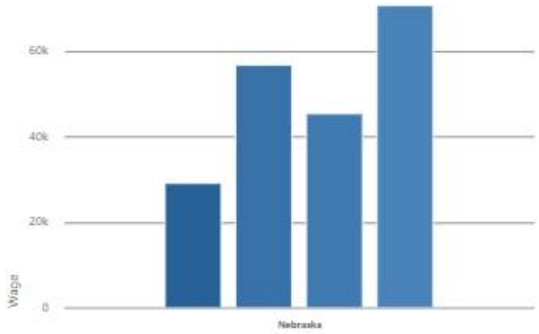
Search Jobs | Job Title, Company, Occupation or Military Code | City, State, County, Region, Zip, Remote or Hybrid | Search

Additional Search Options

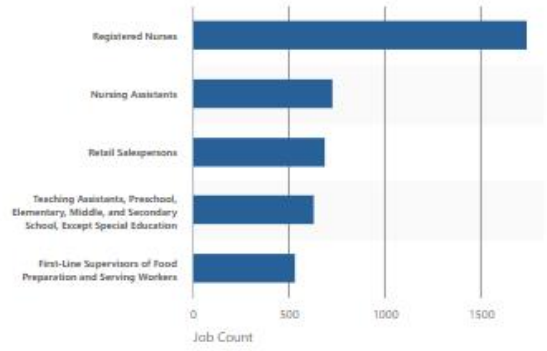
Job Seekers	Employers	Labor Market Information
Find a Job	Find a Candidate	Labor Market Analysis
Create a Résumé	Post a Job Opening	Labor Market Facts
Unemployment	Unemployment Insurance	Employment and Wage Data
Training Services	Additional Services	Additional Services

Labor Market Information

Occupational Wage Rates for Q1 2023



Top Occupations Advertised Online for May 30, 2023



Official Nebraska Government Website

NEworks

In English | Iniciar Sesión / Registrarse



Requisito de Résumé del Seguro de Desempleo

Se requiere un résumé en línea que se pueda buscar en NEworks para ser elegible para los beneficios de desempleo. Consulte las instrucciones de "Cómo Poner Su Résumé En Línea" en la página web del Seguro de Desempleo: dol.nebraska.gov/UIBenefits

Ingrese una palabra clave y/o ubicación para encontrar trabajos.

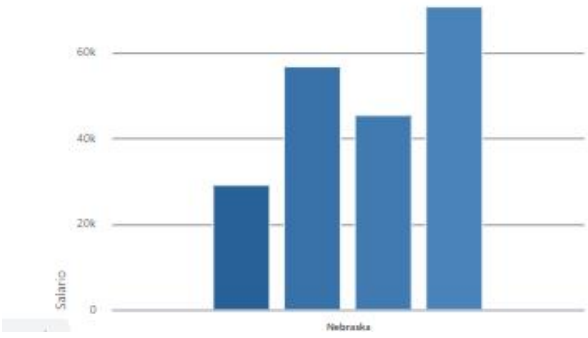
Buscar Trabajos | Título del Trabajo, Empresa, Ocupación o Código Milita | Ciudad, Estado, Condado, Región, Código Postal, Rem | Buscar

Opciones de Búsqueda Adicionales

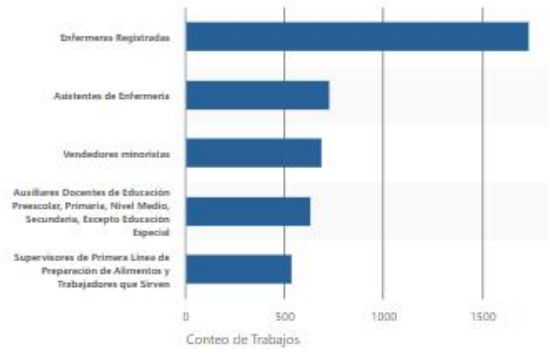
Solicitantes de Trabajo	Empleadores	Información del Mercado Laboral
Encuentre un Trabajo	Encuentre un Candidato	Análisis del Mercado Laboral
Cree un Résumé	Publique una Oferta de Trabajo	Datos del Mercado Laboral
Desempleado	Seguro de Desempleo	Datos de Empleo y Salarios
Servicios para Entrenamiento	Servicios Adicionales	Servicios Adicionales

Información del Mercado Laboral

Tasas de Salarios Ocupacionales para Q1 2023



Principales Ocupaciones Anunciadas En Línea para Mayo 30, 2023



WIOA GRANT AGREEMENT
Between
THE NEBRASKA DEPARTMENT OF LABOR
And
LOCAL CHIEF ELECTED OFFICIAL
And
LOCAL WORKFORCE DEVELOPMENT BOARD

CFDA #17.258 WIOA Adult Formula Grant; CFDA #17.259 WIOA Youth Formula Grant; CFDA #17.278 Dislocated Worker Formula Grant

This **Agreement** (Agreement) is entered into between the Nebraska Department of Labor (NDOL), local Chief Elected Official Omaha Mayor Jean Stothert (Grantee), and Greater Omaha Workforce Development Board (Local Board).

WHEREAS, the Governor of the State of Nebraska (State) has received a grant from the United States Department of Labor (USDOL) to administer Workforce Innovation and Opportunity Act, Public Law 113-128 (WIOA) Title I Adult, Dislocated Worker, and Youth programs.

WHEREAS, the Governor has authorized NDOL to award, oversee, and monitor allocations of WIOA Title I funds (WIOA Funds).

WHEREAS, pursuant to the terms of this Agreement, NDOL is making an award of WIOA Funds to Grantee for the Greater Omaha Workforce Development Area (Local Area).

WHEREAS, the Grantee and Local Board may use WIOA Funds to provide employment and training programs consistent with WIOA Title I, the Nebraska WIOA Combined State Plan (State Plan), the WIOA local plan for the Local Area (Local Plan), this Agreement, and all applicable laws, rules, regulations, guidance, and policies.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I – Period of Performance

Subject to WIOA Funds expenditure requirements in this Agreement, the period of performance for use of WIOA Funds provided under this Agreement begins July 1, 2022 and ends June 30, 2025 (Period of Performance).

II – Estimated Amount of Funds & Funding Availability

A. Table 1, below, lists the estimated amounts of WIOA Funds to be allocated to the Grantee for the Period of Performance, based on the projected State-level allotments detailed in Training and Employment Guidance Letter (TEGL) 09-21, which are subject to modification at the Federal level.

Table 1. Estimated amounts of funds to be allocated to the Grantee for Program Year 2022

WIOA Title I program	Category of funds	Amount
Youth	Program Year 2022 funds	$ 1,237,472.00
Adult	Program Year 2022 (base) funds	$ 203,142.00
Adult	Fiscal Year 2023 (advance) funds	$ 907,808.00
Dislocated worker	Program Year 2022 (base) funds	$ 138,816.00
Dislocated worker	Fiscal Year 2023 (advance) funds	$ 551,479.00
	Total	$ 3,038,717.00

B. Grantee and the Local Board understand and agree that WIOA Funds provided under this Agreement are from available Federal funds, and are contingent upon the State of Nebraska's receipt of such funds from the Federal government and upon the appropriation and allotment of funds to NDOL.

C. NDOL may make unilateral modifications to amounts of funding in this Agreement, through written notice to the Grantee and Local Board, in the event of changes in funding.

D. Following execution of this Agreement, in accordance with Sec. 182(e) of WIOA, WIOA Funds will be available to the Local Area not later than thirty (30) days after the date funds are made available to NDOL, or seven (7) days after the date the Local Plan is approved (or modification to the Local Plan), whichever is later.

E. Grantee and Local Board shall comply with all applicable laws, rules, regulations, guidance, and policies, including but not limited to, WIOA and its implementing rules and regulations, Federal and State law cited in this Agreement, USDOL WIOA guidance, State WIOA policies and guidance, 2 CFR Part 200, and 2 CFR Part 2900 (referred to herein as "Applicable Law.") The requirements of Applicable Law are incorporated herein by this reference.

F. In order to remain eligible for WIOA Funds, the Grantee shall fulfill Grantee's responsibilities as Chief Elected Official for the Local Area, as provided in Applicable Law, and the Local Board shall constitute a WIOA-compliant Local Workforce Development Board (LWDB) through appropriate Local Board appointments, and shall carry out functions of a LWDB consistent with Applicable Law.

G. All costs incurred prior to the start date of the Period of Performance (or following recapture or return of WIOA Funds) are incurred at Grantee's and Local Board's own expense.

III – Requests for and Use of Funds

A. Requests for disbursement of WIOA Funds shall be made in the form and manner specified by NDOL, and shall include adequate supporting documentation. Requests for disbursements shall be made at least once per calendar month, and may be made more frequently than once per calendar month, but not more than once per week.

B. WIOA Funds may only be used for authorized WIOA services and activities as outlined in Applicable Law and the approved Local Plan. Such services and activities shall be provided through the one-stop delivery system in the Local Area. All required one-stop partners shall be required to contribute to the infrastructure costs and certain additional costs of the one-stop delivery system in proportion to their use and relative benefit received.

C. WIOA Funds shall be disbursed for eligible workforce investment services and activities at the direction of the Local Board.

D. Use of WIOA Funds shall be determined in accordance with Paragraph B of this Section (with emphasis on cost principles set forth in 2 CFR Part 200, 2 CFR Part 2900, and 20 CFR Part 683).

E. Grantee agrees to the provisions of 20 CFR 683.820, which provide for removal of an award of WIOA Funds upon order of an Administrative Law Judge.

IV – Financial Management

A. The Grantee shall serve as the grant recipient for, and shall be liable for any misuse of, the WIOA Funds allocated to the Local Area. The Grantee may designate a Local Area grant recipient or a Local Area fiscal agent, but such designation shall not relieve the Grantee of the liability for any use or misuse of WIOA Funds provided under this Agreement.

B. The Local Board, in conjunction with the Grantee, shall develop a budget for the services and activities of the Local Area, consistent with the State Plan, Local Plan, and Applicable Law. Such budget shall comply with the requirements of and limitations on use of WIOA Funds for administrative costs.

C. WIOA Funds with the shortest period of availability shall be spent first (i.e., first in first out).

D. Grantee and Local Board shall follow procedures for minimizing the time elapsing between transfer of funds from the United States Treasury and disbursement by Grantee/Local Board.

E. NDOL may review the adequacy of the financial management system of Grantee (or it subrecipients or fiscal agent) as part of a pre-award review, or at any time subsequent to an award of WIOA Funds.

F. Grantee and Local Board shall comply with grant closeout procedures as specified by NDOL in order to ensure a timely closeout, in accordance with Applicable Law.

G. Grantee and Local Board shall comply with applicable administrative rules, costs, and limitations.

V – Recapture of WIOA Funds

A. At least 80 percent of the WIOA Funds allocated to the Local Area for a Program Year for each of the youth, adult, and dislocated worker programs shall be obligated by the end of that Program Year (June 30).

B. If more than 20 percent of WIOA Funds remain unexpended or unobligated at the conclusion of the Program Year, NDOL may recapture the amount that exceeds 20 percent. NDOL may reallocate that amount to another local area for the same program (youth, adult, dislocated worker) from which the funds were recaptured.

VI – Return of Unexpended WIOA Funds

In addition to the recapture provision above, WIOA Funds not expended during the first two (2) years (July 1, 2022 through June 30, 2024) of the Period of Performance shall be returned to NDOL. The returned funds may be used by NDOL during the following Program Year for (1) expenditure on statewide projects or (2) reallocation to eligible local boards.

VII – Reporting

Local Board (or its designee) shall report to NDOL, in the form and manner specified by NDOL or the Governor.

VIII – Term of Agreement and Termination

A. The term of this Agreement shall be from July 1, 2022 through June 30, 2025.

B. This Agreement may be amended, extended, or renewed only upon mutual written agreement of the parties.

C. This Agreement shall terminate upon the occurrence of any or all of the following:

1. Mutual, written agreement of the parties.

2. Upon thirty (30) days written notice by NDOL to Grantee and Local Board;

3. Should this Agreement be declared void or unenforceable by final order of a court of competent jurisdiction, except to the extent provisions of this Agreement are severable, pursuant to Section XXXVI of this Agreement;

4. Expiration of the term of this Agreement;

5. In the event of a default or violation of the terms of this Agreement by Grantee or Local Board, or failure by Grantee or Local Board to make sufficient progress so as to endanger performance, NDOL may suspend or terminate this Agreement:

a. Suspension: After ten (10) days' notice to Grantee and Local Board, suspend this Agreement, pending corrective action by Grantee and Local Board, or NDOL's decision to terminate; or

b. Termination: Terminate this Agreement in whole or in part at any time before the date of completion whenever it is determined that Grantee and/or Local Board have failed to comply with the terms and conditions of this Agreement, in which case:

i. NDOL shall promptly notify Grantee and Local Board in writing of the determination and the reasons for the termination, together with the effective date.

ii. Payments made to Grantee and Local Board or recoveries by NDOL when terminated for cause shall be in accord with the legal rights and liabilities of the parties.

iii. Payments and recoveries may include, but are not limited to, payments allowed for costs determined to be in compliance with the terms of this Agreement, up to the date of termination.

iv. Grantee and Local Board shall return to NDOL all unencumbered funds. Further, any costs previously paid by NDOL which are subsequently determined to be unallowable through audit and closeout procedure shall be recovered by NDOL from Grantee and Local Board.

6. Should funds not be appropriated to NDOL, or no longer be available to NDOL to fund this Agreement:

a. NDOL may terminate this Agreement with respect to those payments for the program years or fiscal years for which such funds are not appropriated, or not available.

b. NDOL shall give Grantee and Local Board written notice thirty (30) days prior to the effective date of any such termination.

c. Grantee and Local Board shall be entitled to receive just and equitable compensation for performance, which has been satisfactorily completed as of the termination date.

7. Other termination provisions as may be specified in other sections of this Agreement.

D. In the event of termination, the Grantee and Local Board shall not encumber or incur new obligations after the effective date of termination, and shall cancel as many outstanding obligations as possible.

IX – Audit & Disclosure

A. Grantee and Local Board shall utilize generally accepted accounting principles, and shall maintain the accounting records, and other records and information relevant to this Agreement to enable the NDOL and other authorized officials to audit this Agreement.

B. NDOL and any duly authorized official of the State or Federal government shall have full access to and the right to examine, audit, excerpt, and/or transcribe any of the Grantee's or Local Board's records pertaining to all matters covered by this Agreement, as also required under ATTACHMENT 1 to this Agreement. The Grantee agrees to transfer records pertinent to this grant and work undertaken to NDOL, upon NDOL's written request. Grantee and Local Board shall also permit NDOL and authorized State and Federal officials access to its personnel for purposes of interviews and discussions related to such records as is deemed necessary by NDOL to determine whether Grantee and Local Board is properly performing hereunder,

complying with all terms, conditions, and provisions herein, and that WIOA Funds are being accounted for, utilized, expended appropriately, and in accordance with this Agreement. It is understood and agreed that all records access to personnel shall be made available during normal business hours.

C. Audits of this grant shall be required and shall be conducted in accordance with Applicable Law (with emphasis on the Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 CFR Part 200, 2 CFR Part 2900, and 20 CFR Part 683). Copies of such audits will be provided to NDOL, upon request of NDOL.

D. The closeout of this grant does not affect the right of NDOL or any duly authorized official of the State or Federal government to disallow costs and recover funds from the Grantee on the basis of a later audit or other review. In other words, the obligation of the Grantee to return any funds due as a result of an audit is not affected by closeout of this grant, or termination of this Agreement.

E. As required by 2 CFR § 200.113, Grantee shall immediately disclose to NDOL and/or other appropriate authorities (with a copy to NDOL) all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the use of WIOA Funds provided under this Agreement.

X – Assignability

Grantee and Local Board shall not assign or transfer this Agreement to another person, without the prior, written consent of NDOL.

XI – Applicability to Subrecipients

The provisions of this Agreement shall be applied to subrecipients (if any) under this award of WIOA Funds, and Grantee and the Local Board shall ensure compliance by all such subrecipient(s).

XII – Compliance with Applicable Law and Requirements

A. In performance under this Agreement, Grantee and Local Board agree to comply with Applicable Law, and any reasonable procedures and requirements that NDOL may prescribe. In particular, the Grantee and Local Board agree to establish internal controls, including oversight and monitoring processes and procedures, in order to have reasonable assurance that the Grantee and Local Board are administering and/or carrying out WIOA activities and services in compliance with Applicable Law and the terms and conditions of this Agreement.

B. State Policy may be modified during the term of this Agreement, and Grantee and Local Board shall comply with State Policy, as modified. State Policy is available on NDOL's website. State Policy includes, but is not limited to, requirements regarding Governance, the One-Stop Delivery System, Performance Accountability, Administrative Requirements, Youth, Adult and Dislocated Worker programs, Priority of Service, Rapid Response, and Trade Adjustment Assistance.

C. The Grantee and the Local Board shall comply with the written Assurances attached to this Agreement, and incorporated herein by this reference as ATTACHMENT 1.

XIII – Conflict of Interest and Nepotism

A. Grantee and Local Board covenants each presently has no interest and will not acquire any interest, direct or indirect, which will conflict in any manner or degree with the performance required under this Agreement. Grantee and Local Board further agree that no person having any such known conflict of interest will perform under this Agreement. It is further required that this stipulation be included in all subcontracts relating to this Agreement.

B. No individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

XIV – Corrective Action and Sanctions

A. Grantee and/or Local Board may be subject to corrective action and sanctions for action or inaction, including but not limited to, those relating to failure to comply with performance measures, reporting requirements, record keeping, Agreement provisions, and Applicable Law.

B. In addition to default termination provisions as contained in this Agreement, NDOL may take such other action, including but not limited to, the following: (1) suspend further performance under this Agreement, pending completion of necessary corrective action(s); (2) withhold further payments until necessary corrective actions are taken; or (3) other appropriate action, as determined by NDOL. Violation of the terms of this Agreement may result in loss of any future WIOA Funds for the Local Area and may require repayment of amounts already disbursed by NDOL and/or received by Grantee.

XV – Debarment, Suspension, or Declared Ineligible

A. Grantee and the Local Board each certify that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. It is each party's affirmative duty to notify NDOL if it, or any of its principals, is sanctioned or debarred, or becomes sanctioned or debarred. Each party acknowledges that suspension or debarment is cause for termination of this Agreement.

B. Grantee and Local Board shall ensure that no subcontractors or subrecipients used in the performance under this Agreement (if any) are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

C. Grantee and Local Board agree to comply with all requirements established by the Office of Management and Budget (OMB) concerning participation in the Dun and Bradstreet Data Universal Numbering System (DUNS), registration with the Federal System for Awards Management (SAM), and maintenance of such participation and registration, including ensuring currency of information. Grantee understands that no entity may receive an award of WIOA Funds unless the entity has provided its unique entity identifier (code that is unique to an entity registered with SAM) to NDOL, and that DUNS and EIN numbers shall remain active until closeout of this grant.

XVI – Disaster Recovery

Grantee and Local Board shall have a disaster recovery and back-up plan, of which a copy should be provided upon request to NDOL, which includes, but is not limited to equipment, personnel, facilities, and transportation, in order to continue delivery of Services as specified in this Agreement in the event of a disaster.

XVII – Drug Free Workplace

A. The Drug-Free Workplace Act of 1988, 41 USC §§ 702 et seq., and 2 CFR Part 182 require that all organizations receiving grants from or through any Federal agency maintain a drug-free workplace. Grantee and Local Board agree to maintain a drug free workplace environment to ensure worker safety and workplace integrity and agree to provide a copy of its drug free workplace policy at any time upon request by NDOL.

B. The Grantee or Local Board (as applicable) shall notify NDOL if an employee of the Grantee or Local Board is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

XVIII – Entire Agreement

A. This Agreement, including any items incorporated herein by reference, contains the entire agreement of the parties. No representations were made, or relied upon by any party, other than those that are expressly set forth herein. No rights or remedies to third parties not part of this Agreement are created herein.

B. Should a conflict occur between this Agreement and applicable Federal or State law, the provisions of law shall prevail.

C. In the event of a conflict between the items that make up this Agreement, the following order of precedence shall apply: (1) provisions of Federal law, rules, regulations, and guidance; (2) State law, State Policy, and guidance; (3) WIOA Assurances; and (4) this Agreement. In the case of duplication of a term in the items that make up this Agreement, the terms shall be read together and complied with in entirety.

D. This Agreement shall be binding upon, and shall inure to the benefit of, the successors, assigns, and legal representatives of the parties.

E. This Agreement, or any amendment of this Agreement, may be signed in any number of counterparts, each of which will be an original, but all of which taken together will constitute one agreement (or amendment, as the case may be).

XIX – E-Verify Statement

A. Grantee and Local Board are required and hereby agree to use a Federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. For purposes of this Agreement, Federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 USC § 1324a, known as the E-Verify Program, or an equivalent Federal program designated by the United States Department of Homeland Security or other Federal agency authorized to verify the work eligibility status of a newly hired employee.

B. This obligation to verify work eligibility status for new employees physically performing services within the State of Nebraska also applies to any and all subcontractors and subrecipients utilized by the Grantee or Local Board in performing under this Agreement. The Grantee and Local Board shall be responsible to NDOL for enforcing this requirement with the Grantee's and Local Board's subcontractors and subrecipients.

C. A failure to adhere to these requirements is a violation of the statutory requirements in Neb. Rev. Stat. § 4-114 and as such will be deemed a substantial breach of this Agreement.

XX – Force Majeure

Neither party shall be liable for any costs or damages resulting from its inability to perform any of its obligations under this Agreement due to a natural disaster, public health crisis, or other similar event outside the control of and not the fault of the affected party (Force Majeure Event). A Force Majeure Event shall not constitute a breach of this Agreement. The party so affected shall immediately give notice to the other party of the Force Majeure Event. Either party may grant relief from performance of this Agreement if the other party is prevented from performance by a Force Majeure Event. The burden of proof for the need for such relief shall rest upon the party giving notice. To obtain release based on a Force Majeure Event, the party shall file a written request for such relief with the other party. Labor disputes with the impacted party's own employees will not be considered a Force Majeure Event and will not suspend performance requirements under this Agreement.

XXI – Governing Law

This Agreement shall be governed by, construed according to the laws and regulations of, and subject to the jurisdiction of the State of Nebraska.

XXII – Hold Harmless and Sovereign Immunity

A. The Grantee and Local Board agree to hold the State of Nebraska and NDOL harmless from any and all claims, demands, and actions based upon or arising out of any activities or services performed by the Grantee or Local Board or by its officials, officers, employees, agents, or associates.

B. Nothing in this Agreement shall be construed to waive the sovereign immunity of the State of Nebraska or NDOL, as an agency of the State of Nebraska.

XXIII – Insurance

Grantee and Local Board shall maintain such insurance (either through self-insurance or commercial insurance) as will protect Grantee and Local Board from claims for damages which may arise from performance under this Agreement.

XXIV – Intellectual Property Rights

If activities or services carried out under this Agreement result in any copyrightable material or inventions, NDOL and the Federal government reserve the right to a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and/or authorize others to use the work or materials for governmental purposes. Additionally, as required by 2 CFR § 2900.13, any intellectual property developed under this Agreement shall be licensed under a Creative Commons Attribution license, which allows subsequent users to copy, distribute, transmit, and adapt the copyrighted work and attribute the work in the manner specified by the copyright owner.

XXV – IRS Publication and 1075 Assurances

Grantee and Local Board will ***not*** have or be allowed access to Federal tax information maintained by NDOL while performing work under this Agreement.

XXVI – Merger

This Agreement shall not be merged into any other oral or written agreement, contract, or instrument.

XXVII – Nondiscrimination and Accessibility Provisions

Grantee and Local Board agree to comply with all applicable local, State, and Federal statutes, regulations, and mandates regarding civil rights, equal opportunity employment, and nondiscrimination, as amended, including but not limited to:

A. Title VI of the Civil Rights Act of 1964, 42 USC §§ 2000d et seq. (including providing access to persons with limited English proficiency).

B. Title VII of the Civil Rights Act of 1964, 42 USC § 2000e.

C. The Rehabilitation Act of 1973, 29 USC §§ 794 et seq.

D. The Americans with Disabilities Act of 1990, 42 USC §§ 12101 et seq.

E. The Age Discrimination Act of 1975, 42 USC §§ 6101 et seq.

F. The Age Discrimination in Employment Act, 29 USC § 621.

G. Title IX of the Education Amendments of 1972, 29 USC §§ 1681 et seq.

H. The Architectural Barriers Act of 1968, 42 USC §§ 4151 et seq.

I. The Nebraska Fair Employment Practice Act, Neb. Rev. Stat. §§ 48-1101 to 48-1125.

J. Nondiscrimination provisions of the Workforce Innovation and Opportunity Act, including but not limited to, those in Section 184 and Section 188, and regulations implementing those provisions, including 29 CFR Part 38.

XXVIII – Notice of Pending Litigation

Unless otherwise provided for in this Agreement, the Grantee or Local Board (as applicable) shall notify NDOL within five (5) working days after being served with a summons, complaint, or other pleading in a case which involves services or activities provided and/or funded under this Agreement and which has been filed in any Federal or State court or with another administrative agency. Upon request of NDOL, NDOL shall immediately be provided with copies of documents related to such litigation.

XXIX – Point of Contact and Notice

A. The following individuals are designated Points of Contact (POC) for the parties:

Grantee	
Name: Jean Stothert Title: Mayor Address: 1819 Farnam Street, Suite 300, Omaha, NE 68183	Phone: 402-444-5000 Email:mayorstothert@cityofmaha.org

Local Board	
Name: Sara Hansen Title: Local Board Chair Address: 12506 South 150th Street, Papillion, NE 68509	Phone: 402-521-4173 Email: sahansen@tcco.com

NDOL	
Bradley Pierce Director, Reemployment Services Division 550 South 16th Street, Lincoln, NE 68508	Phone: 402.473.7018 Email: bradley.pierce@nebraska.gov

B. Except as otherwise expressly specified herein, all notices, requests, or other communications shall be in writing and shall be deemed to have been given if delivered personally or mailed by U.S. Mail, postage prepaid and return receipt requested, to the POCs at their respective addresses set forth in this Agreement, or at such other addresses as may be specified in writing by either of the parties. All notices, requests, or communications shall be deemed effective upon personal delivery or deposit in the mail.

XXX – Program Income

Program income shall be used in accordance with WIOA and the provisions of 2 CFR § 200.307. USDOL has indicated that the "Addition" method as described in 2 CFR § 200.307 shall be used in allocating any program income generated for this award of WIOA Funds. The Grantee and the Local Board assure that all program income shall be expended prior to drawing down additional funds as required at 2 CFR §§ 200.305(b)(5) and 200.307(e). Grantee and the Local Board shall report program income received to NDOL and understand and agree that any program income found remaining at the end of the Period of Performance shall be required to be returned to USDOL.

XXXI –Verification of Lawful Presence for Public Benefits Eligibility

A. NDOL is prohibited by State law (Neb. Rev. Stat. § 4-108) from providing public benefits to a person not lawfully present in the United States. Public benefits are statutorily defined broadly (see Neb. Rev Stat. § 4-109), with some exemptions from the verification of lawful presence requirement set forth in Neb. Rev Stat. § 4-110. For the purposes of this Agreement, NDOL has determined the Grantee and Local Board are, in the performance under this Agreement, providing public benefits to individuals or households under the statutory definition of public benefits.

B. Pursuant to this Agreement and Neb. Rev. Stat. §§ 4-108 through 4-114, the Grantee and Local Board shall have each applicant for public benefits under this Agreement complete the United States Citizenship Attestation Form, available on the Nebraska Secretary of State of Nebraska Department of website at https://sos.nebraska.gov/sites/sos.nebraska.gov/files/doc/attestation_form.pdf. Such form serves as the applicant's attestation that he or she is a United States citizen or a qualified alien under the Federal Immigration and Nationality Act, 8 USC §§ 1101 et seq. (as such Federal statute existed on January 1, 2009, or as it may be subsequently amended). If the applicant attests they are a qualified alien, the applicant's lawful presence in the United States shall be verified using the Systematic Alien Verification for Entitlements (SAVE) Program.

C. Grantee and Local Board shall ensure that (1) the attestation form and any additional required verification documentation is retained based on the applicants' attestation they are qualified aliens; (2) provide such attestation form and other documentation (or copies thereof) to NDOL upon the request of NDOL; and (3) maintain aggregate records for the duration of this Agreement showing (a) the number of applicants for public benefits under this Agreement; and (b) the number of applicants rejected pursuant to the lawful presence requirement (which is the subject matter of the procedural, attestation, and verification requirements set forth in the Nebraska statutes and contractual provisions above).

XXXII – Public Record Statement

This Agreement is a public record.

XXXIII – Recordkeeping

All records pertaining to performance under this Agreement shall be retained for the period specified in Applicable Law. In the event of litigation, such records shall be retained until all litigation, claims, or audit findings involving the records or this Agreement have been finally resolved.

XXXIV – Restriction on Use of Funds

A. Grantee and Local Board understand and agree that no WIOA Funds provided hereunder shall be used for any partisan activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services to or the employment of assignment of personnel in a manner supporting or resulting in the identification of programs/projects conducted or operated pursuant to this Agreement with:

1. Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in a public election or party office; or

2. Any activity to provide voters with transportation to polls or similar assistance in connection with an election; or

3. Any voter registration activity.

B. Grantee and Local Board assure that no Federal appropriated funds have been paid or will be paid on behalf of Grantee and Local Board, to any person for influencing or attempting to influence an officer or employee of any member of Congress, an officer or employee of Congress or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any

Federal loan, the entering into of any cooperative connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with a Federal contract, grant, loan, or cooperative agreement, Grantee or Local Board (as applicable) shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying in accordance with its instructions.

XXXV – Separate Entity

A. Nothing in this Agreement should be construed in any manner as creating or establishing the relationship of partners between the parties.

B. Neither Grantee or Local Board, nor anyone employed by Grantee or Local Board to fulfill the terms of this Agreement, will be considered employees of NDOL. Employees of Grantee and Local Board will be under the sole direction and control of Grantee or Local Board and will not be entitled to any compensation, rights, or benefits from NDOL.

C. Any and all claims on behalf of any person arising out of employment or alleged employment (including, but not limited to, claims of discrimination) or against Grantee or Local Board, its officers, or its agents will in no way be the responsibility of NDOL. Grantee and Local Board will hold NDOL harmless from any and all such claims.

D. This Agreement does not create an employment relationship or establish any other employment-related rights. Personnel of Grantee and Local Board are not and will not be considered employees of NDOL, nor will they be under the supervision of NDOL. NDOL has no obligation to provide any wages, benefits, insurance, or other employment-related coverage for the employees, representatives, guests, or invitees of Grantee or Local Board.

XXXVI – Severability

If any term or condition of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and conditions shall not be affected; and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the provision held to be invalid or illegal.

XXXVII – State Energy Conservation Plan

Grantee and Local Board recognize mandatory standards and policies relating to energy efficiency as contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163). Grantee and Local Board agree to compliance with all applicable standards, orders, or requirements issued under § 306 of the Clean Air Act [42 USC §1857(h)], § 508 of the Clean Water Act (33 USC § 1368), Executive Order 11738, and Environmental Protection Agency regulations pertaining to contracts, sub-contracts, and sub-grants in excess of $100,000 (40 CFR 15).

XXXVIII – Strict Compliance

A. All provisions of this Agreement shall be strictly complied with as written, and no substitutions or changes shall be made, except upon written agreement of the parties.

B. The acceptance of late performance with or without objection or reservation by NDOL shall not waive any rights of NDOL nor constitute a waiver of the requirement of timely performance of any obligations remaining to be performed.

XXXIX – Survival

The terms of this Agreement that by their nature should survive the termination or expiration of this Agreement shall survive expiration or termination of this Agreement.

XL – Taxes

NDOL is not required to pay taxes and assumes no such liability as a result of this Agreement. Grantee and Local Board may request for their records a copy of the Nebraska Department of Revenue, Nebraska Resale or Exempt Sale Certificate for Sales Tax Exemption, Form 13.

XLI – Workplace Safety

Grantee and Local Board agree to provide a safe and secure place of work and shall maintain all legally required health and safety standards.

XLII – Other Requirements

In addition to other requirements included in this Agreement, Grantee and Local Board agree to comply with the requirements imposed by applicable Federal appropriation acts, including the Consolidated Appropriations Act, 2021 (P. L. 116-260), Training and Employment Guidance Letter 19-20, and terms and conditions imposed through USDOL Federal funding agreements (Federal Award Terms), including but not limited to, the following:

A. Consultants. USDOL has determined that fees paid to a consultant who provides services under a WIOA program shall be limited to $750 per day (representing an 8-hour workday), or the most current amount authorized by USDOL. Any fees paid in excess of this amount cannot be paid without prior approval from USDOL.

B. Federal Funding Accountability and Transparency Act (FFATA). Grantee and Local Board shall comply with FFATA and provide information to NDOL necessary for NDOL to comply with FFATA (See 2 CFR Part 170).

C. Pay for Performance Contract Strategies. Grantee and Local Board shall comply with requirements and limitations in WIOA and 20 CFR 683 Subpart E regarding pay-for-performance contract strategies.

D. Personally Identifiable Information. Grantee and the Local Board shall recognize and safeguard personally identifiable information (PII), including compliance with Training and Employment Guidance Letter 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII).

E. Publicity. No funds provided under this Agreement shall be used for publicity or propaganda purposes; preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself; or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself. Nor shall such funds be used to pay the salary or expenses of any recipient or agent acting for such recipient, related to any activity designed to influence the enactment of legislation ,appropriations, regulation, administrative action, Executive Order proposed or pending before the Congress; or any state government, state legislature, or local legislative body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

F. Travel. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable, and conform to Federal law, rules, regulations, and guidance, including 2 CFR § 200.474, and current and future USDOL guidance, policies, and procedures. All travel must comply with the Fly America Act (49 USC § 40118). WIOA Funds cannot be used for foreign travel, as stated in 20 CFR § 683.250(b). Mileage rates cannot be more than the maximum allowable mileage reimbursement rates for Federal employees. (Refer to www.gsa.gov/mileage).

G. Prohibition on Contracting with Corporations with Felony Criminal Convictions. Grantee and Local Board may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

H. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities. Grantee and Local Board may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

I. Prohibition on Procuring Goods obtained through Child Labor. No funds provided under this Agreement may be encumbered, obligated, or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the USDOL. USDOL has identified these goods and services here: List of Goods Produced by Child Labor or Forced Labor.

J. Prohibition on Providing Federal Funds to ACORN. Funds provided under this Agreement may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors. Each party certifies that it is not an affiliate, subsidiary, allied organization, or successor of ACORN.

K. Supportive Services and Participant Support Costs. When supportive services are authorized, in addition to other applicable requirements, costs for supportive services must meet the basic considerations of 2 CFR §§ 200.402 through CFR 200.411 and the provisions of 20 CFR 680 Subpart G and 20 CFR § 681.570.

L. Fraud, Waste, and Abuse. No entity receiving Federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

M. Buy American Act. Grantee and Local Board agree to comply with the Sections 8301 through 8303 of Title 41, United States Code (commonly known as the "Buy American Act"). Grantee and the Local Board certify that each entity has not been convicted of violating the Buy American Act, 41 USC § 8301 et seq., and Executive Order 13788.

N. Requirement for Blocking Pornography. Each party understands and agrees that no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

O. Mandatory Disclosures. As required by 2 CFR § 200.113, each party shall immediately disclose to NDOL, USDOL, and/or other appropriate authorities (with a copy to NDOL) all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the use of Federal funds provided under this Agreement.

P. Restriction on Purchase of Sterile Needles or Syringes and Restriction on the Promotion of Drug Legalization. Each party understands that no Federal funds shall be used (1) to purchase sterile needles or syringes for the hypodermic injection of any illegal drug; or (2) for any activity that promotes the legalization of any drug or other substance included in Schedule I of the schedules of controlled substances established under Section 202 of the Controlled Substances Act.

Q. Privacy. Each party understands and agrees that pursuant to P.L. 115-141, Division E, Title VII, Section 732, no Federal funds can be used in contravention of the 5 USC § 552a (Privacy Act) or regulations implementing of the Privacy Act.

R. Health Benefits Coverage for Contraceptives. Federal funds may not be used to enter into or renew a contract which includes a provision for prescription drug coverage unless the contract also includes a provision for contraceptive coverage. This requirement does not apply to contracts with (1) the religious plans Personal Care's HMO and OSF Health Plans, Inc. or (2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs. In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals' religious beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

S. Restriction on Health Benefits Coverage for Abortions. Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the abortion due to a pregnancy that is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, including life endangering physical conditions caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless and abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

T. Restriction on Lobbying/Advocacy. No Federal funds may be used to engage in lobbying or advocacy activities (including publicity or propaganda purposes or for the preparation of any publication or electronic communication) designed to support or defeat the enactment of Federal, state, or local legislation, regulation, appropriations, order, or other administrative action.

U. Salary and Bonus Limitations. No Federal funds may be used to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on at https://www.opm.gov/.

V. The Hotel-Motel Fire Safety Act. Pursuant to 15 USC § 2225a, if an eligible expenditure, Grantee and Local Board shall ensure that all space for conferences and conventions or training seminars funded in whole or in part with WIOA Funds comply with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Conferences must be necessary and reasonable for the successful performance of the grant award, and must comply with 2 CFR § 200.432.

W. Requirement to Provide Certain Information in Public Communications. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal funds, all non-Federal entities receiving Federal funds shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal funds, (2) the dollar amount of Federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources. The requirements of this part are separate from those in 2 CFR Part 200 and, when appropriate, both shall be complied with.

X. Architectural Barriers. The Architectural Barriers Act of 1968, 42 USC §§ 4151 et seq., as amended, the Federal Property Management Regulations (41 CFR § 102-76), and the Uniform Federal Accessibility

Standards issued by GSA (36 CFR §1191, Appendices C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support (if an eligible expenditure) must comply with these requirements.

Y. Labor Standards. Grantee and Local Board agree to comply with labor standards, as applicable, including but not limited to, the following: (1) Davis-Bacon Act (and related requirements); (2) Contract Work Hours and Safety Standards Act (and related requirements); and (3) Copeland "Anti-Kickback" Act (and related requirements).

Z. Trafficking. Grantee and Local Board (and employees, subrecipients, and subrecipient's employees) may not (1) engage in forms of trafficking in persons during the time that the award is in effect, (2) procure a commercial sex act during the time that the award is in effect, or (3) use forced labor in the performance of the award or subawards under the award.

AA. Flood Insurance. The Flood Disaster Protection Act of 1973, as amended, 42 USC §§ 4001 et seq., provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood-prone, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one (1) year of the identification (and only if an eligible expenditure). The flood-insurance purchase requirement applies to both public and private applicants for USDOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

BB. Executive Orders. Grantee and Local Board shall comply with applicable Executive Orders, including but not limited to, (1) Executive Order 12928 regarding subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions; (2) Executive Order 13043 regarding increasing seat belt use in the United States; (3) Executive Order 13166 regarding improving access to services for persons with limited English proficiency; (4) Executive Order 13513 regarding Federal leadership on reducing text messaging while driving; and (5) Executive Order 14005 regarding Made in America laws.

CC. Funding Acknowledgement. The following statement shall be included on all products developed in whole or in part with WIOA Funds:

> "This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The U.S. Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it."

DD. Whistleblower Protection. Grantee and Local Board are subject to the whistleblower rights and remedies established at 41 USC 4712, and shall inform all employees of such rights and remedies.

EE. Telecommunications. 2 CFR § 200.216 prohibits use of WIOA Funds for the purchase of certain telecommunications and video surveillance services or equipment. Grantee and Local Board shall comply with such prohibition.

FF. Domestic Preference for Procurement. Grantee and Local Board shall comply with 2 CFR § 200.322 regarding domestic preference for procurement.

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XLIII – Signatures

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, each duly authorized to do so, effective the day and year of the signature by the parties.

1/4/2023 Jean Stothert
Date Chief Elected Official, signature

Printed name: Jean Stothert

DUNS number: 07-698-1265

Sara Hansen
Sara Hansen (Dec 28, 2022 09:46 CST)
Date Local Board Chair, signature

Printed name: Sara Hansen

John H. Albin
John H. Albin (Dec 5, 2022 16:10 CST)
JOHN H. ALBIN, Commissioner/State WIOA Liaison
Nebraska Department of Labor

REVIEWED AND APPROVED:

Rea Easton
Rea Easton (Dec 2, 2022 08:21 CST)
REA EASTON, Chief Financial Officer
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ASHLEY PICK FOR BRADLEY PIERCE,
Director of Reemployment Services
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ATTACHMENT 1 – Assurances

Attachment 1

Local Plan Assurances

The assurances described herein highlight specific requirements under the Workforce Innovation and Opportunity Act (WIOA) that apply to the Chief Elected Official identified below (the Grantee) and the Local Workforce Development Board identified below (the Local Board). These assurances are submitted with the agreement and approval of the Grantee and Local Board, based on the signatures of the Grantee and the Chair of the Local Board.

The assurances do not limit in any way the responsibilities of the Grantee or the Local Board. The Grantee and the Local Board are subject to all Federal and state laws, rules, regulations, policies, and procedures. The Grantee and Local Board must ensure that all local area subrecipients comply with and adhere to all Federal and state laws, rules, regulations, policies, and procedures.

By signing the following assurances, the Grantee and the Local Board assure the Nebraska Department of Labor (the Grantor) that the Grantee, the Local Board, and all local area subrecipients will abide by the following requirements, in addition to all Federal and state laws, rules, regulations, policies, and procedures.

Name of Local Area	Greater Omaha Workforce Development Area
Printed name of Grantee	JEAN STOTHERT
Signature of Grantee	Jean Stothert
Date of Grantee's signature	1/4/2023
Name of Local Board	Greater Omaha Workforce Development Board
Printed name of Chair	Sara Hansen
Signature of Chair	Sara Hansen Sara Hansen (Dec 28, 2022 09:46 CST)

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1. Access to Records

The Grantee and the Local Board assure that each will give the United States Department of Labor (USDOL) or its representatives, the Nebraska Department of Labor (NDOL) or its representatives, and other authorized representatives of Federal or State government access to, and the right to examine, all documents related to the Grantee and/or the Local Board's performance and responsibilities related to WIOA Title I programs and the WIOA grant agreement.

2. Administration

The Grantee and the Local Board assure that each will fully comply with all applicable statutes, regulations, policies, applicable cost principles, and all Grantor instructions relating to the administration of WIOA Title I funds, including any subsequent amendments to such items.

3. Administration and Fiscal Systems

The Grantee and the Local Board assure that each will use generally accepted accounting principles, and that each has adequate administrative and fiscal systems necessary to promote effective use of WIOA Title I funds, which comply with WIOA, the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards in 2 CFR Part 200 and USDOL exceptions to 2 CFR Part 200 found at 2 CFR Part 2900. This includes, but is not limited to, a financial management system that satisfactorily accounts for and documents the receipt and disbursement of WIOA Title I funds, including information pertaining to subgrants and contract awards, obligations, unobligated balances, assets, expenditures, and income. Effective internal controls must be in place to safeguard assets and ensure their proper use (including property location and usage). All source documentation must be maintained to support accounting records that will permit the tracking of funds to a level of expenditure adequate to establish that funds have not been used in a violation of the applicable restrictions on the use of such funds.

4. Audits and Audit Resolution File

The Grantee and the Local Board assure that organization-wide or program-specific audits will be performed in accordance with the Audit Requirements of 2 CFR Part 200. The Grantee and the Local Board assure that the Local Board will maintain an audit resolution file documenting the disposition of reported questioned costs and corrective actions taken for all findings.

5. Bonding

The Grantee and the Local Board assure that all persons and/or subrecipients who are authorized to receive or deposit WIOA Title I funds or issue financial documents, checks, or other instruments of payment for WIOA Title I program costs are bonded in accordance with Federal and state regulatory requirements for protection against loss.

6. Cash Management

The Grantee and the Local Board assure that no excess cash will be kept on hand; and procedures are in place for maintaining and monitoring the minimum amount of cash on hand necessary to efficiently improve the timing and control of disbursements.

7. Compliance with Nebraska Revised Statutes §§ 4-108 through 4-112 and 4-114

The Grantee and the Local Board assure that all agreements with contractors must include a certification that the contractor has registered with and is using a Federal immigration verification system, as defined in Neb. Rev. Stat. § 4-114, to determine the work eligibility status of all new employees performing services within the State of Nebraska. Upon reasonable notice, the contractor must provide documentation to NDOL proving the contractor is or was at all times during the term of the contractor's agreement in compliance with this assurance. If the contractor is an individual

or sole proprietorship, the contractor must complete the United States Citizenship Attestation Form, accessible on the Nebraska Department of Administrative Services website at http://das.nebraska.gov/lb403/attestation_form.pdf. If the contractor indicates on such attestation form that he or she is a qualified alien, the contractor must agree to provide to the United States Citizenship and Immigration Services the documentation required to verify the contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program. Verification of lawful presence in the United States and qualified alien status must also be established, pursuant to Neb. Rev. Stat. §§ 4-111 and 4-112, if the contractor has applied for public benefits, as defined in Neb. Rev. Stat. § 4-108. The Grantor and the Local Board must ensure that the contractor understands that lawful presence in the United States is required and that the contractor may be disqualified or the contract terminated if such lawful presence cannot be verified.

8. Compliance with WIOA

The Grantee and the Local Board assure that each will fully comply with the requirements of WIOA and its implementing rules and regulations.

9. Confidentiality

The Grantee and the Local Board assure each will safeguard personally identifiable information (PII) and comply with the confidentiality requirements of Section 116(i)(3) of WIOA; Section 444 of the General Education Provisions Act (20 USC § 1232g); 29 CFR §§ 38.41(b)(2)-(3), 38.41(c), and 38.45; Training and Employment Guidance Letters (TEGL) 39-11 and 15-16; and regional and local laws and regulations regarding safeguarding of PII.

10. Local Plan and Regional Plan

The Grantee and the Local Board assure that a comprehensive local plan has been developed, and will be maintained, that identifies and describes the policies, procedures, and activities that will be carried out in the local area and that such local plan is consistent with the State of Nebraska WIOA combined state plan, as required under 20 CFR § 679.550. In addition, the Grantee and the Local Board assure that the local plan has been developed in consultation with local chief elected officials and that the public has been provided with an opportunity to provide comment on development of the plan and any subsequent modification of the plan, as required under 20 CFR § 679.550. The Grantee and the Local Board also assure that each have and will participate in a planning process resulting in the preparation of a regional plan, and that the public has been provided with an opportunity to provide comment on development of the plan, including representatives of business, labor organizations, and education, as required under 20 CFR § 679.510. In addition, the Grantee and the Local Board assure that regional planning has been conducted in partnership with other local boards and chief elected officials within the planning region, as required under 20 CFR § 679.510, and other regional area workforce system partners.

11. Expending Funds

The Grantee and the Local Board assure that funds will be spent in accordance with WIOA and its implementing rules and regulations, all written USDOL guidelines, and all other applicable Federal and state laws, rules, regulations, guidance, and policies.

12. Governor's Grant Procedures

The Grantee and the Local Board assure that all use of funds allocated to the Grantee and the Local Board will comply with the grant procedures prescribed by the Governor that are necessary to enter into grant agreements for the allocation and payment of funds under WIOA Title I. The procedures and agreements are provided by the Governor and specify the requirements, terms, conditions, assurances, and certifications and must include, but not be limited to, the following:

a. General Administrative Requirements:
    i. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

ii. 2 CFR Part 2900 – USDOL exceptions to 2 CFR Part 200; and
iii. 20 CFR Part 683 – Administrative Provisions under WIOA Title I of The Workforce Innovation And Opportunity Act

b. Assurances and Certifications:
i. Standard Form 424 B – Assurances – Non-Construction Programs
ii. 29 CFR Part 2 Subpart D – Equal Treatment in USDOL Programs for Religious Organizations
iii. 29 CFR Part 31 – Nondiscrimination in Federally Assisted Programs of the Department of Labor
iv. 29 CFR Part 32 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
v. 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act;
vi. 29 CFR Part 93 – New Restrictions on Lobbying
vii. 2 CFR Part 180 Subparts F, G and H – Suspension and Debarment Actions
viii. 2 CFR Part 182 – Government-Wide Requirements for Drug-Free Workplace (Financial Assistance)

13. Grievances/Complaints

The Grantee and the Local Board assure that each will comply with Federal, state, and local laws, rules, regulations, guidance, policies, and procedures for the handling of grievances and complaints from employees and WIOA Title IB (Adult, Dislocated Worker, and Youth) program participants, as required under 20 CFR §§ 683.600 and 683.610. The Grantee and the Local Board further assure that each will comply with Federal, state, and local laws, rules, regulations, guidance, policies, and procedures regarding actual, potential, or suspected fraud; gross mismanagement or misuse of program funds; conduct violations; violations of regulations; and abuse in programs and operations funded by the USDOL Employment and Training Administration, as required under 20 CFR § 683.620 and Training and Employment Guidance Letter 2-12.

14. Human Trafficking

The Grantee and the Local Board understand that the Grantor may terminate the grant award, without penalty, as a result of actions by the Grantee, the Local Board, Grantee's employees or subrecipients, or local area staff based on noncompliance with the Trafficking Victims Protection Act of 2009, as amended, and as implemented by 2 CFR Part 175.15(b).

15. In-demand Occupations or Industries

The Grantee and the Local Board assure that training provided for WIOA Title IB (Adult, Dislocated Worker, and Youth) program participants will be provided only for those occupations that are directly linked to an in-demand industry sector or occupation in the local area or the planning region, as those terms are defined in Sections 3(23), 3(32), and 3(48) of WIOA, or in another local area or planning region to which a WIOA Title IB (Adult, Dislocated Worker, and Youth) program participant is willing to relocate.

16. Licensing, Taxation, and Insurance

The Grantee and the Local Board assure that each will comply with all Federal, state, or local laws, rules, and regulations governing applicable licensing, taxation, and insurance requirements.

17. Nondiscrimination

The Grantee and the Local Board assure that each will comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, which prohibits discrimination on the basis of:

a. race, color, or national origin under Title VI of the Civil Rights Act of 1964;
b. age under the Age Discrimination Act of 1975;

c. sex under Title IX of the Education Amendments of 1972; and
d. disability under Section 504 of the Rehabilitation Act of 1973.

The Grantee and the Local Board further assure each will comply with the nondiscrimination and equal opportunity provisions of Section 184 of WIOA, which includes prohibitions against discrimination on the basis of any individual's participation in programs or activities funded or otherwise financially assisted under WIOA, and discrimination on the basis of citizenship status for certain noncitizens.

18. Patent Rights, Copyrights and Rights in Data

The Grantee and the Local Board assure that each understands that NDOL and USDOL reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Federal government purposes:

a. the copyright in and to any work developed under a grant, subgrant, or contract under a grant of subgrant; and
b. any rights of copyright to which a grantee, subrecipient, or a contractor purchases ownership with grant support.

19. Reporting

The Grantee assures that it will submit complete, accurate, and timely reports as required under Section 185(c) of WIOA and as specified by the Governor.

20. Responsibility Matters

The Grantee and the Local Board assure that each will enforce standards and procedures to ensure against fraud and abuse, including standards and procedures against nepotism, conflicts of interest, lobbying, kickbacks, drug use, political patronage (Hatch Act), and provisions which govern debarment, suspension, and other responsibility matters.

21. Retention of Records

The Grantee and the Local Board assure that each will retain all financial and program records, books of account, and other documents related to the grant agreement for a period of three (3) years from the date NDOL submits a final expenditure report to USDOL for the applicable program year, as required under 20 CFR § 200.333. The Grantee and the Local Board also assure that if, prior to the conclusion of the three (3) year retention period, any litigation or an audit has begun, the records, books of account and documents relating to the grant agreement must be maintained until the litigation is complete and audit findings are resolved, as required under 20 CFR § 200.333 and state policy. Further, the Grantee and the Local Board assure that USDOL, Inspectors General, Comptroller General of the United States, NDOL, and any of their respective authorized representatives have the right of access to any documents, papers, or other records that pertain to funds allocated to the Grantee and the Local Board in order to make audits, examinations, excerpts, and transcripts, as required under 2 CFR §200.336(a) and state policy. This right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents. Rights of access last as long as the records are retained by the Grantee, the Local Board, their respective service providers, and all local area staff, as required under 2 CFR § 200.336(c) and state policy.

22. Salary and Bonus Limitations

The Grantee and the Local Board assure that funds appropriated under WIOA or prior legislation under the heading "Employment and Training Administration" that are available for expenditure on or after June 15, 2006 will not be used by a recipient or subrecipient of such funds to pay the salary and/or bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule (WIOA Sec. 194(15)(A)), except as provided under WIOA Sec. 194(15)(B) which states that the limitation must not apply to vendors providing goods and services as defined in 2 CFR Part 200 Subpart B.

23. Procurement

All procurement transactions must be conducted in accordance with the procurement standards and requirements established under WIOA, 2 CFR Part 200, 2 CFR Part 2900, state law, state policy, and regional and local laws and regulations.

24. Special Clauses/Provisions

The Grantee and the Local Board assure that each understands that other special assurances or provisions may be required under Federal law, rules, regulations, guidance, or policy, including specific appropriations legislation, WIOA, or subsequent Executive or Congressional mandates, and that each will comply with such special assurances and provisions.

25. State Energy Conservation Plan

The Grantee and the Local Board assure that each recognizes mandatory standards and policies relating to energy efficiency, which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act of 1975. The Grantee and the Local Board each agree to comply with all applicable standards, orders, or requirements issued under § 306 of the Energy Policy and Conservation Act, § 508 of the Clean Water Act, Executive Order 11738, and the Environmental Protection Agency regulations pertaining to contracts, subcontracts, and subgrants in excess of $100,000 (40 CFR Part 15).

26. Sunshine Provision

In accordance with WIOA, and applicable regulations, and the Nebraska Open Meetings Act, the Grantee and the Local Board assures that all activities of the Local Board will be made available to the public. The Grantee and the Local Board further assures that the public, including individuals with disabilities, has and will have access to minutes of its meetings in compliance with the Nebraska Open Meetings Act.

27. Union Organizing

The Grantee and the Local Board assure that no funds received under WIOA will be used to assist, promote, or deter union organizing.

28. Veterans

The Grantee and the Local Board assure that use of funds received under WIOA will comply with the Veterans' priority provisions established in the Jobs for Veterans Act, and implementing regulations at 20 CFR Part 1010. The Grantee and the Local Board further assure that Veterans, as defined under WIOA Sec. 3(63)(A), will receive priority of service in all USDOL-funded training programs, subject to program eligibility requirements under the respective employment and training program, as required under 20 CFR § 680.650 and state policy.

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Greater Nebraska Workforce Development Area
Local Plan for Program Years 2021-2024

(July 1, 2021 – June 30, 2025)

Combined State Plan Vision and Goals

Vision

Nebraska's vision is to be a national model for the delivery of workforce development services.

Goals

Nebraska's two-part statewide goal for preparing an educated and skilled workforce that meets the needs of employers is:

- Selection and prioritization of development of career pathways; and
- Alignment of the state's workforce development system.

1. **Describe the strategic vision of the local board to support regional economic growth and economic self-sufficiency, which must include goals that align with the goals and strategies defined in the current state plan or subsequent modification of the state plan for the following factors:**

Greater Nebraska Workforce Development Board

Mission

To establish a workforce system that provides data-driven and employer-validated talent solutions through the integration of education, workforce, and economic development resources across systems

Vision

To deliver local coordinated, proactive, responsive, and adaptable services for job seekers and employers to maximize opportunities for earning, learning, and living.

Greater Nebraska recognizes and supports the State's current vision to be a national model for the delivery of workforce development services. The Greater Nebraska Workforce Development Board's strategy to fulfill this vision is to increase efforts to eliminate barriers for participants and businesses, provide the support businesses need to thrive, strengthen provider partnerships, and work toward system alignment with a goal of helping individuals and families achieve self-sufficiency while supplying businesses with a strong workforce.

Greater Nebraska will ensure focus areas and action items fall under one of the three following:

1. Coordinated partnerships focused toward working collaboratively, sharing information, and aligning policies across programs to ensure efficiency and enhanced access.
2. Data driven initiatives concentrated on the needs of employers and the community.
3. Continuous improvement to meet the changing needs of job seekers and employers.

Goals

In support of Nebraska's two-part statewide goal, Greater Nebraska has identified the following objectives and action items for contributing to the achievement of this goal:

Selection and prioritization of development of career pathways

State Goal: Selection and prioritization of the development of career pathways for three or more in-demand sectors or occupations identified in Nebraska's Combined State Plan, Tables 9 through 12 of Section II.1.A.

Greater Nebraska will use data to drive decisions when creating new and building upon existing initiatives to prepare individuals for the workforce. Strategies will focus on:

- Health Care and Social Assistance;
- Manufacturing;
- Educational Services;

- Information Technology; and
- additional industries essential to the economic vitality of each community.

State Goal: Identification of three or more barriers to participation in the selected and prioritized career pathways among job seekers and workers (including unemployed workers), Veterans, and individuals with barriers to employment.

Greater Nebraska will work to address barriers to enrollment by reducing paperwork, implementing remote processes, and creating a more efficient process for co-enrollment. All staff have been provided with laptops for greater mobility to meet with clients, which will allow teams to better serve individuals in rural areas.

The State of Nebraska will be implementing a Reentry Program Coordinator to strengthen service provision to justice involved individuals and better track the effectiveness of initiatives. Greater Nebraska staff have received training by Nebraska Department of Corrections and will be expanding services in partnership with the State's Coordinator and additional staff to assist individuals with overcoming barriers related to background checks, lack of work history, and lack of resources.

The Greater Nebraska team is also part of the Nebraska Economic Mobility Task Force (NEMTF). This group brings partner staff together to address such issues as gaps in service, community needs, and potential solutions. In addition to participation in NEMTF, a work group led by the One-Stop Operator will be convened to determine best practices to address known barriers as outlined in the State plan. This group will also work to learn hidden barriers and will focus efforts on the benefits cliff.

State Goal: Identification of five or more key barriers to participation in the selected and prioritized career pathways by employers and regional and local industry sector partnerships.

Greater Nebraska participates in business services groups, including EmployNebraska, which has local area chapters in Grand Island, Hastings, Kearney, Beatrice, Columbus, Norfolk, Sidney, and the Panhandle. Local area partnerships include Department of Economic Development offices and Chambers. These groups work with local areas businesses and schools to identify workforce needs. The One-Stop Operator will work with partners, including the Greater Nebraska business services group, Department of Economic Development, Nebraska VR, and State programs to create a functional team. This team will determine best practices to address known barriers as outlined in the State plan and will work to learn additional barriers and identify/implement solutions specific to the needs of area employers.

<u>Alignment of the State's workforce development system</u>

State Goal: Coordination of workforce development activities

Greater Nebraska will work to coordinate with plan partners, community partners, and other local areas to develop a more efficient and effective system. This will include:

- coordination of workforce development activities and services statewide to maximize service delivery for job seekers, workers, and employers;
- process improvement projects to identify and remedy areas of inefficiency; and
- implementation of technological resources that will support:
  - integration of supportive services available throughout the One-Stop delivery system; and
  - participation in career pathway programs by job seekers, workers, employers, and industry sector partnerships.

State Goal: Technology Integration

Greater Nebraska will work with the State and partners to identify and implement technological solutions, striving for efficiency and program alignment. Projects will include:

- working with partners to identify common technological resources and gaps. This includes identification of individual program and co-enrollment needs and participation in training and testing of proposed solutions;
- implementation of mobile teams utilizing mobility kits;
- expansion of rural partnerships to remotely connect individuals with Greater Nebraska reemployment services staff; and
- development of online enrollment processes.

State Goal: Common Intake System

One-Stop partners will explore ways to streamline and integrate initial intake processes. Greater Nebraska will work to reach efficiency and seamless service delivery in co-enrollment, and co-case management with all partner programs through:

- increased cross training;
- development of procedures for system usage;
- evaluation of program alignment;
- leveraging of common process to eliminate unnecessary action items; and
- identification and implementation of best practices to address areas of opportunity.

Greater Nebraska acknowledges the State is refining its common intake system technology. Greater Nebraska will readily support the implementation of such when available.

State Goal: Policy Development

Greater Nebraska will work to fully implement all State policies in a timely manner, in addition to updating or creating regional and local area policies that specify clear courses of actions, set clear expectations, guide decision-making, and support outcomes. Policy coordination will occur among partners and other local areas.

Greater Nebraska is currently working to improve its monitoring policies to align with State guidelines and ensure a more comprehensive local area oversight.

State Goal: Online Resources

Greater Nebraska has greatly expanded its remote technological capabilities as a result of the pandemic allowing reemployment services to better serve previously underserved populations in rural areas. Greater Nebraska will work to increase mobile access to programs and staff through the support and development of:

- remote Reemployment Services presentations
- online program orientation
- accessible and fillable enrollment forms
- initiatives geared toward increasing technological access in remote areas, including expanding services provided through partnerships with public libraries

State Goal: Cross Training and Technical Assistance

Cross Training
Greater Nebraska will work with the State and all partners to develop, implement, and expand cross-training. At the time of writing, Greater Nebraska is planning a seminar on co-enrollment and co-case management to be held in March of 2021, which will include partner program staff. This seminar will

be followed by online presentations focused on reemployment services, which will be open to job seekers, employers, and partners.

The Greater Nebraska Workforce Development Board has contracted with Nebraska Department of Labor to hire a One-Stop Operator. A key component of this person's duties will be to ensure all partners are cross trained and receive continuous training opportunities for stronger partnerships and a more effective workforce system.

Technical Assistance
Greater Nebraska will continue to host TA calls with WIOA staff monthly, covering issues affecting performance, collaborative opportunities, and reinforcement of or changes to processes. To increase collaboration and coordination, these calls will be expanded beyond WIOA staff to include other Title I and partner programs in which participants can and should be co-enrolled accordingly.

State Goal: Co-enrollment

Greater Nebraska will work with all partners to align programs and reduce barriers to co-enrollment and co-case management. Referral processes will be tested and refined for easier connection to partner programs. Teams will meet regularly to examine processes for simplification and alignment. Co-enrollments in partner programs are and will continue to be reported to the Greater Nebraska Workforce Development Board, along with suggestions for policy and procedural changes to better support these efforts. The One-Stop Operator will develop and coordinate cross training of partner program staff. The Columbus office has seen great success with the WIOA and SNAP Next Step partnership at 76.6% co-enrollment. This partnership is currently being expanded to include TANF. Lessons learned, such as team bonding, treating all goals as team goals, presentation of co-enrollment, and coordinating communication with clients, are currently and will continue to be shared with other local areas and partners.

State Goal: Public Sector Partnership

Greater Nebraska will contribute toward, and work to implement, strategies identified by the Nebraska Partner Council, including:

- coordination with local workforce development areas to strengthen workforce system alignment
- targeted outreach to disadvantaged populations
- continuous improvement
- alignment of systems

As part of a coordinated approach to workforce development, the plan partners will meet regularly for planning purposes, information sharing, resource coordination and continuous workforce system improvement.

a. preparing an educated and skilled workforce (including youth and individuals with barriers to employment)

With the growth of business needs outpacing the flow of workers in all Greater Nebraska economic areas of concentration (NEworks - Nebraska Labor Availability Study Publications), the Board's strategies to support regional economic growth and economic self-sufficiency will focus dually on the needs of employers and preparing individuals to meet those needs. The Greater Nebraska Workforce Development Board's goals are designed to facilitate a staff approach to meeting people where they are, connecting them with opportunities to increase their skills, and putting them on a path to self-sufficiency. Greater Nebraska staff are prepared to help individuals achieve their career goals through the path best suited to them.

Partnerships between programs, education, and workforce will continue to be developed to provide youth with the support they need to enter the workforce and continue to grow, becoming contributing members

to the economic growth of their communities. Through relationships such as Nebraska Department of Education Career and Technical Education (CTE) and other local area secondary school programming, Greater Nebraska will expand its offerings to further connect with youth to provide work-based learning, labor market information, and supportive services.

Example: Grand Island Public Schools offers students Career Pathways (Apprenticeships), partnering with Greater Nebraska staff to provide the participant with supportive services and the employer with OJT (on-the-job training) wage reimbursement.

Columbus Public Schools offers students an array of Career Pathways in fields such as Engineering, Manufacturing, Finance, Mechatronics, Construction. The local office partners to support workplace experiences (via apprenticeships and internships) through supportive services and OJT wage reimbursement. Future pathway plans include a video production pathway and exploring potential Health Sciences and Education pathways.

Future goals for Work Based Learning in partnership with Greater Nebraska staff include:

- Provide students exposure to occupations with guest speakers, field trips, job shadows and other industry related opportunities
- Research best practices and other relevant instructional practices related to career readiness for students by engaging in industry partnerships and promoting work-based learning among students

In collaboration with EmployNebraska groups, Nebraska Department of Correctional Services, Vocational Rehabilitation, TANF, SNAP Next Step, homeless services, Veteran transition service providers, literacy programs, providers of disability services and other partners, Greater Nebraska works to effectively serve individuals with barriers to employment through comprehensive evaluation and development of a plan with involvement from all service providers that make up a participant's "team." Greater Nebraska will continue these partnerships with a goal of moving individuals and families toward self-sufficiency and stability.

Staff work with each participant to identify barriers that may prevent the individual from successfully completing training or obtaining and maintaining employment and develop a plan to overcome those barriers through program support, co-enrollment, and referrals. Staff will receive continuous training on rapport building, resources, and tools for overcoming barriers to strengthen the services provides. Training on the "benefits cliff" will also be implemented to provide staff the tools they need to effectively counsel participants through the transition from public assistance to self-sufficiency.

Example: Greater Nebraska's North Platte office has created a relationship with Families First Partnership in North Platte/Lincoln County. Individuals who request supportive services from Families First are connected with Reemployment Services Coordinators at the North Platte office to begin working on steps to a stable income. When appropriate, the individual is further connected with SNAP Next Step and other partners for co-enrollment.

Greater Nebraska's relationships with post-secondary institutions, short term training providers, and employers provide participants with a range of occupational skills and on the job training opportunities in all industries. Nebraska has a strong and innovative community college system, which provides participants with a supportive and engaging learning environment. The colleges are responsive to sector-based initiatives throughout Nebraska, ensuring coursework is relevant to industry needs.

Example: Greater Nebraska staff have partnered with Nebraska Vocational Rehabilitation to provide individuals with the preparation they need to apply for status as a Journeyman. Vocational Rehab assists these individuals with the cost of training at Central Community College, while Greater Nebraska staff provide OJT placement with employers. Central Community College has developed a program focused on helping the individual be successful on their career path, without unnecessary courses. This model will be replicated in other areas and industries.

b. relating to the performance accountability measures based on the performance indicators described in 20 CFR § 677.155(a)(1).

Greater Nebraska leverages community partnerships and business relationships to address the needs of youth and individuals with high barriers to employment. Collaborative relationships with co-enrollment partners and resources are fostered to ensure performance is achieved. WIOA Title I programs and SNAP Next Step are currently working toward the alignment of processes and performance measures, including the timing and definition of a successful exit, to improve performance for both programs. This model will be expanded to TANF and other partners.

The Greater Nebraska Workforce Development Board and subcommittees regularly review performance, identifying areas of opportunity. The Strategic Planning committee will utilize data to identify employer needs, anticipate industry growth, and determine strategies and focus areas for talent development. The System Performance committee will expand its review of the data to include identification of best practices and mobile accessibility to programs and services to support the State's vision of becoming a national model. The Board will prioritize funding based on the needs of the community and in relation to performance measures to ensure program staff are able to implement appropriate services with the highest impact.

2. Taking into account the analyses described in Section 1 for regional plan elements, describe the local board's strategy to:

a. work with entities that carry out core programs and required One-Stop partner programs in the local area to align resources available to the statewide planning region and the local area; and

Cooperation, collaboration, and coordination will continue to be key themes of the Greater Nebraska Workforce Development Board. Greater Nebraska will focus efforts toward the alignment of programs, including leveraging of resources, definition of success, and coordinated participant exit. Workforce system strategies include expanding active outreach to individuals with disabilities, Veterans, youth, English language learners, and other target populations to make them aware of services. Additionally, partners will work to develop a co-case management process that will provide for more effective coordination of resources. Each partner commits to cross-training of staff, as appropriate, and to providing other professional learning opportunities that promote continuous quality improvement. The Board will review reports of activities regularly to identify progress and areas of opportunity.

The One-Stop Operator will work with partners across the system to ensure referrals are substantive and appropriate, in addition to coordinating cross training and ongoing communication. The OSO will convene partners to facilitate integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners of the American Job Center (AJC). The Board will determine One-Stop Operator activities and outreach based on analysis of community, employer, and job seeker needs.

b. achieve the strategic vision and goals described directly above in Section 1 for local plan elements.[1]

The Greater Nebraska Workforce Development Board will capitalize and expand on existing partnerships to develop specific action items in its strategy to support regional economic growth and economic self-sufficiency. Data sources including labor market information, Rural Prosperity Nebraska (https://ruralprosperityne.unl.edu), studies provided by Nebraska Department of Labor, and other resources will be used to drive decision making.

[1] 20 CFR § 679.560(a)(6)

Greater Nebraska will involve business, partners, and other stakeholders every step of the way. Work will continue to strengthen existing sector partnerships focused on Manufacturing and Healthcare. Additional initiatives will incorporate STEM careers and awareness of growth opportunities.

3. Describe the workforce development system in the local area, including:

The AJC network includes six core programs: Title I Adult, Dislocated Worker, and Youth programs; the Title II Adult Education and Family Literacy Act (AEFLA) program; the Wagner-Peyser Act Employment Service (ES) program, authorized under the Wagner-Peyser Act, as amended by title III of WIOA; and the Vocational Rehabilitation (VR) program, authorized under Title I of the Rehabilitation Act of 1973, as amended by Title IV of WIOA. The AJC network also includes other required and additional partners identified in WIOA. Through the American Job Centers, these partner programs and their direct service providers ensure businesses and all job seekers—a shared client base across the multiple programs—have access to information and services that lead to positive educational and employment outcomes. Greater Nebraska AJCs and partner staff strive to:

- provide job seekers with the skills and credentials necessary to secure and advance in employment with wages that sustain themselves and their families;
- provide access and opportunities to job seekers, including individuals with barriers to employment, as defined in section 3(24) of WIOA, such as individuals with disabilities, individuals who are English language learners, and individuals who have low levels of literacy, to prepare for, obtain, retain, and advance in high-quality jobs and high-demand careers;
- enable businesses and employers to easily identify and hire skilled workers and access other human resource assistance, including education and training for their current workforce:
    - Examples may include assistance with pre-screening applicants, writing job descriptions, offering rooms for interviewing, consultation services on topics like succession planning and career ladder development, and other forms of assistance.
- participate in rigorous evaluations that support continuous improvement of AJCs by identifying which strategies work better for different populations; and
- ensure that high-quality integrated data informs decisions made by policy makers, employers, and job seekers.

Management of the AJC network is the shared responsibility of the local Greater Nebraska Workforce Development Board (GNWDB), the Chief Elected Officials Board (CEOB), the six WIOA core program partners, required One-Stop partners and other additional One-Stop partners, AJC operators, and service providers. Through the AJC, the One-Stop operator carries out the activities described below:

- facilitates integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners of the AJC;
- develops and implements operational policies that reflect an integrated system of performance, communication, and case management;
- uses technology to achieve integration and expanded service offerings;
- organizes and integrates AJC services by function (rather than by program), when permitted by a program's authorizing statute and, as appropriate, through coordinating staff communication, capacity building, and training efforts. Functional alignment includes having AJC staff who perform similar tasks serve on relevant functional teams (e.g., skills development teams or business services teams); and
- service integration focuses on serving all customers seamlessly (including targeted populations) by providing a full range of services staff.

a. the partners and programs that are included in the workforce development system;[2]

Greater Nebraska has a fully integrated system involving Title I Adult, Dislocated Worker, and Youth program, National Dislocated Worker Grant, Wagner-Peyser, TAA, and RESEA. Unemployment Insurance, Nebraska Vocational Rehabilitation, and SNAP Next Step are collocated in most offices, with plans for expansion. Strong relationships exist through direct linkage to colleges within the Nebraska Community College Association, Nebraska Department of Education (Carl D. Perkins), Community Action Partnerships (CDBG), Nebraska Commission for the Blind and Visually Impaired, and Title II Adult Education and Family Literacy Act (AEFLA) program. Greater Nebraska staff provide services within the correctional system to help prepare individuals returning to the community and workforce. Community partners include TANF and Bring Up Nebraska, focused toward helping families reach self-sufficiency; and EmployNebraska, focused toward connecting employers with job seekers.

b. how the local board will work with the entities carrying out core programs and other One-Stop partner programs to support service alignment, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 USC 2301 et seq.)[3]

The Greater Nebraska Workforce Development Board System Coordination Committee acts to align and leverage services and resources of WIOA core and partner programs, prevent duplication of services, monitor One-Stop System performance, and form strategies to ensure continuous improvement of the system. The Board will convene with core programs and other One-Stop partners to work toward service alignment and creation of workforce strategies. The Board Strategic Planning Committee guides employer engagement, sector strategies, and development of career pathways. Data will be analyzed regularly to drive decision making and goal setting.

Greater Nebraska staff participate in EmployNebraska groups throughout Nebraska, which brings business service teams from core partners together to work toward a common goal. These groups meet regularly to identify employer, job seeker, and community needs; develop strategies to address barriers faced by employers and job seekers; and work toward system alignment and coordination for programs and services targeting employers.

Greater Nebraska Title I and Wagner-Peyser programs coordinate workforce services geared toward Nebraska secondary and postsecondary schools with Nebraska Department of Education under the Carl D. Perkins Career and Technical Education act. The reVISION program links schools with career education and industry professionals, providing educators the support and resources needed to implement and adjust curriculum to meet the needs of the workforce in a changing economy. Greater Nebraska will continue to support NDE's plan, including the promotion and alignment of programming targeting occupations leading to family-sustaining wages, as outlined in the Nebraska Perkins V State Plan. Several strategies include:

- industry sector partnerships;
- public sector partnerships;
- promoting career pathways, including career readiness;
- focusing on high-demand industry sectors and occupations during the provision of career services;
- increasing co-enrollment of program participants and coordinating funding across partner programs;
- expanding work-based learning opportunities, including apprenticeships; and
- implementing joint partner initiatives.

[2] 20 CFR § 679.560(b)(1)(i). *Workforce development system* refers to the entirety of the workforce development system in the local area, which may include partners other than required One-Stop partners.
[3] 20 CFR § 679.560(b)(1)(ii)

4. Describe the One-Stop delivery system in the local area, including:

The Greater Nebraska One-Stop system is comprised of full-service American Job Centers as well as a network of other service delivery points. There are two (2) comprehensive American Job Centers and ten (10) Nebraska Department of Labor (NDOL) offices throughout the 88-county region.

The Beatrice American Job Center is located in Southeast Nebraska. Reemployment services include Title I Adult, Dislocated Worker, and Youth programs; Trade Adjustment Assistance; National Dislocated Worker Grant program; Jobs for Veterans State Grants; Wagner-Peyser Act Employment Services and Unemployment Insurance. Nebraska Vocational Rehabilitation is collocated and direct linkages are provided to Title II Adult Education and Family Literacy Act program; the Nebraska Community College System; SNAP; TANF; SCSEP; Pine Ridge Job Corps; Ponca and Winnebago Tribes; Fairbury Housing Authority; and Blue Valley Community Action Partnership (CSBG). The Regional Manager of this center also oversees the Nebraska City affiliate site and provision of services at Nebraska Correctional Center for Women.

The Grand Island American Job Center is located in Central Nebraska. Reemployment services include Title I Adult, Dislocated Worker, and Youth programs; Trade Adjustment Assistance; National Dislocated Worker Grant program; Jobs for Veterans State Grants; Wagner-Peyser Act Employment Services and Unemployment Insurance. Collocated partners include SNAP Employment and Training; SCSEP; and Nebraska Vocational Rehabilitation. Direct linkages are provided to Title II Adult Education and Family Literacy Act program; the Nebraska Community College System; SNAP; TANF; Pine Ridge Job Corps; Ponca and Winnebago Tribes; and Central Nebraska Community Action Partnership (CSBG). The Regional Manager of this center also oversees the Hastings and Kearney affiliate sites.

The AJC network includes six core programs: Title I Adult, Dislocated Worker, and Youth programs; the Title II Adult Education and Family Literacy Act (AEFLA) program; the Wagner-Peyser Act Employment Service (ES) program, authorized under the Wagner-Peyser Act, as amended by title III of WIOA; and the Vocational Rehabilitation (VR) program, authorized under Title I of the Rehabilitation Act of 1973, as amended by Title IV of WIOA. The AJC network also includes other required and additional partners identified in WIOA. Through the American Job Centers, these partner programs and their direct service providers ensure businesses and all job seekers—a shared client base across the multiple programs—have access to information and services that lead to positive educational and employment outcomes. Greater Nebraska AJCs and partner staff strive to:

- provide job seekers with the skills and credentials necessary to secure and advance in employment with wages that sustain themselves and their families;
- provide access and opportunities to job seekers, including individuals with barriers to employment, as defined in section 3(24) of WIOA, such as individuals with disabilities, individuals who are English language learners, and individuals who have low levels of literacy, to prepare for, obtain, retain, and advance in high-quality jobs and high-demand careers;
- enable businesses and employers to easily identify and hire skilled workers and access other human resource assistance, including education and training for their current workforce.:
    - Examples may include assistance with pre-screening applicants, writing job descriptions, offering rooms for interviewing, consultation services on topics like succession planning and career ladder development, and other forms of assistance.
- participate in rigorous evaluations that support continuous improvement of AJCs by identifying which strategies work better for different populations; and
- ensure that high-quality integrated data informs decisions made by policy makers, employers, and job seekers.

The management of the AJC network is the shared responsibility of the local Greater Nebraska Workforce Development Board (GNWDB), the Chief Elected Officials Board (CEOB), the six WIOA core program

partners, required One-Stop partners and other additional One-Stop partners, AJC operators, and service providers. Through the AJC, the duties of the One-Stop operator include:

- facilitation of integrated partnerships that seamlessly incorporate services for the common customers served by multiple program partners of the AJC;
- development and implementation of operational policies that reflect an integrated system of performance, communication, and case management;
- use of technology to achieve integration and expanded service offerings;
- organization and integration of AJC services by function (rather than by program), when permitted by a program's authorizing statute and, as appropriate, through coordinating staff communication, capacity building, and training efforts. Functional alignment includes having AJC staff who perform similar tasks serve on relevant functional teams (e.g., skills development teams or business services teams); and
- service integration focused on serving all customers seamlessly (including targeted populations) by providing a full range of services staff.

Table 1: Required One-Stop and Additional Partners

Partner Program	**Partner Organization**
Adult, DLW, & Youth WIOA Programs	Nebraska Department of Labor
Jobs for Veterans State Grant Program	Nebraska Department of Labor
Wagner-Peyser Employment Services	Nebraska Department of Labor
Trade Adjustment Assistance	Nebraska Department of Labor
Unemployment Insurance	Nebraska Department of Labor
Career and Technical Education Programs at the Postsecondary Level	Central Community College
Career and Technical Education Programs at the Postsecondary Level	Mid-Plains Community College
Career and Technical Education Programs at the Postsecondary Level	Northeast Community College
Career and Technical Education Programs at the Postsecondary Level	Southeast Community College
Career and Technical Education Programs at the Postsecondary Level	Western Nebraska Community College
Employment and Training Activities Carried Out Under the Community Services Block Grant	Blue Valley Community Action Partnership
Employment and Training Activities Carried Out Under the Community Services Block Grant	Central Nebraska Community Action Partnership, Inc.
Employment and Training Activities Carried Out Under the Community Services Block Grant	Community Action Partnership of Mid Nebraska
Employment and Training Activities Carried Out Under the Community Services Block Grant	Northeast Nebraska Community Action Partnership
Employment and Training Activities Carried Out Under the Community Services Block Grant	Southeast Nebraska Community Action Partnership
Employment and Training Activities Carried Out Under the Community Services Block Grant	Community Action Partnership of Western Nebraska
Housing and Urban Development (HUD)	Fairbury Housing Authority
Housing and Urban Development (HUD)	Housing Authority of the County of Scottsbluff
Job Corps	CHP International / Pine Ridge Job Corps Center
Migrant and Seasonal Farmworker Programs	Proteus, Inc.
Native American Programs	Ponca Tribe

Partner Program	Partner Organization
Native American Programs	Winnebago Tribe
Nebraska Department of Education, Adult Education, Adult Secondary Education	Central Community College
Nebraska Department of Education, Adult Education, Adult Secondary Education	Southeast Community College
Nebraska Department of Education, Adult Education, Adult Secondary Education	Crete Public Schools
Nebraska Department of Education, Adult Education, Adult Secondary Education	Metropolitan Community College
Nebraska Department of Education, Adult Education, Adult Secondary Education	Mid-Plains Community College
Nebraska Department of Education, Adult Education, Adult Secondary Education	Northeast Community College
Nebraska Department of Education, Adult Education, Adult Secondary Education	Western Nebraska Community College
Senior Community Service Employment Program	National Able Network / Nebraska Department of Labor
Second Chance Act	Siouxland Human Investment Partnership
Temporary Assistance for Needy Families	Nebraska Department of Health and Human Services
Vocational Rehabilitation	Nebraska VR
Vocational Rehabilitation	Nebraska Commission for the Blind and Visually Impaired
National Dislocated Worker Grants	Nebraska Department of Labor
SNAP Next Step Employment & Training	Nebraska Department of Health and Human Services

a. how the local board will ensure the continuous improvement of providers in the One-Stop delivery system and ensure that the providers will meet the employment needs of local employers, workers, and job seekers;[4]

The Greater Nebraska Workforce Development Board is committed to continuous improvement, as are the workforce partners. The Board monitors the effectiveness of the local workforce system through regular committee meetings and report outs of performance, enrollments, compliance, and customer satisfaction. Continuous improvement is a factor in all Title I Adult, Dislocated Worker, and Youth performance negotiations. Partner performance is supported through coordination of service delivery and cross training. The Board established the following to track and assure continuous improvement.

- The System Coordination Committee acts to align and leverage services and resources of WIOA core and partner programs, monitor One-Stop System performance, and form strategies to ensure continuous improvement of the system.
- The Strategic Planning Committee guides employer engagement, sector strategies, and development of career pathways, in addition to monitoring of program finances and the One-Stop System.

[4] 20 CFR § 679.560(b)(5)(i)

One-Stop Operator Activities include:

- joint planning, input on policy development, and coordination of system design processes to ensure delivery of integrated services, program alignment, a multi-entry or "no wrong door" approach, and elimination of duplication;
- regular evaluation of the availability of career services and referrals to system partners;
- accessibility and effectiveness of service provision to populations with barriers to employment, veterans, and employers;
- development and implementation of effective communication tools to increase information sharing and collaboration with the partners;
- collection and evaluation of input from customers, employers, internal partners, and community partners to develop specific improvement strategies;
- recommendations to the board, based on customer and employer surveys, activities in the community, and partner needs; and
- participation in regularly scheduled partner meetings, local area task forces, and other collaborative opportunities to exchange information and encourage program and staff integration.

Activities the board will participate in to ensure that service providers are meeting the needs of local employers include:

- review of labor market trends to anticipate employer needs;
- evaluation of workforce system performance measures;
- determination of baseline data to track outcomes;
- review of employer satisfaction surveys; and
- use of data to drive strategic planning and operational efficiency.

Activities the board will participate in to ensure that service providers are meeting the needs of local workers and job seekers include:

- increase co-enrollments in partner programs;
- evaluation of workforce system performance measures;
- review of customer satisfaction surveys;
- determination of baseline data to track outcomes;
- review of development and implementation of co-enrollment, assessment, referral, and case management processes; and
- expansion of work-based learning to improve access to employment that concurrently prepares individuals with the skills needed for employment.

The Greater Nebraska Workforce Development Board will also review results of local, state, and federal monitoring. The respective programs will be expected to meet monthly QA review (internal audit) and quarterly data validation requirements to ensure all information entered into NEworks is accurate and documented in the customer file. When services are not meeting the needs of local employers, workers, job seekers, or partners, the board will work with the Administrative Entity to create a corrective action plan.

b. how the local board will facilitate access to services provided through the One-Stop delivery system through the use of technology and other means, including access in remote areas;[5]

The Greater Nebraska Workforce Development Board will work with the Greater Nebraska team to develop mobile processes and expand access to the One-Stop system. Staff will be equipped with needed equipment

[5] 20 CFR § 679.560(b)(5)(ii)

and support to increase outreach and service delivery efforts to remote areas. Partners and libraries will be connected with the workforce centers via video conferencing platforms to provide job seekers access to workforce staff for quick assistance and scheduled program appointments. Reemployment Services orientation videos will be available online via the dol.nebraska.gov website and social media platforms. The State of Nebraska Department of Labor is currently working toward making available a reentry component of NEworks, which will allow staff to provide individuals currently incarcerated with almost all the same services available in the centers. Additional initiatives include identification of virtual hiring event best practices and expansion of this tool to better serve employers and job seekers.

The partners of the AJC will make employment and training services available through the one-stop delivery system. All services will be made available to those individuals with the greatest barriers to employment, to include individuals with disabilities.

Direct access to partner programs and services will be made available at the AJCs in person or through direct linkage via real-time technology whenever the partner services are not made available on site.

The One-Stop Operator's responsibilities include the organization and coordination of partner staff to optimize and streamline service delivery efforts. Operational policies that reflect an integrated system of performance, communication, and case management, including uses of technology to achieve integration and expanded service offerings will be created and implemented.

c. how entities within the One-Stop delivery system, including One-Stop operators and the One-Stop partners, will comply with WIOA Sec. 188 and applicable provisions of the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including the provision of staff training and support for addressing the needs of individuals with disabilities;[6] and

All facilities are physically accessible, in compliance with ADA standards for accessible design. Reasonable accommodations and modifications are provided to individuals with disabilities when administering assessments. Each site is equipped with assistive technology for individuals with visual and/or mobility impairments.

Nebraska Vocational Rehabilitation is collocated at both Greater Nebraska Comprehensive American Job Centers and direct linkage has been established with Nebraska Commission for the Blind and Visually Impaired. These partnerships will enable the One-Stop system to utilize their expertise to help identify issues and develop strategies for correcting any access issues to programs and facilities including training of staff.

All centers will work proactively with community partners who have specialized training and/or expertise regarding the design of services for individuals with disabilities to improve upon adaptive service offerings. Referral processes and resource lists will be implemented to quickly connect individuals with accommodations.

At point of entry, all customers will be provided the notice of Equal Employment Opportunity rights and grievance procedures to ensure Greater Nebraska is in compliance with 20 CFR 683.600. Currently, documentation is scanned into the State's document manager. The Greater Nebraska Workforce Development Board will work with Nebraska Department of Labor to implement a more efficient technology-based acknowledgement of these rights and procedures.

Greater Nebraska utilizes Language Line for individuals who are not fluent in English.

[6] 20 CFR § 679.560(b)(5)(iii)

d. roles and resource contributions of the One-Stop partners.[7]

In accordance with 20 CFR 678.420, each of the required One-Stop partners (see Table 2) contributes funds toward the provision of career services, collaboration with Workforce Development Boards, and the One-Stop delivery system. Required One-Stop providers and other partners are working toward full integration of all services available throughout the One-Stop delivery system.

Table 2: Required One-Stop Partners and Services/Resources Provided

Partner Program	Partner Entity	Services/Resources
Wagner-Peyser Employment Services	Nebraska Department of Labor	Business and Job Seeker services
Adult, DLW, Youth	Nebraska Department of Labor	Resources for training and employment
Trade Adjustment Assistance	Nebraska Department of Labor	Resources for training and employment
Jobs for Veterans State Grant	Nebraska Department of Labor	Veterans services: Local Veterans Employment Representative; Disabled Veterans Outreach Program
Unemployment Insurance	Nebraska Department of Labor	Unemployment benefits
Adult Education	Nebraska Department of Education; Central Community College; Northeast Community College; Southeast Community College; Mid-Plains Community College; Western Nebraska Community College; Metropolitan Community College; Crete Public Schools	Access to educational services and activities
Vocational Rehabilitation	Nebraska VR; Nebraska Commission for the Blind and Visually Impaired	Job training, employment accommodations, skills coaching Accessibility training for staff
TANF	Nebraska Department of Health and Human Services	Resources for training and employment
Career and Technical Education (Perkins)	Nebraska Department of Education; Central Community College; Northeast Community College; Southeast Community College; Mid-Plains Community College	Vocational curriculum, career counseling, academic-vocational integration, and experiential learning
Community Services Block Grant (CSBG)	Blue Valley Community Action Partnership; Central Community Action Partnership;	Basic needs services, emergency assistance, supportive services, early childhood education

[7] 20 CFR § 679.560(b)(5)(iv). The term *resource contributions* refers to programmatic and service contributions, rather than contributions pursuant to funding agreements.

Partner Program	Partner Entity	Services/Resources
	Community Action Partnership of Mid-NE; Northeast Community Action Partnership; Southeast Community Action Partnership	
Housing and Urban Development (HUD)	Fairbury Housing Authority; Scotts Bluff County Housing Authority	Housing services
Job Corps	Pine Ridge Job Corps	Residential education and job training
Migrant and Seasonal Farmworker	Proteus	Job training, health care, education assistance
Native American Programs	Ponca Tribe Winnebago Tribe	Health services, social services, education
Second Chance Act	Siouxland Human Investment Partnership	Reentry Employment Opportunities
Senior Community Services Employment	National Able Network	Resources for training and employment

5. Describe how the local board will work with entities carrying out the core programs to:[8]

a. expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment;

The Greater Nebraska Workforce Development Board will utilize data, in addition to State, Regional, and Local plans to drive initiatives for expansion, including strategic coordination with core programs. It is the position of the Board that full integration of services is key to expanding access. The Greater Nebraska North Platte office has implemented a "light case management" model across all onsite programs to increase staff awareness of job seeker needs and knowledge of available resources. All staff have received training and been empowered to meet one on one with an individual to determine basic eligibility and make referrals. Staff are specifically trained to notice when an individual is struggling or may benefit from an evaluation. Greater Nebraska will work to expand this model and establish full integration through technology, comprehensive cross training, and streamlined co-enrollment processes.

While much of Nebraska is within commuting distance of a One-stop Center, there are several counties that are underserved. Greater Nebraska staff have recently been fully equipped with laptops and will have greater mobility to provide Title I and Title III services within these counties. This extension of services will be done in collaboration with Title II and Title IV programs to capitalize on the strengths and capacity of all core partners.

The Board will also work with core programs to utilize partnerships with other partner programs to expand access. Initiatives will include:

- Bring Up Nebraska – Partnerships with community collaboratives under the Bring Up Nebraska umbrella will be established to provide services to individuals in need of income stability;
- Expansion of the Columbus WIOA/SNAP partnership to include TANF – this expanded case management model will provide participants true wrap around services and a team focused on their individual and family self-sufficiency;

[8] 20 CFR § 679.560(b)(2)

- Reentry – Staff have been trained by the Nebraska Department of Corrections and cleared to expand service offerings within the walls of the institutions. As COVID measures are reduced, Greater Nebraska staff will work with the State Reentry Program Coordinator to coordinate service delivery; and
- Homeless services – The Board will work with local area Continuum of Care partners to coordinate workforce offerings in support of the State of Nebraska Consolidated Plan for Housing and Community Development.

b. facilitate the development of career pathways, in accordance with the goals and strategies defined in the state plan and subsequent modifications of the state plan, and co-enrollment in the core programs; and

The Greater Nebraska Workforce Development Board will work with the Nebraska Workforce Development Board and partners to determine development and prioritizations of career pathway initiatives, in addition to convening Greater Nebraska staff, partners, and other stakeholders to address barriers to participation for both job seekers and employers. Greater Nebraska will work toward identification and implementation of best practices for both development of career pathways and co-enrollment.

Greater Nebraska will utilize the Business Services Team, consisting of both internal and partner Business Services Reps (BSRs) to provide baseline data to the Board for consideration of new or enhanced Sector Partnerships, including the development of career pathways. BSRs will provide feedback from businesses to the Board to help guide decisions. Trend analysis of location quotients and other labor market data will provide the Board an indicator of the health of industries and occupations critical to the stabilization and growth of Nebraska's economy. This data will help the partners to focus efforts on career pathways most relevant and beneficial to Nebraska businesses and job seekers.

At the time of writing, Greater Nebraska Title I and Title III staff were recruiting job seekers and employers for a pilot partnership with Facebook Career Connections. This opportunity was also made available through Title II and Title IV programs. Through this program, participants are enrolled into WIOA Title I Adult and Youth and receive six weeks of training on digital marketing through LinkedIn and Facebook, followed by 12 weeks of work experience/transitional jobs, and concluding with an industry recognized certificate. Recruitment has involved partners to identify individuals for co-enrollment into WIOA.

The Nebraska Department of Economic Development (DED) currently supports, with the aid of lead and local boards, five Next Generation Sector Partnerships. Next Generation Sector Partnerships are comprised of businesses, from the same industry and in a shared labor market region, who work with education, workforce, economic development, and community organizations to address the workforce and other competitiveness needs of the targeted industry. There are two active manufacturing partnerships in Central and Northeast Nebraska, and over 120 business leaders and public partners working together to creatively problem-solve and grow their industry and region. Additional initiatives include Healthcare in the Northeast, Southeast, and Panhandle regions. Greater Nebraska will work to expand these initiatives to the Tech Sector in efforts to proactively keep talent in the State of Nebraska.

Additional career pathways partnerships include:

- Aksarben Foundation – Priority initiatives include: Regional efforts in Northeast and Central Nebraska, as well as a technology collaborative and a transportation and trade initiative;
- Blueprint Nebraska – Strategic initiatives include leading job growth, quality of life, building the population of 18-34 year olds, leading income growth, and increasing research and development investment;

- Nebraska Tech Collaborative – business led, and comprised of over 100 business, government, education, and non-profit partners all working together to drive results and scale to build a world class tech ecosystem in Nebraska; and
- existing industry sector partnerships.

c. improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

The Board will work with local area partners, businesses, and training providers to coordinate efforts toward industry and job seeker needs. Through alignment of programs and the elimination of duplication of services, job seekers will have access to more comprehensive program assistance and supportive services. Collaboration with employers, Economic Development, and training providers will aide in the development of career pathways and programs leading to industry-valued credentials identified as essential to a stronger workforce. The Strategic Planning Committee will drive discussions to identify, prioritize, and take action to address sector and career pathway needs.

6. Describe the strategies and services that will be used in the local area:[9]

a. to facilitate employer engagement with workforce development programs, including engagement of small employers and employers in in-demand industry sectors and occupations;

Employer engagement strategies will incorporate the proactive use of available workforce and industry data to help determine future industry needs, potential workforce disruptions, and to ensure the availability of a skilled workforce to drive growth within the state's high-wage, high-skill and high-demand industries and occupations. Industry focus in Manufacturing and Healthcare will continue through the collaboration of groups such as the Central Nebraska Manufacturing Partnership. Greater Nebraska will also expand initiatives to that of technology through a partnership with Nebraska Tech Collaborative.

Greater Nebraska has designated business services staff trained to conduct thorough employer needs assessments and provide comprehensive and strategic services, including connection with appropriate workforce development programs and service offerings. Employers are recruited and engaged through offerings including individual company account management; recruiting, screening and hiring services, assessments and training (incumbent worker, occupational skills, and on-the-job training); consulting services (labor market information); tailored workshops. Staff have expanded hiring events to include more creative offerings in response to the pandemic. Statewide, drive-thru and virtual events were held, which garnered positive responses from employers. The Greater Nebraska Beatrice office successfully held a Tailgate Job Fair in coordination with Department of Health and Human Services and will continue this offering seasonally.

There is a need for more specialized training, particularly in the development of strategies to respond to more localized issues, including layoff aversion. Incumbent worker training and customized training are largely underutilized in Nebraska despite a low unemployment rate that makes it difficult for employers to find qualified workers.

b. to support local workforce development system that meets the needs of businesses in the local area;

Greater Nebraska partners will engage with businesses to identify current and upcoming skills/training needs to support local area stability and growth. Community based postsecondary education and training providers will be involved to develop relevant training programs and resources. Program alignment around

[9] 20 CFR § 679.560(c)(i)-(v)

business needs will incorporate work-based learning and customized trainings to develop a talent pipeline solution for employer hiring needs. Staff are currently trained to conduct a thorough needs assessment and help employers build a recruitment and retention strategy. Additional training on Business Consultation and the development of workshops geared toward businesses will be implemented.

The workforce system in the region will work collectively with the Nebraska Manufacturing Advisory Council (NeMAC), other trade councils, and local employers to identify and address workforce needs. Greater Nebraska staff are involved in EmployNebraska groups throughout the local office regions. These groups are focused on the collective needs of businesses and job seekers to connect employers more efficiently with talent. The One-Stop Operator will engage with local chambers of commerce and economic groups to identify additional opportunities to participate in community initiatives. All initiatives will be data driven, utilizing LMI, location quotients, and research studies such as the Rural Prosperity report to determine current and future needs and mitigate potential workforce disruptions.

c. to better coordinate workforce development programs and economic development;

The One-Stop Operator will incorporate the following strategies as part of an initiative to better coordinate workforce programs with economic development programs:

- staff and board member attendance at chamber and economic development functions;
- staff and board member attendance at the annual Governor's Summit on Economic Development;
- Board updates on each local office area economic development activities, sector partnerships, economic planning;
- active participation in State and local economic development planning;
- relationship building between workforce professionals and economic development professionals; and
- expansion of access to entrepreneurial and small business development offerings through technology, promotion, and referral of workforce customers to these local resources.

d. to strengthen linkages between the local One-Stop delivery system and the Nebraska's unemployment insurance programs; and

Workforce center staff have been cross trained to provide meaningful assistance to unemployment insurance claimants. Staff are trained to assist claimants with navigating the unemployment application and answering questions pertaining to most communication received. Resource rooms are equipped with dedicated UI computers and ringdown phones to connect claimants directly with UI staff during hours of operation. Additionally, UI staff are collocated at most centers, providing claimants and workforce services staff a direct resource for more technical questions. Most workforce services staff assisted with UI benefits functions during the height of claims resulting from COVID. This direct exposure has better equipped staff with an understanding of how to help claimants proactively provide needed documents for increased efficiency of claim processing.

Collocation of Unemployment Insurance (UI) staff has created a stronger partnership between unemployment and One-Stop partners. UI will continue to be incorporated in programs such as NEres and Rapid Response. Moving forward, the One-Stop Operator will work with UI to educate staff about the program to help facilitate better customer service.

All UI claimants are required to participate in Nebraska Re-employment Services. The program, also called NEres, includes one-on-one job coaching and other assistance for getting back to work. During these sessions, claimants and other voluntary participants are provided information about One-Stop partner programs, including WIOA Title I services.

An area of opportunity with UI customers includes ensuring that they are aware of all the avenues available to them through the AJCs and career centers, not just UI services. A reemployment services presentation is currently in development. This presentation will be made available on resource room computers, to partners, via social media, and other avenues to educate claimants on all programs and services available through the One-Stop. The One-Stop Operator will also be implementing the provision of a handbook outlining all programs and services, which will be made available through these same channels.

e. that may include the implementation of initiatives (which must support the strategies described above in Sections 6.a. through 6.d.), such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.

Greater Nebraska will utilize data including timely labor market information, employment projections, and information gathered directly from employers to help devise strategies that ensure Nebraska businesses have the talent needed to thrive in a global economy. Initiatives may include, but are not limited to: new and customized training options, incumbent worker training, on the job training, industry specific assessments, work-based learning opportunities, collaboration with state and local economic development agencies to implement industry sector strategies, and other initiatives that respond to the needs presented in the data and expressed directly by employers.

The local area will use labor market data and NEworks.nebraska.gov to provide information to students, unemployed and underemployed individuals, and new workers on high-wage, high-skill, and high-demand (H3) jobs in Nebraska. This information will help to guide individuals onto career pathways that meet their needs and interests.

The GNWDB has identified the expansion of work-based learning models as a key strategy for improving access to employment that concurrently prepares individuals with the skills needed for employment and addresses business needs. GNWDB will work with businesses, business intermediaries such as the chambers of commerce, and organized labor to develop new work-based learning models in the region's target industries. Greater Nebraska will work across programs and with other local areas to simplify the process for employer participation in these programs and reduce duplication of services and paperwork. GNWDB has implemented an additional commitment to expanding work-based learning (including on-the-job training, registered apprenticeships, transitional jobs, customized training, work experience, job shadowing, and pre-apprenticeship) with a goal of reaching a 35% caseload in the WIOA Title 1B program by June 30, 2021. *Update: COVID hindered progress toward this goal. However, there has been promising movement in this direction, particularly in the Grand Island and Hastings areas. This goal will remain a part of the plan with a new target date of June 30, 2025.*

7. Describe how the local board will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the local board will promote entrepreneurial skills training and microenterprise services.[10]

This is an area of opportunity for Greater Nebraska. In addition to the strategies described in 6.c., and under guidance from the Greater Nebraska Workforce Development Board, the One-Stop Operator will increase efforts toward the development and implementation of programs and strategies that are focused on microenterprise and entrepreneurial training. This will include:

- increased participation in economic development activities focused on entrepreneurship;
- enhanced training for Greater Nebraska staff; and

[10] 20 CFR § 679.560(b)(4)

- cross training with providers of entrepreneurial skills training and microenterprise services.

Greater Nebraska's Sidney office is relocating to Western Community College in late 2021 and will be located within the Innovation and Entrepreneurship Center. With the merger of Cabela's with Bass Pro Shops in 2017, many high skilled workers have struggled to find suitable employment, leaving them to take lower paying jobs or relocate to other communities. This move will strengthen the collaborative approach toward the provision of ongoing entrepreneurial training and assistance throughout the area.

Partners in these efforts include:

- WIOA Title I – Adult, Dislocated Worker, and Youth;
- Title IV – Nebraska Vocational Rehabilitation and Nebraska Commission for the Blind and Visually Impaired;
- Community Colleges – Western Nebraska Community College; and
- University of Nebraska – Lincoln Center for Entrepreneurship.

8. Describe and assess the type and availability of adult and dislocated worker employment and training activities in the local area.[11]

Greater Nebraska provides high quality employment and training services to assist job seekers with acquiring essential skills to compete for in-demand jobs. Services are coordinated by partner providers to ensure goals are in alignment and services are not duplicated. Nebraska's Eligible Training Provider List provides a comprehensive and robust offering of long-term and short-term occupational skills training (OST) for most occupations. Work based learning, which includes on the job training, registered apprenticeships, transitional jobs, customized training, work experience, job shadowing, and pre-apprenticeship, is also available to participants.

Adult and DLW programs actively conduct outreach to individuals with barriers to employment.

All facilities are physically accessible, in compliance with ADA standards for accessible design. Reasonable accommodations and modifications are provided to individuals with disabilities when administering assessments. All information is provided in an accessible, understandable, and usable format.

Services for Adults and Dislocated Workers fall under three categories: basic career services, individualized career services, and follow-up services.

Table 3: Basic Career Services

Basic Career Services
Outreach, intake, and orientation of information and other services available through the One-Stop delivery system
Opportunity to initiate an application for Temporary Assistance for Needy Families assistance and non-assistance benefits and services
Determination of eligibility for WIOA Adult and Dislocated Worker services
Initial assessment of skills including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities, and supportive service's needs
Labor exchange services, including job search and placement assistance and career counseling. Information will include in-demand industry sectors and nontraditional employment
Referrals to and coordination of activities with other programs and services

[11] 20 CFR § 679.560(b)(6)

Basic Career Services
Provision of workforce and labor market employment data, including provision of accurate information relating to local, regional, and national labor market areas
Provision of performance and program cost information on eligible providers of training services by program and type of providers
Provision of information on local performance accountability measures and any additional performance information relating to the area's One-Stop delivery system
Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation
Provision of information relating to the availability of supportive services or assistance and appropriate referrals, including: child care, child support, medical or child health assistance available through Nebraska's Medicaid program and Children's Health Insurance Program, benefits under Supplemental Nutrition Assistance Program, earned income tax credit, and assistance under a state program for TANF and other supportive services and transportation provided through that program
Assistance in establishing eligibility for financial aid assistance for training and education programs not provided under WIOA

Table 4: Individualized Career Services

Individualized Career Services
Comprehensive and specialized assessments of skill level and service needs
Individual Employment Plan to identify employment goals, appropriate achievement objectives, and appropriate combination of services
Group counseling
Individual counseling
Career planning
Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct
Job readiness preparation that provides basic academic skills, critical thinking skills, digital literacy, and self-management skills, including competencies in utilizing resources
Internships and work experiences that are linked to careers, including transitional jobs
Workforce preparation activities
Financial literacy services
Out-of-area job search assistance and relocation assistance
English language acquisition and integrated education and training programs

Follow-up Services

Greater Nebraska provides follow-up services for adults and dislocated workers for up to 12 months after the first date of unsubsidized employment. (It is important to note this varies from youth, who are provided follow-up for a minimum of 12 months.)

In general, Follow-up Services are intended to provide support and guidance to:

- Facilitate sustained employment
- Assist the participant with advancement along a career or educational ladder
- Promote personal development
- Problem solve barriers to successful employment

Local Plan

Greater Lincoln Workforce Development Area

July 1, 2021 – June 30, 2025

Submitted by the Greater Lincoln Workforce Development Board
to the Nebraska Department of Labor on 04-01-2021

Executive Committee Approved: 02-25-2021

lincoln.ne.gov/workforceplan

Strategies to Support Goal 2 - Create Service Alignment

Strategies for supporting the above goal are identified below.

Strategy 1 – Coordination of business services

Strengthening the business service team by working with the Nebraska Department of Labor Wagner-Peyser Employment Services, Nebraska VR, WIOA Title 1B service provider, and Lincoln Partnership for Economic Development to create a functional team with shared outreach strategies including outreach materials.

Strategy 2 – Technology integration

The local workforce board will create a website that connects residents in Lancaster and Saunders Counties to workforce services in our local area and state-wide. This include a platform to schedule services and provide services virtually. Additionally, program specific information will be available, and an interactive questionnaire will be available to help customers identify services and program that might best meet their needs. There will be a workforce system directory as well as interactive forms.

Strategy 3 – Common intake system

The local area will follow and support Nebraska Department of Labor's guidance for common intake among partner programs.

Strategy 4 – Policy development

The local area will work with Greater Nebraska and Greater Omaha Workforce Development Areas to develop policy that is consistent or similar to improve ease of access for employers and job seekers. This includes on-the-job training, enrollment documents, and coordination of funding.

Strategy 5 – Shared Terminology

The local area will work with partners to create shared terminology for services and ensure standard use through the workforce system.

Strategy 6 – Cross training and technical assistance

The One Stop Operator will work to incorporate cross training into the partner forums.

Strategy 7 – Co-enrollment

Co-enrollments are required whenever eligibility permits for:

- local Title I youth, adult, and dislocated worker programs;
- Title III Wagner-Peyser Employment Service;
- Jobs for Veterans State Grant program;
- Trade Adjustment Assistance program; and
- Dislocated worker Grant programs, whether administered at the state- or local-level.

Strategy 8 - Public sector partnership

The workforce board will work with the other local areas to develop industry sector strategies within the region. The Strategic Initiatives Committee in partnership with Lincoln Partnership for Economic Development will develop sector strategies. Strategies will align with the development of the career ladders. These sector strategies will help individuals with barriers to employment enter the labor market and support and strengthen employers. Individuals with barriers to employment include Veterans, low-income individuals, individuals who speak English as a second language, single parents, farmworkers, in-school and out-of-school youth, the unemployed and other disadvantaged populations.

Strategies to Goal 3 - Meet or exceed the negotiated levels of performance for WIOA Title 1B programs to maximize community impact

The workforce board has defined success to be meeting or exceeding 100% of the adjusted levels of performance for the:

- individual local-area single indicators scores,
- overall local-area single program scores, and
- overall local-area single indicator scores.

See section 18 – Local Levels of Performance for the current negotiated levels of performance for Program Years 2020 and 2021.

Strategies and action steps for supporting the above goal are identified below.

Strategy 1 - Conduct board monitoring of WIOA Title 1B programs to identify continuous improvement opportunities.

The local area compliance coordinator will publish a monitoring schedule for each program year. Findings will be reviewed by the administrative entity and Compliance and Accountability Committee. Corrective action will be required as needed.

Strategy 2 - Require WIOA service provider(s) to run and work NEworks predictive reports monthly.

A summary of action steps will be sent to the administrative entity three (3) business days prior to the monthly performance meeting.

Strategy 3 - Establish a monthly meeting between the administrative entity, mayor's aide, and the service provider(s) to review WIOA performance including NEworks predictive reports.

The administrative entity will set the agenda and schedule this meeting.

Strategy 4 - Compliance and Accountably Committee will regularly review WIOA performance during the program year.

This committee will meet two (2) weeks prior to all scheduled full board meetings to review and identify any required board action.

Strategy 5 - The service provider(s) will create improved operational guidance for ensuring better outcomes.

The service provider(s) will implement operational guidance for identifying customers in follow-up that are not employed to bring them back into the American Job Center and assist them in finding employment. The service provider(s) will implement operational guidance for exiting customers from the program to ensure that their employment goals have been met and recorded correctly in NEworks.

Strategy 6 - A summary of where the local area is (including enrollments and scheduled exits) will be sent to the Compliance and Accountability Committee monthly.

The administrative entity will send this email.

Strategy 7 - Incentivize service provider for meeting negotiated performance goals.

The workforce board will incorporate pay-for-performance into service provider contracts for Program year 2021 for meeting or exceeding 100% of the negotiated performance goals.

3. Describe the workforce development system in the local area, including:

a. the partners and programs that are included in the workforce development system;[3] and

The following organizations play a role in the local workforce development system:

EmplyLNK

This is a collaboration of workforce development agencies in Lincoln including the American Job Center, Nebraska Department of Labor Wagner-Peyser Employment Services, Lincoln Partnership for Economic Development/Prosper Lincoln, Lutheran Family Services, Catholic Social Services, Vocational Rehabilitation, Center for People In Need, Commission for the Blind and Visually Impaired, Veterans Affairs, and more. EmployLNK is the single point of contact for businesses to interact with the agencies that serve others and to organize job fairs and other employment-focused events. In addition to monthly meetings to share common issues and hear from Lincoln businesses on their openings, this group also plans career fairs for Veterans, adults and students and plans a reverse pitch job fair for case managers to learn about jobs in the community. In total, the agency serves 5,000+ Lincoln residents.

Lincoln Literacy

Lincoln Literacy serves adults who want to improve their language skills. These students may be working toward a GED, seeking advancement in employment, or preparing to become a CNA or teacher.

Lincoln Manufacturing Council

The Lincoln Manufacturing Council's Manufacturing Tech program includes 10 Lincoln manufacturers that are hiring in our community. The council provides training to individuals with no experience in manufacturing and are willing to learn more.

[3] 20 CFR § 679.560(b)(1)(i). *Workforce development system* refers to the entirety of the workforce development system in the local area, which may include partners other than required one-stop partners.

The 6-week class includes information about measurement, reading work orders, manufacturing workplace protocols and more. The final class will be a career fair giving students an opportunity to interview and be considered for a position.

Manufacturers include:

- Agility Fuel Systems
- Bison
- ContinentalContitech
- Deeter Foundry
- General Dynamics
- Kawasaki
- LI-COR
- Lincoln Industries
- Lincoln Machine
- Mapes
- Molex
- Nature's Variety
- Teledyne Isco
- TMCO

Lincoln Partnership for Economic Development

The Lincoln Partnership for Economic Development (LPED) is a public-private collaboration charged with fulfilling Lincoln's Economic Development goals. Job growth and business expansion are critical components of a vibrant and thriving community. The growth of Lincoln is in the skyline, in the voices of its entrepreneurs, and in the spirit of its people. Incredible things are ahead for this growing city. Due to its expansion of new business, influx of talent, and economically sound environment, Lincoln offers endless opportunities for success.

New Americans Task Force

NATF (New Americans Task Force) is a network of public and private organizations and community members, dedicated to supporting New Americans in our community. NATF members strive to welcome all newcomers, assisting them in building the lives they seek through the removal of barriers and the provision of culturally competent support services. New Americans Task Force Career Ladder Project has been selected as Google.org Impact Challenge Nebraska People's Choice winner and will receive an additional $125,000 in funding to connect skilled immigrants and refugees to career pathways, digital resources, and a professional network while fostering economic opportunity and restoring dignity through work.

South of Downtown Association

South of Downtown Community Development Organization enriches the quality of life for residents of Near South and Everett neighborhoods through collaboration, economic opportunities, and community development.

b. how the local board will work with the entities carrying out core programs and other one-stop partner programs to support service alignment, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 USC 2301 et seq.).[4]

The workforce board will support service alignment in the workforce development system through the American Job Center and One Stop Operator by:

Generating Walk-in Traffic

The One Stop Operator, in partnership with EmployLNK, Nebraska Department of Labor (NDOL) Wagner-Peyser Employment Service, and the Workforce Innovation and Opportunity Act (WIOA) Title 1B service provider will host at least one hiring event in the American Job Center per month.

Additionally, the OSO will host other monthly events that will draw in walk-in traffic. Events might include:

- Pro Bono Week
- Volunteer Income Tax Assistance
- National Apprenticeship Week
- Resume workshops
- Job club
- Classroom training opportunities including Carl D. Perkins Career and Technical programs
- Open house events for partners
- Public health screens
- Affordable Care Act registration event
- SNAP registration event
- National Disability Employment Awareness Month

The OSO shall also host on-line events and promote virtual efforts to draw traffic to the AJC website and related services. This will include online hiring events, workshops, and job clubs.

Improved Communication

The OSO is responsible for communicating to the workforce system staffing changes, upcoming events and workshops, and general operations of the AJC. The OSO will maintain and create social media content. The OSO will direct outreach to recent customers of the AJC. The OSO is responsible for maintaining and updating partner information on the AJC website. Additionally, the OSO is responsible for maintaining a one-stop partner staff directory on the AJC website.

Resource Room

The OSO must ensure that all partner programs are available at or through the AJC. The OSO will create and maintain operational guidance on how to deliver each program in the resource room. Meaningful service must be provided onsite, during a customer's first visit. Customers using the resource room must be able to access all basic career services on the day of their visit. The resource room and other services will also be provided to English language learners and appropriate accommodations may be necessary. Additionally, the OSO, working with Nebraska VR and the Nebraska Commission for the Blind and

[4] 20 CFR § 679.560(b)(1)(ii)

Visually Impaired, must ensure that all staff working in the resource room are confident in navigating and using the assistive technology.

Customer Surveys

The OSO is responsible for collecting, administering, and reporting all local customer satisfaction surveys, including employer surveys. Results will be shared with the partners.

Referral Tracking

The OSO is responsible for overseeing and reporting referrals sent in the workforce system. Partners can send referrals via NEworks, AJC website portal, or email. A clear method for sending and receiving referrals for each partner must be established, communicated to the system, and maintained.

Common Identifier

All workforce system partners must operate under the "American Job Center" or "proud partner of the American Job Center Network" logo. The OSO will work with partners to use the common identifier.

Additionally, the OSO will ensure that all workforce system staff working in the AJC have/use name tags that are provided by the City and that partners that want to use the AJC email domain may do so.

Partner Forum

The OSO must conduct and host routine partner forums. Partner forums are intended to build system capacity by educating workforce system staff on available programs and services in the local area and encourage the coordination of service delivery. This forum should also include discussion of data collection and goals for continuous improvement.

Complaints and Equal Opportunity

Complaints and grievances of a non-discriminatory nature are to be managed by the OSO. This includes keeping and maintaining a complaint log. The OSO will work with the City of Lincoln Equity and Diversity Officer and Ombudsman to ensure that all activities in the AJC comply with the Equal Opportunity-Non-discrimination and Complaints/Grievances of a Non-discriminatory Nature Policy. This policy provides the local area processes for handling complaints.

Shareholders Report

The OSO will put together an annual shareholders report, that will be published each August. The report will share success stories, referrals, number of customers served, performance metrics, and other related information for each workforce partner. The shareholders report is intended for one-stop partners, board members, and the community.

Service Delivery

The OSO must ensure that access to all one-stop partners is available in the AJC either via direct-linkage or in the center. Written procedures must be maintained and all staff working in the resource room must be familiar with these procedures. Services may be delivered virtually. The OSO will support and coordinate virtual services delivery.

Priority of Service

The OSO must ensure that priority of service is honored in the center. The OSO is responsible for developing written operational procedures including a process for staff to follow to identify priority of service in the American Job Center. These written procedures will be posted on the AJC's webpage and staff training will be provided by the OSO. See section 22 for details on order of service.

Program Performance

The OSO will support the WIOA Title 1B programs and other partner programs in achieving their respective negotiated levels of performance as established with their Federal partners through:

1) coordinating the delivery of basic and individualized career services in the American Job Center resource room;
2) ensuring that meaningful assistance for one-stop partner programs, including Unemployment Insurance, is available in the American Job Center resource room; and
3) and the coordination of services and referrals in the local area.

4. Describe the one-stop delivery system in the local area, including:

The workforce board is the Greater Lincoln Workforce Development Board (GLWDB) and the current One-Stop Operator for the local area is Equus Workforce Services.

Our American Job Center is currently located at:

Southeast Community College-Education Square
1111 O Street
Lincoln, NE 68508

Services are provided in Suites 205 (includes the Resource Room), 219, 222, 229 and 233. The local area has no affiliate one-stop center or specialized center.

Partners and programs included in the one-stop delivery system are listed below. Partners denoted by an asterisk (*) have staff working at the American Job Center and those without an asterisk provide services through direct linkage (by phone, virtually, etc.).

Proteus, Inc.

http://www.proteusinc.net/

The Migrant & Seasonal Farmworker partner assists migrants and other seasonally employed farmworkers and their families achieve economic self-sufficiency through job training and other services that address their employment related needs. Migrant and seasonal farmworker services in Nebraska are provided by Proteus, Inc. Proteus provides the services and financial assistance that can remove the barriers to help farmworkers qualify for better jobs and enjoy a higher standard of living. Programs include educational services, On-the-Job Training, and Job Readiness Assistance.

National Able Network

http://www.nationalable.org/jobseekers/

The Senior Community Service Employment Program (SCSEP) is designed to help low-income job seekers age 55 and older. SCSEP participants gain work experience in a variety of community service activities at non-profit and public facilities, including schools, hospitals, day-care centers, and senior centers. Participants work an average of 20 hours a week and this training serves as a bridge to unsubsidized employment opportunities for participants. The SCSEP service provider for the State of Nebraska is the National Able Network. Their programs are designed to assist eligible job seekers from all backgrounds, including the unemployed, career changers, military veterans, seniors, and aspiring IT professionals.

Adult Education*

https://www.education.ne.gov/aded/

https://www.southeast.edu/continuing/basicskillsgedeslandcitizenship/

Mission Statement: To provide direct and equitable access to Adult Education programs that are focused on high quality English language acquisition, adult basic skills improvement, and high school equivalency credentialing that promote opportunities to transition to postsecondary education, job training opportunities, and life-long careers.

Southeast Community College (SCC) is the Adult Education and Family Literacy provider in the Greater Lincoln local area through a grant from the Nebraska Department of Education.

Classes offered at the following locations:

- SCC Main Campus: 8800 O Street, Lincoln, NE
- SCC Education Square: 1111 O Street, Lincoln, NE
- SCC Learning Center at Wahoo: 536 N. Broadway St. Wahoo, NE

SCC offers instruction to help adults 16 years of age and older, improve in the following areas:

- Basic Skills Improvement
- High School Equivalency Preparation
- English as a Second Language
- The rights and responsibilities of citizenship and civic participation.
- Workforce Preparation Activities

Carl Perkins Career & Tech Ed*

www.southeast.edu

The Carl D. Perkins Career and Technical Education Improvement Act supports the development of academic and career and technical skills among secondary education students and postsecondary education students who elect to enroll in career and technical education (CTE) programs, sometimes referred to as vocational education programs. Programs of study incorporate secondary and postsecondary education elements into a coordinated, non-duplicative progression of courses leading to an industry-recognized credential, certificate, or degree.

Programs of study at Southeast Community College include:

- Agriculture/Food/Natural Resources
- Business
- Communications and Information Technology
- Construction and Electronics
- Health Sciences
- Transportation and Manufacturing

The GAP Assistance Program (https://www.southeast.edu/gap/) provides financial assistance for need-based tuition and other eligible costs for approved, non-credit short-term training programs for in-demand occupations. Depending on financial eligibility, an individual may receive full or partial assistance with direct training costs including tuition, books, required fees and equipment.

Approved programs of study in training solutions include:

- Machining
- Electrical Maintenance
- Welding
- Microsoft Applications
- Leadership Certificate
- Lean/Six Sigma
- Computer Networking
- Fiber Optics
- Concrete in Practice

Wagner-Peyser (Employment Services) *

http://dol.nebraska.gov/

This partner program is provided by the Nebraska Department of Labor (NDOL). Employment Services focus on providing a variety of employment related labor exchange services including but not limited to job search assistance, job referral, and placement assistance for job seekers, and reemployment services to unemployment insurance claimants.

Job seekers who are Veterans receive priority referral to jobs and training as well as special employment services and assistance.

The services offered to employers, in addition to referring job seekers to available job openings, include assistance in developing job order requirements; matching job seeker experience with job requirements, skills and other attributes; assisting employers with special recruitment needs; arranging for Job Fairs; helping employers analyze hard-to-fill job orders; assisting with job restructuring and helping employers deal with layoffs.

Unemployment Insurance Benefits*

http://dol.nebraska.gov/

The Unemployment Insurance (UI) program operated by the Nebraska Department of Labor pays benefits to workers who have lost jobs and meet the program's eligibility requirements.

Services in Lincoln are provided on-site and through a dedicated phone line in the AJC's Resource Room.

Jobs for Veterans State Grant program (JVSG)*

http://dol.nebraska.gov/

The program is provided through the Nebraska Department of Labor and assists Veterans with significant barriers to employment. Funds are used to hire dedicated staff to provide individualized career and training-related services and case management to veterans and eligible persons with significant barriers to employment and to assist employers in filling their workforce needs with job-seeking veterans. These services are provided by the Disabled Veteran Outreach Program Specialist (DVOP). The Local Veterans Employment Representative (LVER) provides outreach to area businesses.

Trade Adjustment Assistance Program*

http://dol.nebraska.gov/

This program serves individuals who have lost their jobs due to increased foreign imports or shifts in productions to foreign markets and who have been determined eligible for federally funded Trade Adjustment Assistance (TAA). Nebraska Department of Labor TAA staff conduct informational meetings for Trade-affected workers and coordinate reemployment efforts and classroom training benefits. Additional benefits from TAA may include job training, income support, job search and relocation allowances, a tax credit to help pay the costs of health insurance, and a wage supplement to certain reemployed trade-affected workers 50 years of age and older.

Nebraska VR*

http://www.vr.nebraska.gov/

Nebraska VR helps people with disabilities prepare for, find, and keep jobs. Nebraska VR also helps businesses recruit, train, and retain employees with disabilities. Through this "dual client" approach, Nebraska VR assists individuals with injuries, illness, or impairments in achieving competitive employment and increased independence. Nebraska VR also assists business owners and employers through full-service business consultation on a variety of business and disability-related areas. Nebraska VR clients meet with a counselor and develop a work plan. Services can include career planning, training, job placement, on the job supports, and counseling.

Nebraska Commission for the Blind and Visually Impaired (NCBVI)

https://ncbvi.nebraska.gov/

NCBVI operates a comprehensive and coordinated program designed to assist individuals who are blind in gaining remunerative employment; enlarge economic opportunities; increase the range and diversity of available occupations; stimulate other efforts that aid blind persons in becoming self-supporting; and

provide training in the skills of blindness for independent living. NCBVI provides the training, counseling, and resources needed for a positive understanding of blindness and visual impairment. The program's expectations include employment and fulfillment in all aspects of life. The website provides information about the Commission and about blindness in general: for blind and visually impaired individuals, their families, and for businesses seeking job candidates to fulfill Nebraska employment needs.

Community Action Partnership of Lancaster & Saunders Counties

http://www.communityactionatwork.org/

This agency empowers people living in poverty to reach economic stability. Services include Emergency Services, Early Childhood Education, Community Services, Financial Well-Being, Housing Services, and Homelessness Prevention. Programs at Community Action are designed to create a continuum of services that can work independently, but also function as a pathway to self-reliance. The continuum begins with meeting basic needs, moves to skills development, and finally economic stability. Case Managers empower participants to resolve individual and systemic barriers through a culturally respectful, family-focused approach that uses a household's strengths as a foundation for progress. Community Action continues to build on its successes through collaboration and innovation, while maintaining the integrity and quality of service delivery.

Lincoln Housing Authority – Family Self Sufficiency Program

http://www.l-housing.com/FSS.html

The Family Self-Sufficiency program (FSS) helps individuals and families support themselves so they no longer need public assistance. The program is voluntary and available to most adults who participate in the Section 8 Housing Choice Voucher program or who live in public housing through LHA. Participants must have a desire to become self-sufficient and a willingness to take the steps necessary to make it happen. Participation is open to anyone: employed or unemployed, students or those wanting to attend school, married couples, or single persons.

The FSS case manager can help provide the services needed to become self-sufficient. These may include:

- Educational programs (GED, ESL, ABE, and college)
- Career assessments
- Job training
- Childcare
- Counseling
- Case management
- Credit counseling
- Home ownership preparation
- Coordination with other service providers and agencies
- Ticket to Work Program

WIOA Adult, Dislocated Worker, and Youth*

http://lincoln.ne.gov/city/urban/workforce/onestop.htm

Equus Workforce Services is the WIOA Title IB provider. Assistance is provided for adults, dislocated workers, and youth. The purpose of the WIOA Title IB programs is to provide workforce investment

activities to eligible individuals that will increase employment retention and earnings of program participants, increase occupational skill level attainment by program participants, and ultimately result in unsubsidized employment that provides family-sustaining wages. Services include but are not limited to assessment, labor market information, career planning, work-based training, occupational skills training, and supportive services.

Services are provided at the AJC, 1111 O Street, Suite 205, Lincoln, NE 68508.

Ponca Tribe of Nebraska

https://www.poncatribe-ne.org/

Workforce Innovation and Opportunity Act (WIOA) Section 166 Indian and Native American (INA) grantees and others are interested in economic self-sufficiency through employment and job training programs for Native Americans. The Section 166 programs are designed to support employment and training activities in order to develop more fully the academic, occupational and literacy skills; make individuals more competitive in the workforce; and promote economic and social development in accordance with the goals and values of such communities. These programs are administered in a way that not only meets regulatory requirements, but also in ways that are consistent with the traditional cultural values and beliefs of the people they are designed to serve. Programs for adults include Assessments, GED Support, Career Development and Advising, Academic Counseling, Job Coaching, Resume Development, Computer Lab, Supportive Services, Case management, and Occupational Training.

TANF & SNAP*

https://dhhs.ne.gov/pages/accessnebraska.aspx

Both programs are provided by the Nebraska Department of Health and Human Services (DHHS). The program provides cash assistance to low-income families with minor children. TANF income is used to pay for family living expenses like rent, utilities, food, clothing, and other necessities. TANF is often the only source of cash assistance for a family. All individuals who are defined as a work–eligible individuals are required to participate in the Employment First program. Once a family applies for TANF cash assistance, all work–eligible individuals, unless they otherwise qualify for an exemption from Employment First, are referred to the Employment First program at the time of the intake interview. The work–eligible individual is required to complete an Employment First Self–Sufficiency Contract within five days of the referral and immediately engage in approved work activities. Dependent children age 15 or younger (including an emancipated minor) and dependent children age 16, 17, or 18 who are full–time students regularly attending an elementary or secondary school or a dependent child age 16 or 17 who is a full–time student and regularly attending college, are not required to participate in the Employment First program.

The federal Supplemental Nutrition Assistance Program (SNAP) helps low-income people buy food. It’s not necessary to be receiving other public assistance to be eligible, but people don't receive SNAP benefits automatically—they must apply and be found eligible. Households that meet the program guidelines for income and resources receive SNAP benefits for free. A household can be one person or a group of people who purchase and prepare meals together.

a. how the local board will ensure the continuous improvement of providers in the one-stop delivery system and ensure that the providers will meet the employment needs of local employers, workers, and job seekers;[5]

The workforce board will evaluate the effectiveness of the American Job Center (this includes all partners providing services in-person or via direct-linkage) and WIOA Title 1B programs and the development of continuous improvement as required by 20 CFR § 678.800 (c), 34 CFR § 361.800, and TEGL 16-16, including policy development, procedures, and implementation of strategies.

The workforce board will complete evaluation of service delivery at the American Job Center including engagement with one-stop partners, participants, employers, other customers, and Greater Lincoln's one-stop delivery system to better understand what is working and what may need improvement. The workforce board must ensure that all customers receive services in a compliant, efficient, and meaningful manner. We desire to create a customer-centric service delivery strategy. As the labor market environment is rapidly evolving, we will step up and constantly look for new ways to innovate on behalf of the public.

The evaluation will include the following approaches.

Secret Shopper

Evaluators called "secret shoppers" will be sent to the American Job Center to evaluate service delivery of basic and individualized career services in the resource room, referral/delivery of WIOA Title 1B Programs and other one-stop partner programs.

Evaluators will review the coordination of services to ensure that practices do not disincentivize providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services.

Evaluators will receive training on available services at the American Job Center prior to visiting the center. A score card will be created to measure their experience. Many evaluators will be referred to the Title 1B program and/or attend the American Job Center orientation. Evaluators will meet with Title 1B career planners to explore training opportunities. This experience will be evaluated. When all of the "secret shopping" is completed, evaluators will come together again to discuss their experience and identity trends.

Workforce System Focus Group

Evaluators will conduct a short online survey to assess Title 1B staff and one-stop partners' satisfaction and overall involvement with the American Job Center. In addition, the survey will be used to evaluate their overall interest and perceived challenges with meeting internal and external customer needs. Additionally, work with the leadership team to schedule a staff and partner focus group. Evaluators will coordinate a time, provide invitation information and any other logistic details to schedule the focus group. The focus group will not exceed an hour. The purpose of the focus group session is to gain additional information on how the American Job Center can better meet the needs of staff, partners, and stakeholders. A report will be created including summary of discussions, identification of common themes, and any recommendations.

[5] 20 CFR § 679.560(b)(5)(i)

Business Focus Group

Evaluators will conduct a focus group of employers that have utilized services at the Lincoln American Job Center. Board staff will assist in identifying at least 20 employers to invite to the four focus group sessions. This focus group will be designed to collect feedback on business services. Employers that have received services recently especially those that have hosted work-based learning experiences will be targeted. Employers that participate in EmployLNK hiring events will also be invited to participate.

Job Seeker Focus Group

Create a focus group of job seekers that have accessed multiple services at the Lincoln American Job Center. Board staff will assist in identifying at least 20 individuals to invite to the four focus group sessions. This focus group will be designed to collect feedback on services not evaluated in the secret shopper program and to evaluate program benefits and barriers for users that use the center repeatedly.

All evaluations activities listed above will be completed by a third-party. The workforce board will use the City of Lincoln's procurement process to identify, select, and award this contract to a vendor. The third-party vendor will be responsible for hosting focus groups, creating a scoring rubric (in conjunction with the workforce board), selecting evaluators, running the surveys, and reporting out results to the workforce board. This level of review will be completed at least once during this planning period.

Customer Satisfaction Surveys

The OSO will administer job seeker and employer satisfaction surveys during this plan period as well to assisting in identifying areas for improvement. Survey results will be shared with the Strategic Initiatives Committee on a routine basis. This committee will make recommendations for improvement to the workforce board.

b. how the local board will facilitate access to services provided through the one-stop delivery system through the use of technology and other means, including access in remote areas;[6]

The workforce board will create a virtual platform for the American Job Center and Title 1B programs to provide career services. The website will meet ADA standards (per Uniform Federal Accessibility Standards), 508-compliance, and will be available in Spanish. Since services will be provided virtually, a system of identifying priority of service must be established. Customers may self-identify their priority group when scheduling an appointment to establish an order of service. Additional timeslots may be reserved but not listed, to allow capacity for priority groups. Virtual services will be provided in addition to in-person service delivery.

Scheduling Assistant

A key component of making the site actionable is a scheduling assistant. This will allow employers and jobseekers to make appointments with American Job Center staff (either virtually or onsite), reserve interview and hiring event space, and register for workshops.

[6] 20 CFR § 679.560(b)(5)(ii)

Questionnaire

Another key component to the site is the ability for jobseekers to complete an interactive questionnaire to determine what programs in the American Job Center network might be a good match. This is not a tool to determine actual eligibility but rather a tool to make a quality referral. Upon completion of the eligibility matrix, the jobseeker will be able to schedule an appointment with the appropriate programs.

c. how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will comply with WIOA Sec. 188 and applicable provisions of the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including the provision of staff training and support for addressing the needs of individuals with disabilities;[7] and

The American Job Center is programmatic and physically accessible and compliant with ADA standards for accessibility.

Reasonable accommodations and modifications are provided to individuals with disabilities when administering assessments. Outreach materials and website content will be developed in accessible way. The website will meet ADA standards (per Uniform Federal Accessibility Standards), 508-compliance, and will be available in Spanish.

Aisles in the American Job Center will be kept clear of furniture. A phone is stationed at the main entrance to the building to allow customers to request assistance in entering the building. Resource room navigators can assist job seekers that lack computer skills. Additionally, assistive technology is available in the resource room to help individuals search and prepare for jobs.

The workforce board is committed to improving accessibility and is activity working to relocate the American Job Center. Section 17 provides details on the relocation process.

A disability "expert" on staff (other than Nebraska VR), will be identified by the one stop operator. This person will become an expert about overall accessibility. In addition, an individual with a disability who works at the American Job Center can provide a valuable example both for the other staff and for customers of someone with a disability who has achieved employment success. The workforce board will encourage the Title 1B service provider to proactively recruit people with disabilities for staff positions.

The One Stop Operator will work to involve people with disabilities in American Job Center. People with disabilities can bring valuable knowledge and first-hand experience to American Job Center's efforts to maximize accessibility. Few American Job Center's make a point of actively involving people with disabilities in the ongoing work of making the American Job Center more accessible. For example, the One Stop Operator can ask a person who is blind or dyslexic to visit the American Job Center and provide feedback to gain first-hand insight that cannot be captured with accessibility measures or checklists alone. People with disabilities also can consult with the American Job Center to improve its outreach to the disability community.

The Director of Equity and Diversity and the City Ombudsman/LGBT liaison collectively serve as the EO Officer for issues related to the grant.

[7] 20 CFR § 679.560(b)(5)(iii)

Notice and communication of non-discrimination is posted in the American Job Center and is given to each WIOA Title 1B participant in an accessible format, this includes the babel notice.

All brochures, pamphlets, and other publications which promote, or broadcast WIOA program information include the following tag line: "This WIOA Title I-financially assisted program/activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities." Where a telephone number is provided, the materials also include a TDD/TTY or relay service number. Additionally, use of the common identifier is required for all materials, physical, digital, etc.

The one stop operator will coordinate staff training for all American Job Center staff on an annual basis. Training topics will include how to use the assistive technology, disability awareness training opportunities including: how to make reasonable modifications for service delivery, voluntary disclosure of disability, effective communication, and standards for confidentiality.

d. roles and resource contributions of the one-stop partners.[8]

The following one-stop partners provide programmatic and service contributions:

Partner Program	Partner Entity	Services/Resources
Adult Education	Nebraska Department of Education; Southeast Community College;	Access to educational services and activities
Adult, DLW, Youth	City of Lincoln/ Dynamic Workforce Solutions	Resources for training and employment
Career and Technical Education (Perkins)	Nebraska Department of Education; Southeast Community College;	Vocational curriculum, career counseling, academic-vocational integration, and experiential learning
Community Services Block Grant (CSBG)	Community Action Partnership of Lancaster and Saunders Counties	Financial wellbeing, basic needs services, emergency assistance, supportive services, early childhood education
Housing and Urban Development (HUD)	Lincoln Housing Authority	Housing services & financial wellbeing
Job Corps	Pine Ridge Job Corps/ Denison Job Corps	Residential education and job training
Jobs for Veterans State Grant	Nebraska Department of Labor	Veterans' services: Local Veterans' Employment Representative; Disabled Veterans' Outreach Program
Migrant and Seasonal Farmworker	Proteus	Job training, health care, education assistance
Native American Programs	Ponca Tribe of Southeast Nebraska	Health services, social services, education
Senior Community Services Employment	National Able Network	Resources for training and employment
TANF	Nebraska Department of Health and Human Services	Resources for training and employment

[8] 20 CFR § 679.560(b)(5)(iv). The term *resource contributions* refers to programmatic and service contributions, rather than contributions pursuant to funding agreements.

Partner Program	Partner Entity	Services/Resources
Trade Adjustment Assistance	Nebraska Department of Labor	Resources for training and employment
Unemployment Insurance	Nebraska Department of Labor	Unemployment benefits
Vocational Rehabilitation	Nebraska VR & Nebraska Commission for the Blind and Visually Impaired	Job training, employment accommodations, skills coaching Accessibility training for staff
Wagner-Peyser Employment Services	Nebraska Department of Labor	Business and Job Seeker services

5. Describe how the local board will work with entities carrying out the core programs to:[9]

a. expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment;

The workforce board is in the process of redesigning the American Job Center webpage. The website will be accessible for the visually impaired and will be available in Spanish and Farsi. This redesign will enable customers to access career services virtually. It is the workforce board's hope that core partners and other required partners will participate in providing these services virtually. The one stop operator will be responsible for coordinating virtual services. The new website will feature a scheduling assistant that will allow customers to request virtual meetings after hours and in-person meetings in Wahoo at the Community Action Partnership of Lancaster and Saunders Counties field office. Core partners and other required partners will be encouraged to utilize the scheduling assistant. Customers will also be able to reserve a computer in the resource room. The new site will include a questionnaire that can be utilized by customers to identify services that may be beneficial. There will also be a workforce guide highlighting programs and services. Partner programs that are not co-located will be encouraged to keep virtual office hours, which will be posted on the website. Additionally, business services will be promoted. Employers will be able to reserve interview and conference room space online. There will be a questionnaire that will help identify job seekers and employers that may be eligible to host/participate in work-based learning.

American Job Center services are available to individuals with barriers to employment, including those with disabilities. Materials are made available in multiple languages and the American Job Center certification process conducted by the board ensures programmatic and physical accessibility. Reasonable accommodations and modifications are provided to individuals with disabilities. The one stop operator is expected to ensure that staff are properly trained in the use of the assistive technology and the best way to assist individuals in the use of this technology, such as the JAWS screen readers available in the Resource Room.

The Strategic Initiatives Committee will work to identify future opportunities to expand access to employment, training, education, and supportive services for eligible individuals, particularly eligible individuals with barriers to employment.

[9] 20 CFR § 679.560(b)(2)

b. facilitate the development of career pathways, in accordance with the goals and strategies defined in the state plan and subsequent modifications of the state plan, and co-enrollment in the core programs; and

Section 2 (b) identifies the workforces boards strategy for the development of career pathways.

In accordance with the *Combined State Plan for Nebraska's Workforce System*, the Strategic initiatives Committee will work with plan partners, employers, and regional and local industry sector partnerships to:

1. Select and prioritize the development of career pathways.
2. Identify barriers to participation in selected career pathways.
3. Address/ create solutions to participation in selected career pathways.

c. improve access to activities leading to a recognized postsecondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable).

Strategies described in Section 5 (b) regarding development of career pathways will improve access to activities leading to recognized postsecondary credentials, including Registered Apprenticeship certificates, industry-recognized certificates, licenses, certifications, and credentials that are portable and stackable.

A recognized postsecondary credential includes both educationally awarded credentials as well as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, and a license recognized by the state or federal government.

The workforce board will work with Nebraska VR, Adult Education, Nebraska Department of Labor, Nebraska Commission for the Blind and Visually Impaired, and Southeast Community College to ensure understanding of the broad scope of these credentials and to improve access to activities leading to these recognized postsecondary credentials. This includes the promotion of H3 careers and aligning education and credentialing with occupation requirements.

6. Describe the strategies and services that will be used in the local area:[10]

a. to facilitate employer engagement with workforce development programs, including engagement of small employers and employers in in-demand industry sectors and occupations;

Employers, including small employers and employers in in-demand industry sectors and occupations, are encouraged to participate in EmployLNK. This participation includes the hosting of case manager tours, taking part in job fairs including the Veterans Career Fairs, and presenting at EmployLNK meetings.

Business service representatives from the core partners and other partners promote the use of NEworks and various training programs to the employer community. Presentations are made to business and education groups to encourage employer engagement.

[10] 20 CFR § 679.560(c)(i)-(v)

The redeveloped American Job Center website will promote employer services including:

- Recruit & Hire
  - Job Fairs
  - Reserve Interview Space
  - Online Job Postings
  - Job Description Writer
  - Hiring a Diverse Workforce
- Work-based Training Services
  - Work Experience
  - Try-Out Employment
  - Internships
  - Registered Apprenticeship
  - Customized Training
  - Worker Training Grant
  - Incumbent Worker Funds
- Incentives
  - Disabled Access Credit
  - Barrier Removal Tax Deduction Work Opportunity Tax Credits
  - Federal Boning Program
- Layoffs and Closures
  - Rapid Response
  - Shared Work Program

b. to support a local workforce development system that meets the needs of businesses in the local area;

The workforce board will host employer focus groups as described in section 4(a) to better understand the need of employers. Results will be shared with the Strategic Initiatives Committee to implement solutions.

Business surveys results will be reviewed by the Compliance and Accountably Committee to identify areas for improvement.

The workforce board will work to utilize customized training and incumbent worker training funds to meet specific needs of employers.

c. to better coordinate workforce development programs and economic development;

The Lincoln Partnership for Economic Development (LPED) serves as the economic development agency for the City of Lincoln and includes many private sector investors. The workforce board has a member that is a LPED staff member. Additionally, two board members serve on the LPED advisory board. These three board members will work collectively with the administrative entity to coordinate of economic and workforce development activities.

The workforce board will work to align goals and outcomes with Lincoln Partnership for Economic Development as described in section 7 to better meet the needs of employers.

WIOA Title 1B Service Provider Staff and the one stop operator will participate in EmployLNK activities.

d. to strengthen linkages between the local one-stop delivery system and the Nebraska's unemployment insurance programs; and

The American Job Center is committed to providing meaningful unemployment insurance assistance in the resource room. During the COVID pandemic this commitment has been validated.

Computers at the American Job Center are available to use in filing/updating Unemployment Insurance (UI) claims. American Job Center staff assist customers in getting started in the process and with computer literacy issues. Additionally, there is a phone dedicated to unemployment insurance that directly connects to their call center.

Unemployment Insurance Benefits has committed to having a staff member work in the American Job Center resource room daily. This has built public confidence in the center and increase traffic into the center.

The one stop operator will coordinate American Job Center staff training from the Unemployment Insurance to help facilitate the delivery of services.

e. that may include the implementation of initiatives (which must support the strategies described above in Sections 6.a. through 6.d.), such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.

The workforce board seeks to roll out the following initiatives to support strategies for business services listed in section 6.

Customized Training/Incumbent Worker

Working with Lincoln Partnership for Economic Development and the Mayor's Aide for Economic Development the workforce board will identify opportunities to utilize customized training and incumbent worker training funds.

On-the-job Training

By the completion of Program Year 2024, the workforce board plans to expend at least 60% of all direct aid to customers on on-the-job training for the Adult and Dislocated Worker Programs.

Career Pathways

The workforce board will build, and support career pathways as descried in section 2 (b).

Sector Strategies

The workforce board will create sector strategies as descripted in section 2 (b).

7. Describe how the local board will coordinate local workforce investment activities with regional economic development activities that are carried out in the local area and how the local board will promote entrepreneurial skills training and microenterprise services.

Integrated workforce activities

The workforce board works closely with Lincoln Partnership for Economic Development (LPED). The one stop operator and WIOA title 1 service provider support economic development activities by providing staffing at EmployLNK events including hiring events and job fairs. The workforce administrator, mayor's aid, and LPED have routine meetings on how to coordinate, leverage, and support economic development in the community.

Promote entrepreneurship

The local board will promote entrepreneurial skills training and microenterprise opportunities via social media. Additionally, the new website will feature a section dedicated entrepreneurship resources including:

- One Million Cups-weekly networking event for local entrepreneurs (https://www.1millioncups.com/lincoln)
- StartupLNK-website to celebrate Lincoln's startups (https://startuplnk.com/)
- Turbine Flats Project-start up and small business collaborative (https://turbineflats.org/)
- Union Bank Catalyst Program (https://catalyst.ubt.com/)

Additionally, the Southeast Community College (SCC) Entrepreneurship Center (https://www.southeast.edu/entrepreneurship/) hosts weekly networking events to spotlight small business owners, start-up owners, and the companies that support entrepreneurs. The SCC Entrepreneurship Center is a resource hub for anyone interested in doing business for real. Services include office rental space in the Focus Suites, customized Focus Coaching sessions, and drop-in office space in the Suite Spot

8. Describe and assess the type and availability of adult and dislocated worker employment and training activities in the local area.[11]

Adult and Dislocated Worker activities include basic career services, individualized career services, training services, and follow-up services. As activities within the AJC certification process and the MOU negotiations process, one stop partners and the board have been able to assess an acceptable level of availability of basic and individualized career services, training services and follow-up services and are working to further define how these services are being delivered: on-site or through direct linkage.

Basic career services

- Determination of program eligibility to receive assistance from Title IB adult, dislocated worker, and youth programs;
- Outreach and intake (including worker profiling), and orientation to information and other services available through the one-stop delivery system, including an opportunity to initiate an application for Temporary Assistance for Needy Families (TANF) assistance and non-assistance benefits and services, which could be implemented through the provision of paper applications forms or links to the application website;

[11] 20 CFR § 679.560(b)(6)

NEBRASKA
Good Life. Great Connections.
DEPARTMENT OF LABOR

americanjobcenter network

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

Nebraska Department of Labor (NDOL)
Division of Reemployment Services
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Policy category
One-stop Delivery System

Effective
May 3, 2023

Supersedes
Priority of Service, Change 1
(effective June 1, 2022)

Priority of Service, Change 2

WIOA Title IB 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 Program

REFERENCE

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

BACKGROUND

Federal laws, rules, regulations, and guidance require that certain individuals receive priority of service from WIOA Title IB programs, WIOA Title III Wagner-Peyser Employment Service, Jobs for Veterans State Grant program, National Dislocated Worker Grant programs, Senior Community Service Employment Program, and Trade Adjustment Assistance program.

CHANGES

Under this Change 2, a material revision was made to Section II(c)(1) following further review of Federal law and regulation which resulted in a determination that sentence stating “termination is not defined in law or regulations” is not relevant to this policy. Also, footnotes have been revised for clarity and links have been updated where necessary.

ACTION

This policy supersedes and cancels the State's policy titled Priority of Service, Change 1 (effective June 17, 2022).

(a) Title IB programs

Each local board must establish new or review and update existing policies and procedures that address implementation, oversight, and monitoring of priority of service for adult, dislocated worker, and youth programs as required under Sections I, II, and VIII(a).

(b) NDOL-administered programs

NDOL Administrators of Wagner-Peyser, JVSG, NDWG, SCSEP, and TAA programs must establish procedures that address implementation, oversight, and monitoring of priority of service for their respective programs as required under Section I and Sections III through VII, as well as Section VIII(b).

POLICY

This policy establishes priority of service requirements for adult, dislocated worker, and youth programs, Wagner-Peyser, JVSG, NWDG, SCSEP, and TAA.

This policy has eight sections.

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Section I. Federal priority-of-service mandates

(a) Section I definitions

Definitions for the terms used in this section are provided below, along with definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in program-specific sections. Variations among definitions are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations.

(1) Active duty

Active duty[1] means full-time duty in the active military service of the United States. 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, except as stated in program-specific sections of this policy.

(2) Active military, naval, air, or space service

Active military, naval, air, or space service includes:[2]

- active duty;
- any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty;
- any period of inactive duty training during which the individual concerned was disabled or died:
    - from an injury incurred or aggravated in line of duty; or

[1] 10 USC § 101(d)(1)
[2] 38 USC § 101(24); 38 CFR § 17.31

- from an acute myocardial infarction, cardiac arrest, or a cerebrovascular accident occurring during such training;

- full-time duty in the National Guard or a Reserve component.

Active military, naval, air, or space service does not include full-time duty for training purposes, meaning training that is often referred to as “weekend” or “annual” training for National Guard or a Reserve components.[3]

(3) Covered entrant

Covered entrant[4] means covered persons at the point of entry and includes two subgroups: Veterans and eligible spouses.

(4) Covered person

Covered person[5] means a Veteran or eligible spouse.

(5) Eligible spouse

Eligible spouse,[6] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;

- any member of the Armed Forces serving on active duty who, at the time of application for priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

  - missing in action;

  - captured in line of duty by a hostile force; or

  - forcibly detained or interned in the line of duty by a foreign government or power;

- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA);

- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

Note.[7] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for eligible spouse eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible

[3] 20 CFR § 1010.110
[4] 20 CFR § 1010.330(a)(3)
[5] 20 CFR § 1010.110
[6] Ibid.
[7] TEGL 07-09

spouse whose eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

(6) Non-covered person

Non-covered person[8] means any individual who does not meet the definition of Veteran or eligible spouse.

(7) Pass-through entity

Pass-through entity[9] (PTE) means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

(8) Personally identifiable information

Personally identifiable information[10] (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public websites, and university listings. This type of information is considered to be public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, or general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that could be used to identify an individual when combined with other available information.

(9) Point of entry

Point of entry[11] means an individual's entry into the one-stop delivery system and may include reception a one-stop center, an application process for a specific program, or through any other method by which covered persons express an interest in receiving services, either in person or virtually.

(10) Qualified job training program

Qualified job training program[12] means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by USDOL.

(11) Recipient

Recipient[13] means an entity to which Federal funding is awarded directly from USDOL or through a subaward for any qualified job training program.

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[8] 20 CFR § 1010.110
[9] 2 CFR § 200.01
[10] Ibid.
[11] 20 CFR § 1010.330
[12] 20 CFR § 1010.110
[13] Ibid.

(12) Service-connected disability

Service-connected disability[14] means with respect to disability or death that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in Active military, naval, air, or space service.

(13) Subaward

Subaward[15] means an award provided by a PTE to a subrecipient for the subrecipient to carry out part of a Federal award received by the PTE. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program (i.e., a program participant). A subaward may be provided through any form of legal agreement, including an agreement that the PTE considers a contract.

(14) Subrecipient

Subrecipient[16] means an entity, usually but not limited to non-Federal entities, that receives a subaward from a PTE to carry out part of a Federal award but does not include an individual that is a beneficiary of such award (i.e., a program participant). A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

(15) Total disability

The term total disability[17] means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of the disabled person.

(16) Veteran

Veteran[18] means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2).

(b) What is priority of service?

20 CFR Part 1010 contains US Department of Labor (USDOL) regulations that mandate priority of service for covered persons. Priority of service for covered persons is authorized by 38 USC § 4215. As defined in 38 USC § 4215(a), priority of service means a covered person shall be given priority over a non-covered person when it comes to receipt of employment, training, and placement services provided under qualified job training programs. Providing priority of service to Veterans and other covered persons in qualified job training programs means that Veterans and other covered persons have the right to take precedence over non-covered persons when obtaining services.

[14] 38 CFR § 3.1
[15] 2 CFR § 200.1
[16] Ibid.
[17] 38 USC § 3501(8)
[18] 20 CFR § 1010.110; 38 USC § 101(2)

Depending on the type of service or resource being provided, taking precedence means:

- covered persons receive access to the service or resource earlier in time than non-covered persons; or

- if the service or resource is limited, covered persons receives access to the service or resource instead of or before non-covered persons.

(c) Which programs are covered?[19]

Priority of service applies to every qualified job training program funded, in whole or in part, by USDOL, and includes any program or service:

- that uses technology to assist individuals to access workforce development programs, such as job and training opportunities, labor market information, career assessment tools, and related supportive services; and

- provided under the public employment service system, through one-stop centers, under the Workforce Innovation and Opportunity Act of 2014, through demonstration or other temporary programs, by any workforce development programs targeted to specific groups, and those programs implemented by states or local service providers based on Federal block grants administered by USDOL.

Implementation of priority of service does not change the intended function of a program or service. Covered persons must still meet all statutory eligibility and program requirements for participation in order to receive priority for a program or service.

(d) How are recipients and subrecipients required to implement priority of service?

Agreement to implement priority of service, as described in 20 CFR Part 1010 and in any applicable USDOL guidance, is a condition for receipt of all USDOL job training program funds.[20] All recipients are required to ensure that priority of service is applied by all subrecipients of USDOL funds.[21] All program activities, including those obtained through requests for proposals, solicitations for grant awards, subgrants, contracts, subcontracts, and (where feasible) memorandums of understanding or other service provision agreements that are issued or executed by qualified job training program operators must be administered in compliance with priority of service,[22] as well as this policy.

Priority of service requirements cannot be waived.[23]

(e) What processes are to be implemented to identify covered persons?[24]

Recipients and subrecipients of funds for qualified job training programs must implement processes to identify covered persons who physically access service delivery points or virtual

[19] 20 CFR § 1010.210
[20] 20 CFR § 1010.220(a)
[21] 20 CFR § 1010.220(b)
[22] Ibid.
[23] 20 CFR § 1010.250
[24] 20 CFR § 1010.330

service delivery programs or websites in order to provide covered persons with timely and useful information on priority of service at the point of entry.

Processes for identifying covered persons at the point of entry must be designed to:

- permit individuals to make known their covered person status; and
- permit those qualified job training programs specified in 20 CFR § 1010.330(a)(2)[25] to initiate data collection for covered entrants.

Processes for identifying covered persons at the point of entry to must be designed to:

- allow covered persons to take full advantage of priority of service; and
- make covered persons aware of:
    - their entitlement to priority of service;
    - the full array of employment, training, and placement services available under priority of service; and
    - any applicable eligibility requirements for those programs and/or services.

Processes for identifying covered persons are not required to verify the status of an individual as a Veteran or eligible spouse at the point of entry unless they immediately undergo eligibility determination and enrollment in a program.

(f) How is priority of service to be applied?[26]

Recipients and subrecipients of funds for qualified job training programs must implement processes, in accordance with 20 CFR § 1010.300, to identify covered persons at the point of entry, whether in person or virtual, so the covered person can be notified of their eligibility for priority of service. Because qualified job training programs may offer various types of services, including staff-assisted services as well as self-services or informational activities, recipients and subrecipients also must ensure that priority of service is implemented throughout the full array of services provided to covered persons by the qualified job training program.

Three categories of qualified job training programs affect the application of priority of service: universal access programs, discretionary targeting programs, and statutory targeting programs. To obtain priority, a covered person must meet the statutory eligibility requirements applicable to the specific qualified job training program from which services are sought. For those qualified job training programs that also have discretionary or statutory priorities or preferences pursuant to a Federal statute or regulation, recipients and subrecipients must provide priority of service while applying those other priorities, as prescribed below in paragraphs 2 and 3.

[25] Note that 20 CFR § 1010.330(a)(2) refers programs that were covered under the Workforce Investment Act of 1998, which was superseded by WIOA. However, 20 CFR § 1010.330(a)(2) is still in effect in relation to WIOA.
[26] 20 CFR § 1010.310

1. Universal access programs operate or deliver services to the public as a whole; they do not target specific groups. Universal access programs are required to provide priority of service to covered persons. Note. Wagner-Peyser is a universal access program.

2. Discretionary targeting programs focus on a particular group or make efforts to provide a certain level of service to such a group but do not specifically mandate that the favored group be served before other eligible individuals. Whether these provisions are found in Federal statute or regulation, priority of service applies. Covered persons must receive the highest priority for the program or service, and non-covered persons within the discretionary targeting will receive priority over non-covered persons outside the discretionary targeting. Note. An NDWG may be a discretionary targeting program, depending on the conditions of the grant award.

3. Statutory targeting programs are programs derived from a Federal statutory mandate that requires a priority or preference for a particular group of individuals or requires spending a certain portion of program funds on a particular group of persons receiving services. These are mandatory priorities. Recipients and subrecipients must determine each individual's covered person status and apply priority of service as follows:

    a. covered persons who meet the program's mandatory priorities, including program eligibility, or spending requirements or limitations must receive the highest priority for the program or service;

    b. non-covered persons who meet the program's mandatory priorities, including program eligibility, or spending requirements or limitations must receive priority for the program or service over covered persons outside the program-specific mandatory priorities or spending requirement or limitation; and

    c. covered persons outside the program-specific mandatory priority or spending requirement or limitation must receive priority for the program or service over non-covered persons outside the program-specific mandatory priority or spending requirement or limitation.

    Note. Adult and dislocated worker programs, JVSG, SCSEP, and TAA are statutory targeting programs. An NDWG may be a statutory targeting program, depending on the conditions of the grant award. All persons must still meet all statutory eligibility and program-specific requirements for participation in order to receive priority from the programs.

(g) What are the responsibilities of recipients and subrecipients to collect and maintain data on covered persons and non-covered persons?

Every recipient and subrecipient of funds for qualified job training programs must collect information, maintain records, and submit reports containing information related to the provision of priority of service, in formats as the Secretary of Labor may require.[27]

[27] 20 CFR § 1010.320

Excluding SCSEP, NDOL tracks implementation of priority of service in NEworks for adult and dislocated programs and NDOL-administered programs and reports data on implementation to USDOL. (SCSEP uses a separate management information system at this time.)

(1) General requirements

a. Recipients and subrecipients must collect two broad categories of information.

   i. For the qualified job training programs specified in paragraph b. below, information must be collected on covered persons from the point of entry (i.e. covered entrants), as defined in 20 CFR § 1010.300(a).

   ii. Also, for all qualified job training programs, including the programs specified in paragraph b., information must be collected on covered persons and non-covered persons who receive services, as prescribed by the respective qualified job training programs.

b. For purposes of paragraph a. above, adult and dislocated worker programs, Wagner-Peyser, NDWGs, and SCSEP, and TAA must collect the required information, as described below in Section I(g)(2), Section I(g)(3), and Section I(g)(4).

(2) Collection and maintenance of data on covered entrants

Recipients and subrecipients of funding for the qualified job training programs specified in Section I(g)(1) must collect and report individual record data for all covered entrants from the point of entry.

(3) Collection and maintenance of data on covered persons and non-covered persons who receive services

As described in Section I(g)(1), all recipients and subrecipients must collect and maintain data on covered persons and non-covered persons who receive services, including individual record data for those qualified job training programs that require establishment and submission of individual records for persons receiving services. The information to be collected must include, but is not limited to:

- covered person and non-covered person status of all individuals receiving services;
- types of services provided to covered persons and non-covered persons;
- dates that services were received by covered persons and non-covered persons; and
- employment outcomes experienced by covered persons and non-covered persons receiving services.

Recipients and subrecipients must apply the definitions set forth in 20 CFR § 1010.110 and provided in Section I(a) to distinguish covered persons from non-covered persons receiving services and to distinguish Veterans from eligible spouses within the covered persons group.

(4) Confidentiality and personally identifiable information

All information collected pursuant to Section I(g)(2) and Section I(g)(3) must be stored and managed in a manner that ensures confidentiality and protection of all PII.[28]

Section II. Adult and dislocated worker programs

(a) Section II definitions

Definitions for the italicized terms used in this section are provided below, along with other definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in Section I. Variations among definitions between Section I and this section are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations.

(1) Active duty

Active duty[29] means full-time duty in the active military service of the United States. 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.[30]

(2) Active military, naval, air, or space service

Active military, naval, air, or space service includes:[31]

- active duty;
- any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty;
- any period of inactive duty training during which the individual concerned was disabled or died:
    - from an injury incurred or aggravated in line of duty; or
    - from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training;
- full-time duty in the National Guard or a Reserve component.

[28] 20 CFR § 1010.330(d)
[29] 10 USC § 101(d)(1)
[30] Ibid.
[31] 38 USC § 101(24); 38 CFR § 17.31

Active military, naval, air, or space service does not include full-time duty for training purposes, meaning training that is often referred to as “weekend” or “annual” training for National Guard or a Reserve components.[32]

(3) Basic skills deficient

An individual who is basic skills deficient is:[33]

- a youth who has English reading or writing skills or computing skills at or below the 8th grade level based on a generally accepted standardized test; or
- a youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society.

(4) Covered person

Covered person[34] means a Veteran or eligible spouse.

(5) Eligible spouse

Eligible spouse,[35] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;
- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - missing in action;
    - captured in line of duty by a hostile force; or
    - forcibly detained or interned in the line of duty by a foreign government or power;
- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA); or
- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

Note.[36] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose

[32] 20 CFR § 1010.110
[33] WIOA Sec. 3(5)
[34] 20 CFR § 1010.110
[35] Ibid.
[36] TEGL 07-09

eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

(6) Low-income individual

A low-income individual is one who meets one or more of the criteria described in Table 1.[37]

Table 1. Criteria for determining an individual is low-income

Low-income criteria
1. The individual currently receives or is a member of a family currently receiving assistance through: a. Supplemental Nutrition Assistance Program; b. Temporary Assistance for Needy Families Program; c. Supplemental Security Income through the Social Security Administration; or d. state or local income-based public assistance.
2. In the past 6 months, the individual has received or is a member of a family that has received assistance through: a. Supplemental Nutrition Assistance Program; b. Temporary Assistance for Needy Families Program; c. Supplemental Security Income through the Social Security Administration; or d. state or local income-based public assistance.
3. The individual is in a family whose total family income does not exceed the higher of:[38] a. the current Federally established poverty line; or
b. 70 percent of the Federally established lower living standard income level (LLSIL). 4. The individual is a homeless individual who: [39] a. lacks a fixed, regular, and adequate nighttime residence; and is i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; ii. living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; iii. living in an emergency or transitional shelter; or iv. awaiting foster care placement; b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; c. is a migratory youth who is living in circumstances described in Sections 4.a. and 4.b. of this table; d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or e. is a runaway.
5. The individual receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act, unless the individual is a recipient of a secondary school diploma or its recognized equivalent.
6. The individual is a foster child on behalf of whom state or local government payments are made.
7. The individual is a person with a disability whose income meets the income requirement of Sections 3.a. or 3.b. of this table.

[37] WIOA Sec. 3(36)

[38] The term ''lower living standard income level'' (LLSIL) means the income level determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. NDOL's current notice on income guidelines provides information on the current LLSIL. NDOL's notices are accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Notices.

[39] 42 USC §§ 14043e-2(6) and 11434a(2)

(7) Military spouse

For purposes of dislocated worker program priority of service, military spouse means:[40]

- an individual who is married to an active-duty service member, including National Guard or Reserve personnel on active duty; or
- a surviving spouse of an active-duty service member who lost their life while on active-duty service in Afghanistan, Iraq or other combat-related areas.

Further, the policy clarifications provided in Section II(b)(1) and Section II(b)(2) also apply.[41]

(8) Non-covered person

Non-covered person[42] means any individual who does not meet the definition of Veteran or eligible spouse.

(9) Qualified job training program

Qualified job training program[43] means any program or service for workforce preparation, development, or delivery that is directly funded, in whole or in part, by USDOL.

(10) Separating military service member

Separating military service member[44] means an individual that is being discharged under honorable conditions, either voluntarily or involuntarily.

(11) Service-connected disability

Service-connected disability[45] means with respect to disability or death that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in Active military, naval, air, or space service.

(12) Veteran

Veteran[46] means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2). Active military, naval, air, or space service includes full-time duty in the National Guard or a Reserve component, except for full-time duty for training purposes (i.e., that which often is referred to as “weekend” or “annual” training).

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[40] TEGL 22-04
[41] Ibid.
[42] 20 CFR § 1010.110
[43] Ibid.
[44] TEGL 22-04
[45] 38 CFR § 3.1
[46] 20 CFR § 1010.110; 38 USC § 101(2)

(b) Adult priority of service requirements

Adult programs, which meet the definition of qualified job training program, must prioritize delivery of individualized career services and training services to Veterans, eligible spouses, and certain non-covered persons.[47] Local boards and their respective adult programs must ensure that at least 75 percent of adult participants receiving individualized career and training services in the adult program are from at least one of the adult priority groups (recipients of public assistance, low-income individuals, or individuals who are basic skills deficient including English Language Learners), in addition to implementing overlying priority of service requirements for Veterans and eligible spouses as they relate to adult program priority.[48] NDOL will provide mandatory technical assistance to local area adult programs that fail to meet the 75 percent threshold described above.

(1) Order of priority

Individualized career services and training services for adult program participants must be provided in the following order:[49]

1. to Veterans and eligible spouses who are:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic-skills deficient;
2. to non-covered persons who are:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic-skills deficient
3. to Veterans and eligible spouses who are not:
    a. recipients of public assistance;
    b. low-income individuals; or
    c. basic-skills deficient
4. to priority populations established by the local board, consistent with Section II(b)(2);
5. to non-covered persons who are not:

[47] It is important to note that there are no restrictions to providing basic career services (as permitted under Section I(f) regarding statutory targeting programs); basic career services may be provided to any eligible adult [TEGL 19-16].
[48] TEGL 07-20
[49] WIOA Sec. 134(c)(3)(E); 20 CFR §§ 680.600 and 680.650; TEGLs 10-09, 19-16, and 07-20; VPL 07-09

a. recipients of public assistance;

b. low-income individuals; or

c. basic-skills deficient.

(2) Excluded income and benefits when determining low-income individual status for Veterans and eligible spouses

As indicated in 20 CFR § 683.230, when past income is an eligibility determinant for Federal employment or training programs (i.e., 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 in making an eligibility determination. This applies when determining an individual's status as a low-income individual for eligibility purposes. This also applies when income is used as a factor when a local area provides priority of service for low-income individuals using adult program funds.[50] Veterans and eligible spouses must still meet adult program eligibility criteria to receive priority services under the program. Specifically, when determining low-income individual status for Veterans and eligible spouses, the following income and benefits must be disregarded:[51]

- any amounts received as military pay or allowances by any person while serving on active duty;
- any amounts received by separating military service members;
- any amounts received by a Veteran under the following chapters of Title 38 of the US Code:
    - Chapter 11, Compensation for Service-Connected Disability or Death;
    - Chapter 13, Dependency and Indemnity Compensation for Service-Connected Deaths;
    - Chapter 30, All-Volunteer Force Education Assistance Program;
    - Chapter 31, Training and Rehabilitation for Veterans with Service-Connected Disabilities;
    - Chapter 32, Post-Vietnam Era Veterans' Educational Assistance; and
    - Chapter 36, Administration of Educational Benefits;
- any amounts received by Veterans or eligible spouses under Title 10 of the US Code, Chapter 106, Educational Assistance for Members of the Selected Reserve.

[50] 20 CFR §§ 680.600 and 680.650
[51] 38 USC § 4213; TEGL 19-16

(3) Local priority populations[52]

A local board may establish policies and processes that give priority to other individuals eligible to receive the services described at the beginning of Section II(a) (i.e., individualized career services and training services), provided that the policies and processes are consistent with priority of service for Veterans and eligible spouses as required under 20 CFR § 680.650 and the priority provisions of WIOA Sec. 134(c)(3)(E); 20 CFR § 680.600 and 20 CFR § 683.230; and Section I of this policy. It is important to note that priority of service for locally established priority populations does not override statutory priorities for adult, Veteran, and eligible spouse priority populations.

(c) Dislocated worker priority of service requirements

Dislocated worker programs must prioritize delivery of basic and individualized career services and training services to Veterans and military spouses. Priority of service for dislocated worker program participants must be provided as follows.[53]

- First, individuals must meet eligibility criteria described in the State's program eligibility policy for the dislocated worker program.[54]

- Second, if individuals meet dislocated worker eligibility criteria defined in the State's program eligibility policy and they are Veterans or military spouses, the individuals must be given priority over dislocated workers who are not Veterans or military spouses.

(1) Policy clarification on separating military service members[55]

A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. 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, falls within the scope of the termination component of the definition of dislocated worker. The separating military service member must also satisfy other criteria for dislocated worker program eligibility, including the requirement that the individual is "unlikely to return to a previous industry or occupation". Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating military service members who upon discharge meet the eligibility criteria for dislocated worker programs are afforded priority over individuals who are not Veterans.

(2) Policy clarification on military spouses

(i) Cessation of employment[56]

When a military spouse is unable to continue an employment relationship because of the military service member's permanent change of military station or the military spouse loses employment as a result of the military service member's discharge from the military, then the cessation of

[52] TEGL 19-16
[53] TEGL 22-04
[54] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[55] TEGL 22-04
[56] TEGLs 22-04 and 22-04 Change 1

employment meets the termination component of the definition of dislocated worker. The military spouse's cessation of employment due to the military service member's permanent change of military station or their discharge from the military can also be considered to meet the "unlikely to return to a previous industry or occupation" criterion of the definition of dislocated worker. This criterion of the definition of dislocated worker recognizes the breadth of job types and considers whether the individual is likely to return to either their prior industry or (not "and") occupation. Furthermore, the phrase specifically uses the term "unlikely" to return; thus, the standard for determining the likelihood of return is not absolute; instead, it is a matter of judgment based on relevant circumstances. In the majority of cases, the circumstances in which military spouses are required to leave a job/occupation as a result of the military service member's transfer do not position the spouse to return immediately to their previous industry or occupation, particularly at the same level for one or more of following reasons.

- Spouses are generally not resuming employment with the same employer.
- Even if a military spouse resumes employment with the same employer, the employment is in a new location, and jobs/occupations will generally not be the same structurally or organizationally in the new location as in the prior location.
- When military spouses do get jobs in their new locations, it is likely, as new employees, that they will start at lower levels of seniority than the levels of their positions in their prior locations.
- There is frequently a gap in employment as military spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of job type or occupation.
- The skills of the military spouse may be obsolete or inadequate compared to the advancing competency needs of the current workforce and economy.
- The industry in which the military spouse has prior work experience may be in decline in the region to which the military spouse has relocated.
- There may be an excess in the number of workers with similar skill sets and experience to that of the military spouse who are also seeking limited employment opportunities in the region to which the military spouse has relocated.

Based upon the totality of these circumstances, it would be reasonable to conclude that in the vast majority of cases, military spouses impacted by a military service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion and could thus be served as dislocated workers. Military spouses who meet eligibility criteria for dislocated workers must be afforded priority over non-covered persons.

(ii) Displaced homemakers[57]

A military spouse may qualify to be served as a dislocated worker if they meet the definitional requirements for a displaced homemaker. Surviving spouses of Veterans and military service

[57] TEGL 22-04. The State's policy on program eligibility includes information on displaced homemakers and the dislocated worker program and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

members may be served with dislocated worker funds. If a surviving spouse of a Veteran or military service member qualifies generally as a dislocated worker or specifically as a displaced homemaker, they can be served under the dislocated worker program. If the surviving spouse does not meet those requirements, they can be served under the adult program. Under either program, a surviving spouse of a Veteran must receive priority of service over non-covered persons if they qualify for priority as an eligible spouse.

(d) Youth priority of service requirements

As stated in the State's Title I program eligibility policy, all youth program participants must meet certain program eligibility requirements. One eligibility criterion that applies equally to in-school youth (ISY) and out-of-school youth (OSY) is that youth be low-income individuals.[58] There is, however, an exception to this rule. Up to five percent of all youth program participants (ISY and OSY combined), who ordinarily would be required to be low-income for eligibility purposes, are not required to meet the low-income requirement for eligibility, provided they meet all other eligibility requirements,[59] subject to the additional assistance limitation for ISY.[60]

In addition, for ISY only, not more than five percent of individuals may be eligible as ISY based solely on a need for additional assistance to complete an educational program or to secure or hold employment.[61]

Section III. Wagner-Peyser

(a) Section III definitions

Definitions for the italicized terms used in this section are provided below, along with other definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in Section I. Variations among definitions between Section I and this section are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations.

(1) Active duty

Active duty[62] means full-time duty in the active military service of the United States. 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.

[58] 20 CFR §§ 680.110(c), 681.210(a) – (b); and 681.220(a) – (c)
[59] 20 CFR § 681.250(c); TEGL 21-16. The 5% calculation must be based on the percent of newly enrolled youth in the local youth program during a given program year.
[60] The State's policy on program eligibility provides information on the ISY additional assistance limitation and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[61] 20 CFR § 681.310(b)
[62] 10 USC § 101(d)(1)

(2) Eligible spouse

Eligible spouse,[63] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;
- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - missing in action;
    - captured in line of duty by a hostile force; or
    - forcibly detained or interned in the line of duty by a foreign government or power;
- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA);
- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

Note.[64] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

(3) Non-covered person

Non-covered person[65] means any individual who does not meet the definition of Veteran or eligible spouse.

(4) Service-connected disability

Service-connected disability[66] means with respect to disability or death that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in active military, naval, air, or space service.

[63] 20 CFR § 1010.110
[64] TEGL 07-09
[65] 20 CFR § 1010.110
[66] 38 CFR § 3.1

(5) Veteran

Veteran[67] means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2).

(b) Wagner-Peyser priority of service requirements

Wagner-Peyser must prioritize delivery of career services to Veterans and eligible spouses over non-covered persons.[68]

Section IV. JVSG

(a) Section IV definitions

Definitions for the italicized terms used in this section are provided below, along with other definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in Section I. Variations among definitions between Section I and this section are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations.

(1) Active duty

Active duty[69] means full-time duty in the active military service of the United States. The term 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.[70]

(2) Active military, naval, air, or space service

Active military, naval, air, or space service includes:[71]

- active duty;
- any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty;
- any period of inactive duty training during which the individual concerned was disabled or died:
    - from an injury incurred or aggravated in line of duty; or

[67] 20 CFR § 1010.110; 38 USC § 101(2)
[68] TEGL 10-09; VPL 07-09
[69] 10 USC § 101(d)(1)
[70] Ibid.
[71] 38 USC § 101(24); 38 CFR § 17.31

- from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training;

- full-time duty in the National Guard or a Reserve component.

Active military, naval, air, or space service does not include full-time duty for training purposes (i.e., that which often is referred to as “weekend” or “annual” training).[72]

(3) Covered person

Covered person[73] means an eligible Veteran or eligible spouse.

(4) Disabled Veteran

Disabled Veteran means:[74]

- a Veteran who is entitled to compensation or, who but for the receipt of military retired pay, would be entitled to compensation under laws administered by the Secretary of the military department concerned; or

- a person who was discharged or released from active duty because of a service-connected disability.

(6) Eligible spouse

Eligible spouse,[75] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;

- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

  - missing in action;

  - captured in line of duty by a hostile force; or

  - forcibly detained or interned in the line of duty by a foreign government or power;

- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA);

- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

[72] 20 CFR § 1010.110
[73] VPL 07-09
[74] 38 USC § 4211(3)
[75] 20 CFR § 1010.110

Note.[76] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

(7) Veteran

Veteran[77] means a person who served at least one day in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2). Active military, naval, air, or space service includes full-time duty in the National Guard or a Reserve component, other than full-time duty for training purposes. Active services does not include:[78]

- full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training); or
- full-time active duty performed by National Guard personnel who are mobilized by state rather than Federal authorities.

(8) Homeless

For purposes of JVSG, an individual is homeless when they meet one or more of the criteria described in Table 2.[79]

[76] TEGL 07-09
[77] 20 CFR § 1010.110; 38 USC § 101(2)
[78] VPL 07-09
[79] 42 USC 11302(a); VPL 03-14 Change 2

Table 2. Criteria for determining an individual is homeless

Homeless criteria
1. an individual or family who lacks a fixed, regular, and adequate nighttime residence;
2. an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
3. an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing;
4. an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where they temporarily resided;
5. an individual or family who: a. will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by: i. a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days; ii. the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or iii. credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause; and b. has no subsequent residence identified; and c. lacks the resources or support networks needed to obtain other permanent housing;
6. unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who: a. have experienced a long-term period without living independently in permanent housing; b. have experienced persistent instability as measured by frequent moves over such period; and c. can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.
7. Any individual or family who: a. is experiencing trauma or a lack of safety related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized; b. has no other safe residence; and c. lacks the resources to obtain other safe permanent housing.

(9) Low-income individual

A low-income individual is one who meets one or more of the criteria described in Table 3.[80]

Table 3. Criteria for determining an individual is low-income

Low-income criteria
1. The individual currently receives or is a member of a family currently receiving assistance through: a. Supplemental Nutrition Assistance Program; b. Temporary Assistance for Needy Families Program; c. Supplemental Security Income through the Social Security Administration; or d. state or local income-based public assistance.
2. In the past 6 months, the individual has received or is a member of a family that has received assistance through: a. Supplemental Nutrition Assistance Program; b. Temporary Assistance for Needy Families Program; c. Supplemental Security Income through the Social Security Administration; or d. state or local income-based public assistance.
3. The individual is in a family whose total family income does not exceed the higher of:[81] a. the current Federally established poverty line; or b. 70 percent of the Federally established lower living standard income level (LLSIL).
4. The individual is a homeless individual who: [82] a. lacks a fixed, regular, and adequate nighttime residence; and is i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; ii. living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; iii. living in an emergency or transitional shelter; or iv. awaiting foster care placement; b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; c. is a migratory youth who is living in circumstances described in Sections 4.a. and 4.b. of this table; d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or e. is a runaway.
5. The individual receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act, unless the individual is a recipient of a secondary school diploma or its recognized equivalent.
6. The individual is a foster child on behalf of whom state or local government payments are made.
7. The individual is a person with a disability whose income meets the income requirement of Sections 3.a. or 3.b. of this table.

[80] WIOA Sec. 3(36)

[81] The term ‘‘lower living standard income level’’ (LLSIL) means the income level determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. Refer to NDOL’s current notice on income guidelines for information on the current LLSIL.

[82] 42 USC §§ 14043e-2(6) and 11434a(2)

(10) Offender

Offender[83] means an adult or juvenile who:

- is or has been subject to any stage of the criminal justice process, and for whom services may be beneficial; or
- requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

(11) Service-connected disability

Service-connected disability[84] means with respect to disability or death that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in active military, naval, air, or space service.

(12) Significant barrier to employment

An eligible Veteran or eligible spouse is determined to have a significant barrier to employment (SBE) if they attest to having one or more of the following characteristics:[85]

- a special disabled Veteran or disabled Veteran;
- homeless;
- a recently separated service member who at any point in the previous 12 months has been unemployed for 27 or more weeks in the previous 12 months;
- an offender who is currently incarcerated or who has been released from incarceration within the last 12 months;
- lacking a high school diploma or its equivalent; or
- low-income (a low-income individual).

(13) Special disabled Veteran

Special disabled Veteran means[86] a Veteran who is entitled to compensation or, who but for the receipt of military retired pay, would be entitled to compensation under laws administered by the Secretary of the military department concerned for a disability rated at:

- 30 percent or more;
- 10 or 20 percent in the case of a Veteran who has been determined under 38 USC § 3106 to have a serious employment handicap; or

[83] WIOA Sec. 3(38)
[84] 38 CFR § 3.1
[85] TEGL 19-13; VPLs 03-14, 03-14 Change 1, and 03-14 Change 2
[86] 38 USC § 4211(1)

- a person who was discharged or released from active duty because of service-connected disability.

(b) JVSG priority of service requirements

As described under VPL 07-09 and TEGL 10-09, priority of service must be provided to covered persons. That means Veterans and eligible spouses (included in the definition of covered persons) are eligible for priority of service under JVSG, as described below.

- Disabled Veterans Outreach Program (DVOP) Specialists must provide career services to eligible Veterans and eligible spouses. DVOP Specialists must prioritize service delivery to:[87]
    - special disabled Veterans;
    - other disabled Veterans; and
    - other eligible Veterans, in accordance with priorities determined by the Secretary, taking into account applicable rates of unemployment and the employment emphases set for in 38 USC Chapter 42.

  Note that in the provision of services, maximum emphasis in meeting the employment needs of Veterans must be placed on assisting economically or educationally disadvantaged Veterans.

- Further, DVOP Specialists must limit their service-delivery activities to providing services to eligible Veterans and eligible spouses who meet the definition of an individual with an SBE.[88]

[87] VPL 07-10
[88] VPLs 03-14, 03-14 Change 1, and 03-14 Change 2

(1) Excluded income and benefits when determining low-income individual status for Veterans and eligible spouses

As indicated in 20 CFR § 683.230, when past income is an eligibility determinant for Federal employment or training programs (i.e., 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 the Veteran and eligible spouses for whom those amounts would normally be applied in making an eligibility determination. This applies when determining an individual's status as a low-income individual for eligibility purposes. This also applies when income is used as a factor when a local area provides priority of service for low-income individuals using adult program funds[89]. Veterans and eligible spouses must still meet the adult program eligibility criteria to receive priority services under the program. Specifically, when determining low-income individual status for Veterans and eligible spouses, the following income and benefits must be disregarded:[90]

- any amounts received as military pay or allowances by any person while serving on active duty;
- any amounts received by transitioning service members (i.e., service members leaving active duty);
- any amounts received by a Veteran under the following chapters of Title 38 of the US Code:
    - Chapter 11, Compensation for Service-Connected Disability or Death;
    - Chapter 13, Dependency and Indemnity Compensation for Service-Connected Deaths;
    - Chapter 30, All-Volunteer Force Education Assistance Program;
    - Chapter 31, Training and Rehabilitation for Veterans with Service-Connected Disabilities;
    - Chapter 32, Post-Vietnam Era Veterans' Educational Assistance; and
    - Chapter 36, Administration of Educational Benefits;
- any amounts received by a Veteran or eligible spouse under Title 10 of the US Code, Chapter 106, Educational Assistance for Members of the Selected Reserve.

[89] 20 CFR §§ 680.600 and 680.650.
[90] 38 USC § 4213; TEGL 19-16

Section V. NDWG

(a) Section I definitions

Definitions for the italicized terms used in this section are provided below, along with other definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in Section I. Variations among definitions for this section are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations. Also, there may be additional or differing definitions, discretionary or statutory priorities, or preferences depending on the conditions of the grant award.

(1) Covered person

Covered person[91] means a Veteran or eligible spouse.

(2) Eligible spouse

Eligible spouse,[92] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;
- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - missing in action;
    - captured in line of duty by a hostile force; or
    - forcibly detained or interned in the line of duty by a foreign government or power;
- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA);
- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

Note.[93] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

[91] 20 CFR § 1010.110
[92] Ibid.
[93] TEGL 07-09

(3) Veteran

Veteran[94] means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2).

(b) NDWG priority of service requirements

Like Title IB dislocated worker programs, the priority of service mandate described in Section I applies to NDWGs, which are considered qualified job training programs, as prescribed in Section I(c) and Section I(f). For that reason, priority of service must be implemented for covered persons, both Veterans and eligible spouses, who meet the eligibility requirements described in WIOA Sec. 170 (b)(1)(A) and the conditions of the grant award for each funded NDWG, which would be detailed in the project manual for the applicable NDWG.

Section VI. SCSEP

(a) Section VI definitions

Definitions for the italicized terms used in this section are provided below, along with other definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in Section I. Variations among definitions for this section are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations. Also, there may be additional or differing definitions, discretionary or statutory priorities, or preferences depending on the conditions of the grant award.

(1) Eligible spouse

Eligible spouse,[95] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;
- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - missing in action;
    - captured in line of duty by a hostile force; or
    - forcibly detained or interned in the line of duty by a foreign government or power;
- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA);

[94] 20 CFR § 1010.110; 38 USC § 101(2)
[95] 20 CFR § 1010.110

- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

Note.[96] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

(2) Homeless

An individual is homeless when they meet one or more of the criteria described in Table 4.[97]

Table 4. Criteria for determining an individual is homeless[98]

Homeless criteria
1. an individual or family who lacks a fixed, regular, and adequate nighttime residence;
2. an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
3. an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
4. an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where they temporarily resided;
5. an individual or family who: a. will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by: i. a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days; ii. the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or iii. credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause; and b. has no subsequent residence identified; and c. lacks the resources or support networks needed to obtain other permanent housing;
6. unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who: a. have experienced a long-term period without living independently in permanent housing; b. have experienced persistent instability as measured by frequent moves over such period; and
c. can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

[96] TEGL 07-09
[97] 42 USC 11302(a)
[98] WIOA Sec. 3(36)

(3) Veteran

Veteran[99] means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2).

(b) SCSEP priority of service requirements

When selecting eligible individuals for participation in SCSEP, SCSEP staff must give priority to individuals with one or more of the following characteristics:[100]

- are 65 years of age or older;
- have a disability;
- have limited English proficiency;
- have low literacy skills;
- reside in a rural area;
- are Veterans or eligible spouses for purposes of 38 USC § 4215(a);
- have low employment prospects;
- have failed to find employment after using services provided under the Workforce Innovation and Opportunity Act (WIOA) of 2014;
- are homeless or at risk for homelessness; or
- are formerly incarcerated or on supervision from release from prison or jail within five years of the date of initial eligibility determination.

Among the priority groups listed above, SCSEP staff must apply priority of service in the following order:[101]

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

[99] 20 CFR § 1010.110; 38 USC § 101(2)
[100] TEGL 17-20
[101] 20 CFR § 641.520

Section VII. TAA

(a) Section VII definitions

Definitions for the italicized terms used in this section are provided below, along with other definitions for terms used within the definitions. Please note that the definitions in this section may not fully align with similar definitions provided in Section I. Variations among definitions for this section are based on program-specific discretionary or statutory priorities or preferences pursuant to Federal statutes or regulations. Also, there may be additional or differing definitions, discretionary or statutory priorities, or preferences depending on the conditions of the grant award.

(1) Eligible spouse

Eligible spouse,[102] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;
- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
    - missing in action;
    - captured in line of duty by a hostile force; or
    - forcibly detained or interned in the line of duty by a foreign government or power;
- any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the US Department of Veterans Affairs (USDVA);
- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as evaluated by USDVA.

Note.[103] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

(2) Veteran

Veteran[104] means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2).

[102] 20 CFR § 1010.110
[103] TEGL 07-09
[104] 20 CFR § 1010.110; 38 USC § 101(2)

(b) TAA priority of service requirements

The State must give priority for approval and funding of TAA Program benefits (including training, where the approval of training criteria are met) to a trade-affected worker meeting the definition Veteran or eligible spouse, as 38 USC § 4215(a).[105]

Section VIII. Priority-of-service oversight and monitoring requirements

(a) Adult and dislocated worker programs

(1) Oversight

Each local board must:

- ensure its adult and dislocated worker programs and local area administrative entity staff comply with the requirements of this section, as well as Section I and Section II;
- ensure its local plan addresses the requirements of this policy, including the requirements of Section II(b)(2);
- ensure appropriate implementation of local priority-of-service policies and procedures at all one-stop centers in its respective local area;
- make all local area priority-of-service policies and procedures readily available to and easily accessible by the general public and adult and dislocated worker program participants, including those who are covered entrants, Veterans, and eligible spouses, by:
    - publishing them on local area websites in machine-readable format; and
    - making printed versions available at all one-stop centers in its respective local area;
- ensure that signage is prominently displayed in each one-stop center announcing the availability of priority of service for covered persons (Veterans and eligible spouses) through its adult and dislocated worker programs.

(2) Monitoring

Each local board must establish policies and procedures that address oversight and monitoring of priority of service for covered entrants and covered persons receiving services through its adult and dislocated worker programs. The local board's policies and procedures must, at a minimum, comply with the requirements of this policy and clearly define actions that must be taken by local area administrative entity staff when:

- performing quarterly monitoring of implementation of the requirements of this policy and the local board's priority-of-service policies and procedures by local area adult and

[105] 20 CFR § 618.848

dislocated worker program staff, in accordance with Federal laws and regulations and State policies, which must include review of randomly sampled[106] participant records in NEworks and source documentation in NEworks or ECM, as applicable;

- submitting accurate quarterly priority-of-service monitoring reports to the local board, subject to limitations necessary to protect PII; and

- developing and implementing corrective action as required to ensure priority of service for covered entrants and covered persons (Veterans and eligible spouses) under adult and dislocated worker programs.

(b) NDOL-administered programs

(1) Oversight

NDOL Administrators must:

- ensure its adult and dislocated worker programs and local area administrative entity staff comply with the requirements of this section, as well as Section I and the program-specific section applicable to their respective programs;

- ensure the implementation of priority-of-service procedures at all one-stop centers in the local areas in which their respective programs operate;

- make all procedures readily available to and easily accessible by the general public and program participants, including those who are Veterans and eligible spouses, by:

    - publishing them on local area websites in machine-readable format; and

    - making printed versions available at all one-stop centers in its respective local area;

- ensure that signage is prominently displayed in each one-stop center announcing the availability of priority of service for covered persons (Veterans and eligible spouses) under their respective programs.

(2) Monitoring

NDOL Administrators must establish procedures that address oversight monitoring of priority of service for their respective programs. The procedures must, at a minimum, comply with the requirements of this policy and clearly define actions that must be taken by administrative staff when:

- performing quarterly monitoring and oversight of the implementation of the procedures by program staff in accordance with Federal laws and regulations and State policies, which

[106] To obtain sets of randomly sampled case files, contact the NEworks Help Desk at ndol.neworkshelp@nebraska.gov. Criteria for record sampling is included in the State's policy on records management and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies).

must include review of randomly sampled[107] participant records in NEworks and source documentation in NEworks or ECM, as applicable;

- submitting accurate quarterly priority-of-service monitoring reports to the Reemployment Services Director, subject to limitations necessary to protect PII; and

- developing and implementing corrective action as required to ensure priority of service for covered entrants and covered persons (Veterans and eligible spouses) under respective 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.

[107] To obtain sets of randomly sampled case files, contact the NEworks Help Desk at ndol.neworkshelp@nebraska.gov. Criteria for record sampling is included in the State's policy on records management and is included the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies).

Work Search Requirements

Five of the following reemployment activities must be completed per benefit week in order to remain eligible for Unemployment Benefits. **At least two of the five reemployment activities must be applications for suitable work** as defined by Neb. Rev. Stat. § 48-628.15(5).

1. Attending a Nebraska Reemployment Services Session with the Nebraska Department of Labor.
2. Conducting work searches using internet job banks as well as professional/trade publications (provide the site searched and the date the web site was accessed).
3. Applying to a job posting through the Nebraska Department of Labor's web application for reemployment services (NEworks.nebraska.gov).
4. Applying to a job posting through an Internet job bank or directly through an employer's website (provide proof of the date of application and job applied for).
5. Attending a resume writing class for the purpose of preparing or revising a resume for submission to a job posting.
6. Attending job seeking skills classes, workshops, or job clubs.
7. Meeting with a career counselor
8. Attending a sponsored networking event in your occupational field or industry.
9. Attending a job fair.
10. Joining a professional organization in your field or industry.
11. Taking a civil service exam.
12. Taking a pre-employment exam, at the request of a employer.
13. Taking skills and interests tests sponsored by the Department of Labor, a community college or accredited college or university to identify a new occupational field or industry.
14. Visiting an employer's place of business to fill out a job application.
15. Calling employers to arrange for job interviews.

NEworks

NEworks.nebraska.gov

- Post your **Resume** and **Search for jobs**
- File a claim for **Unemployment Benefits**
- Find **Labor Market Information**
- Access **Training Services**

On the NEworks homepage, click Unemployment, then Get Information to access:

- **Description of Benefit Programs**
- **Step-by-Step Claim Instructions**
- **Reemployment Resources**
- **Frequently Asked Questions**
- **Information about Special Programs**

For job search assistance, contact your local job center. Go to dol.nebraska.gov/ContactUs and click Our Job Centers

CLAIM CENTER 402-458-2500

Equal Opportunity Program/Employer TDD: 800-833-7352

Auxiliary aids and services are available upon request to individuals with disabilities.



Unemployment Insurance **Claim Basics**

NEBRASKA

Good Life. Great Connections.

DEPARTMENT OF LABOR

A proud partner of the americanjobcenter® network

Before Filing Your Claim

Gather the following information:

- Contact Information: complete home mailing address, including ZIP code, county you live in, telephone number, email address
- Social Security Number
- Driver's license number or State ID card number
- If you select direct deposit, your bank routing number and account number
- Employment history and related information.
- If self-employed, your most recent tax returns
- If a non-citizen: Documentation issued by US Citizenship and Immigration Services

To protect your privacy and ensure the accuracy of information provided to Nebraska Department of Labor, you should never have someone file a claim on your behalf.

When to File

File an initial claim the same week you are unemployed, furloughed, or working reduced hours.

Your unemployment insurance claim **DOES NOT** begin on the date your job ended or your hours were reduced. Your claim is effective the week you apply.

How to File

- File online at **NEworks.nebraska.gov**.
- Register as an Individual to set up your account.
- Create an online resume or upload your existing resume. Unless you will be returning to work for your employer within 16 weeks of your last day worked, create an online resume or upload your existing resume. **Make sure your resume is searchable and set to "online" to meet the eligibility requirement.**
- Create a user ID and password.
- Enter your work history for the last 18 months.
- Review the requirements.

Claim Processing

Processing Time

It takes around 21 days from the filing date to process a new Unemployment Insurance claim. Federal and State law require that a request for separation information be sent to each employer to verify work history, wages and details regarding the separation.

Benefit Eligibility Information

You may also be asked to provide information to evaluate benefit eligibility. It is important that you respond on time when you're instructed to do so

Waiting Week

The first eligible week is called your "waiting week." To get credit for the waiting week, you must file a weekly claim and meet all eligibility requirements for that week. The waiting week is never paid. However, you must serve a waiting week to be eligible for payments for later weeks. Neb. Rev. Stat. § 48-627 (4)

Appeals

NDOL issues determinations in writing each time a decision is made about your claim. If you disagree with a determination, file an appeal using the instructions on the determination.

Read all communication about your claim. Check your email, the NEworks Message Center, phone messages, and the mail for any claim-related updates. Make sure to keep your address current.

Requesting Weekly Payments

File for weekly benefits at neworks.nebraska.gov while your claim is processing. You have from Sunday to Saturday to file your claim for the previous week. If you don't file your claim on time, your benefit payments may be affected.

Report your gross earnings each week. Gross wages include, but are not limited to: your hourly rate of pay multiplied by the total hours worked, tips, commission, and wages from self-employment. **Report wages when they are earned. Do not wait until you are paid.** Misreporting wages is fraud and could result in penalties and criminal charges.

Complete and log all required work search contacts. Enter as much information as possible in your work search log in case of an audit.



Revised: 10/28/22

Requerimientos de Búsqueda de Empleo

Cinco de las siguientes actividades de reempleo deben ser completadas por semana de beneficios para seguir siendo elegible para beneficios por desempleo. Al menos dos de las cinco actividades de reempleo deben ser solicitudes de trabajo adecuado según lo definido por Neb. Rev. Stat. § 48-628.15 (5)..

1. Asistir a una sesión de Servicios de Reempleo de Nebraska con el Departamento de Labor de Nebraska.
2. Realizar búsquedas de trabajo utilizando bancos de trabajo en Internet, así como publicaciones profesionales /comerciales (debe proporcionar la URL del sitio buscado y la fecha en que se accedió al sitio web).
3. Solicitar un puesto de trabajo a través NEworks. nebraska.gov
4. Solicitar a un puesto de trabajo a través de un banco de empleos de Internet o directamente a través del sitio web de un empleador (debe proporcionar la fecha de la solicitud y el trabajo solicitado).
5. Asistir a una clase de redacción de currículos con el propósito de preparar o revisar un currículo para enviarlo a un puesto de trabajo.
6. Asistir a clases de habilidades para buscar trabajo, talleres o clubes de empleo.
7. Reunión con un consejero de carreras.
8. Asistir a un evento de networking patrocinado en su campo ocupacional o industria.
9. Asistir a una feria de trabajo.
10. Unirse a una organización profesional en su campo de ocupación o industria.
11. Tomar un examen de servicio civil.
12. Tomar un examen previo al empleo, a solicitud de un empleador.
13. Tomar exámenes de habilidades e intereses patrocinados por el Departamento de Labor, un colegio comunitario o colegio acreditado o universidad para identificar un nuevo campo ocupacional o industria.
14. Visitar el lugar de trabajo de un empleador para completar una solicitud de empleo.
15. Llamar a los empleadores para fijar entrevistas de trabajo.

NEworks

NEworks.nebraska.gov

- Publique su **currículo y busque empleos**
- Presente un reclamo de **beneficios por desempleo**
- Encuentre información sobre el **mercado laboral**
- Acceda a los **servicios de capacitación**

En la página de inicio de NEworks, haga clic en Desempleo, luego en Obtener Información para acceder a:

- **Descripción del Programa de Beneficios**
- **Instrucciones paso a paso para presentar un reclamo**
- **Recursos de reempleo**
- **Preguntas frecuentes**
- **Información sobre programas especiales**

Para asistencia en la búsqueda de empleo, comuníquese con su centro de trabajo local del Departamento de Labor. Visite dol.nebraska.gov/ContactUs

CENTRO DE RECLAMOS 402-458-2500

Empleador/Programa que Ofrece Igualdad de Oportunidades
TDD: 800-833-7352

Hay dispositivos y servicios auxiliares disponibles para individuos con necesidades especiales, si se solicitan con anticipación.



Puntos Básicos de los Reclamos del Seguro por Desempleo

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DEPARTMENT OF LABOR

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Antes de presentar su reclamo

Reúna la siguiente información:

- Información de contacto: dirección postal completa, incluyendo código postal, condado en el que vive, número de teléfono, dirección de correo electrónico
- Número de seguro social
- Número de licencia de conducir o número de
- tarjeta de identificación estatal
- Si selecciona depósito directo, su número de ruta bancaria y número de cuenta
- Historial de empleo e información al respecto
- Si trabaja por cuenta propia, su declaración de impuestos más reciente.
- Si no es ciudadano: documentación emitida por los Servicios de Ciudadanía e Inmigración de los Estados Unidos

Para proteger su privacidad y garantizar la exactitud de la información proporcionada al Departamento de Labor de Nebraska, nunca debe hacer que alguien más presente un reclamo en su nombre.

Cuándo Presentar un Reclamo

Presente un reclamo inicial la misma semana en que queda desempleado o trabaja horas reducidas.

Su reclamo de seguro por desempleo **NO** comienza en la fecha en que finalizó su trabajo o se redujeron sus horas. Su reclamo es efectivo la semana que presenta la solicitud

Cómo Presentar un Reclamo

- Presente el reclamo por internet en **NEworks.nebraska.gov**
- Regístrese como individuo para configurar su cuenta
- A menos que vaya a volver a su empleo dentro de 16 semanas desde su ultimo día de empleo, cree un currículo en línea o cargue su currículo existente
- Cree un nombre de usuario y contraseña
- Ingrese su historial de trabajo de los últimos 18 meses
- Revise los requisitos

Procesamiento de reclamos

Tiempo de Procesamiento

Toma alrededor de 21 días desde la fecha de presentación del reclamo para procesar un nuevo reclamo de seguro por desempleo. Las leyes federales y estatales requieren que se envíe una solicitud de información de cese laboral a cada empleador para verificar el historial de trabajo, los ingresos y los detalles relacionados con la separación del empleo.

Información para la Elegibilidad

También se le puede solicitar que brinde información para evaluar su elegibilidad para recibir los beneficios. Es importante que responda a tiempo cuando se le indique que lo haga.

Semana de Espera

La primera semana elegible se denomina su “semana de espera”. Para obtener crédito por la semana de espera, debe presentar un reclamo semanal y cumplir con todos los requisitos de elegibilidad para esa semana. La semana de espera nunca se paga. Sin embargo, usted debe cumplir una semana de espera para ser elegible para recibir pagos en semanas posteriores. Neb. Rev. Stat. § 48-627 (4)

Apelaciones

El Departamento de Labor de Nebraska emite determinaciones por escrito cada vez que se toma una decisión acerca de su reclamo. Si no está de acuerdo con la determinación, presente un reclamo utilizando las instrucciones en la determinación.

Lea toda la correspondencia sobre su reclamo.
Revise su correo electrónico, el centro de mensajes de NEworks, mensajes telefónicos y el correo postal para obtener cualquier actualización con respecto a su reclamo. Asegúrese de mantener su dirección actualizada.

Para Solicitar pagos Semanales

Presente su reclamo por beneficios semanales en NEworks.nebraska.gov mientras su reclamo está siendo procesado. Tiene de domingo a sábado para presentar su reclamo por la semana anterior. Si no presenta su reclamo a tiempo, sus pagos de beneficios podrían verse afectados.

Reporte sus ingresos brutos cada semana. Los ingresos brutos incluyen, pero no se limitan a, su salario por hora multiplicado por el número total de horas trabajadas, propinas, comisiones y otros ingresos por trabajo por cuenta propia. **Reporte las ganancias cuando ocurran. No espere hasta que le paguen.** Reportar erróneamente los salarios es fraude y podría dar lugar a sanciones y cargos penales.

Complete y registre todos los contactos de búsqueda de empleo requeridos. Ingrese la mayor cantidad deinformación posible en su registro de búsqueda de trabajo en caso de una auditoría.



Revisado: 4/7/2022

Para servirle. Sin importar la temporada.

Visite su centro de trabajo local (Job Center) para averiguar cómo podemos ayudarle.

Servicios en persona y virtuales para personas que buscan empleo:

- Registro en **NEworks.nebraska.gov**
- Desarrollo de currículo
- Asistencia para solicitud de empleo
- Accesibilidad a servicios de impresión, fax y teléfono
- Información sobre disponibilidad de empleos
- Eventos de contratación
- Asistencia con reclamos de seguro por desempleo
- Asistencia con la computadora
- Creación de correo electrónico
- Derivaciones a recursos asociados
- Pasantías
- Aprendizaje basado en el trabajo
- Recursos de capacitación
- Resolución de reclamos
- Derivaciones a recursos asociados

Beatrice **
American Job Center
2317 N. 6th, Ste. 3
(402) 223-6060
ndol.beatricewfd@nebraska.gov

Columbus **
3100 23rd St., Ste. 22
(402) 564-7160
ndol.columbuswfd@nebraska.gov

Fremont
827 North D Street
(402) 934-2392

Grand Island **
American Job Center
203 East Stolley Park Rd, Ste. A
(308) 385-6300
ndol.grandislandwfd@nebraska.gov

Hastings**
2727 W. 2nd St., Ste. 338
(402) 462-1867
ndol.hastingswfd@nebraska.gov

Kearney
315 60th Street, Suite 225
(402) 326-4885

Lexington
1501 Plum Creek Parkway, Ste. 3
(308) 324-2064
ndol.lexingtonwfd@nebraska.gov

Lincoln
American Job Center
1111 O Street, Ste. 205
(402) 441-1640
AJC@lincoln.ne.gov

Lincoln **
1111 O Street, Ste. 222
(402) 471-2275
ndol.lincolnwfd@nebraska.gov

Nebraska City *
917 Wildwood Lane, Room 104
(402) 873-3384
ndol.nebraskacitywfd@nebraska.gov

Norfolk **
105 E. Norfolk Ave., Ste. 120
(402) 370-3430
ndol.norfolkwfd@nebraska.gov

North Platte **
600 E. Francis, Ste. 9
(308) 535-8320
ndol.northplattewfd@nebraska.gov

Omaha **
American Job Center
Heartland Workforce Solutions
5752 Ames Ave.
(402) 444-4700
admin@hws-ne.org
ndol.omahawfd@nebraska.gov

Scottsbluff **
505A Broadway, Ste. 300
(308) 632-1420
ndol.scottsbluffwfd@nebraska.gov

Sidney
371 S College Drive Room #148
(308) 254-4429
ndol.sidneywfd@nebraska.gov

*Horas de oficina limitadas. Llame con anticipación para verificar la disponibilidad. ** Hay representantes disponibles para veteranos

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red American Job Center

americanjobcenter®

Empleador/Programa de Igualdad de Oportunidades
TDD:800-833-7352
Servicios y aparatos auxiliares están disponibles bajo solicitud para individuos con discapacidades.

Revisión: 2/7/22



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Trabajadores Agrícolas Migrantes y Temporales

Departamento de Labor
dol.nebraska.gov

Departamento de Labor de Nebraska y la Red de Centros de Trabajos de los Estados Unidos

El Monitor Estatal Representante dentro del Departamento de Labor de Nebraska (NDOL) ayuda a los trabajadores agrícolas temporales migrantes a tratar temas relacionadas con la vivienda, el pago, el transporte y las condiciones de trabajo. El Monitor Representante ayuda a garantizar que los servicios brindados a los trabajadores agrícolas temporales migrantes sean los mismos servicios laborales que se brindan a otros trabajadores.

Monitor Estatal Representante
TELÉFONO 402-419-3187
ndol.msfw@nebraska.gov

La misión de NDOL es conectar a las personas con el éxito laboral. La agencia ofrece servicios de reempleo, asistencia en la búsqueda de empleo y derivaciones a varios programas de la fuerza laboral. Los beneficios del seguro por desempleo y la información del mercado laboral también están disponibles a través de NDOL.

Los Centros de Trabajo de los Estados Unidos y las oficinas de NDOL en todo el estado conectan a los solicitantes de empleo con puestos en las industrias con la mayor demanda de trabajadores y tratan las barreras para el empleo. Se ofrece una variedad de talleres, oportunidades de capacitación, eventos de contratación y entrenamiento.

Todos los centros de trabajo utilizan servicios de traducción que permiten que las personas con dominio limitado del inglés puedan acceder a toda la gama de servicios de empleo y capacitación disponibles.

¿Quiénes son los trabajadores agrícolas migrantes y por temporada?

TRABAJADORES AGRÍCOLAS POR TEMPORADA Una persona que durante los últimos 12 meses:

- Trabajó, o está trabajando, en labores agrícolas (según se define en 20 CFR 651) de carácter estacional o temporal, y
- No está obligado a ausentarse durante la noche de su lugar de residencia permanente
- Las personas no inmigrantes que sean estudiantes a tiempo completo no son incluidas.

TRABAJADORES AGRÍCOLAS MIGRANTES Un trabajador agrícola por temporada quien tiene que viajar para hacer el trabajo agrícola y no puede regresar a su domicilio permanente el mismo día.

Los Socios de NDOL Incluye a:

Legal Aid of Nebraska (Ayuda Legal de Nebraska)

Legal Aid of Nebraska es el único proveedor estatal de servicios legales civiles gratuitos en todos los 93 condados a través de siete oficinas: Omaha, Bancroft, Lincoln, Norfolk, Grand Island, North Platte y Scottsbluff. Las áreas prioritarias de Legal Aid incluyen Vivienda, Niños y Familias, Deudas y Finanzas e Ingresos y Beneficios.

Programa de Derechos para Trabajadores Agrícolas:

- El programa garantiza que a los trabajadores agrícolas se les pague lo que se les debe según lo establece la ley
- El equipo trata el acoso y la discriminación en el lugar de trabajo
- Los abogados viajan a las regiones para brindar información a los trabajadores migrantes y ayudarlos a entender que son parte de la comunidad

Departamento de Educación de Nebraska

El Programa de Educación para Migrantes del Título IC de Nebraska ayuda a los niños y jóvenes migrantes a alcanzar altos estándares académicos al superar los obstáculos creados por mudanzas frecuentes, interrupción de la escuela, diferencias culturales y de idioma y problemas relacionados con la salud. Esto se logra identificando a los niños elegibles y brindando instrucción académica para niños y jóvenes de 3 a 21 años, y servicios de apoyo desde el nacimiento hasta los 21 años.

Para aprender más, visite **education.ne.gov/migrant**

Proteus, Inc.

Proteus, Inc. es uno de los recipientes del Programa Nacional de Empleos para Trabajadores Agrícolas a través del Departamento de Trabajo de los Estados Unidos. La subvención brindada a través de este programa respalda la respuesta al desempleo estacional crónico y el sub empleo que sufren los trabajadores agrícolas, al ofrecerles asistencia educativa, programas de certificación de corto plazo, capacitación laboral y/o ubicaciones en carreras laborales. Proteus trabaja con los trabajadores agrícolas para ayudarles con sus necesidades de Carrera laboral y empleo, ya sea que ellos quieran continuar en la industria agrícola o buscar nuevas oportunidades en otras carreras. Proteus podría cubrir los costos relacionados a la matrícula, libros, o herramientas/equipamiento, y brindar un estipendio para asistir a clases para aquellos trabajadores agrícolas que estén interesados en una carrera y programas de capacitación.



Encuéntrelos. Deje que lo encuentren.

NEworks combina los empleos publicados por compañías de Nebraska con aquellos publicados por otras páginas de empleo en internet, dándole así acceso a más de 20,000 anuncios de empleo activos y fáciles de buscar.

Y no funciona solo de esa manera. Al publicar su currículo activamente en NEworks se pone frente a cientos de empleadores que están buscando a candidatos como usted.

¿Listo para encontrar empleo? Este poderoso recurso en línea puede ayudarlo a que eso ocurra.

NEworks.nebraska.gov



Nuestros centros de trabajo pueden ayudarlo a obtener el mayor beneficio de NEworks. Obtenga una lista de sucursales el dol.nebraska.gov/ContactUs

Servicios Disponibles

Programa de Reempleo

Planeamiento de Carrera Profesional

Conexión con Empleadores

Evaluación de Habilidades

Asistencia para Redactar un Currículo

Eventos de Contratación y Ferias Laborales

Preparación para Entrevistas

Asistencia para Beneficios por Desempleo

Población a la que se le Brinda Servicios

Personas que buscan empleo, desempleados y trabajadores no empleados totalmente

Veteranos

Jóvenes (16-24)

Personas que cometieron algún delito

NEBRASKA
DEPARTMENT OF LABOR

Un orgulloso socio de la red
americanjobcenter®



Sitúese frente al éxito.

NEworks

NEworks.nebraska.gov

La herramienta correcta para el trabajo correcto.

Vaya a NEworks.nebraska.gov para iniciar su búsqueda de empleo. Encontrará una gran variedad de servicios gratuitos

OPCIONES DE BÚSQUEDA

Utilice NEworks para buscar empleos por código postal, ciudad, condado, región de la fuerza laboral, área metropolitana, o a lo largo del estado. La opción de búsqueda rápida recuerda su área de búsqueda, así que las búsquedas posteriores son mucho más fáciles. También existe la Opción de Búsqueda Avanzada para buscar por palabras claves y búsquedas detalladas.

CREADOR DE CURRÍCULO

Cree un currículo profesional con esta herramienta en línea fácil de utilizar. ¿Ya tiene un currículo? Puede cargarlo a NEworks para que los empleadores lo vean.

TENDENCIAS DEL MERCADO LABORAL

Acceda a información y estadísticas sobre las tendencias del área del mercado laboral, industrias y ocupaciones. Vea oportunidades de empleo H3- para trabajos de altos ingresos, alta demanda y de alta especialidad – en su área o región. Además, puede investigar ocupaciones específicas y las habilidades requeridas para esos empleos. Es una gran manera de aprender acerca de posibles carreras laborales.

OPORTUNIDADES DE APRENDIZAJE

Encuentre programas de entrenamiento y educación, herramientas educativas en línea e información sobre información de proveedores de entrenamiento e información económica.

SERVICIOS PARA VETERANOS DE GUERRA

Revise los beneficios de educación, pensión, educación y rehabilitación vocacional disponibles para los veteranos.

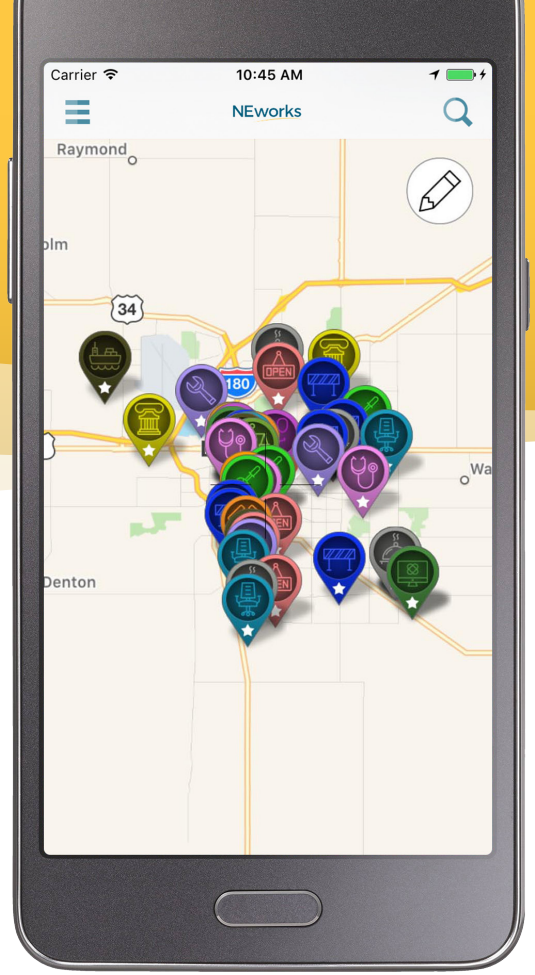
SERVICIOS DE DESEMPLEO

Presente un reclamo para recibir beneficios de desempleo y obtener información importante.

EXPLORADOR DE ELEGIBILIDAD

¿Listo para tomar el siguiente paso en su viaje laboral? Aprenda sobre programas que podrían ser una buena opción para usted con un simple cuestionario.

Empleador/Programa de Igualdad de Oportunidades
TDD/TTY:800-833-7352
Servicios y aparatos auxiliares están disponibles bajo solicitud para individuos con discapacidades.



Lleve a NEworks con usted.

Descubra los mejores trabajos en Nebraska en cualquier momento, desde cualquier lugar – gratuitamente. Utilice la aplicación móvil de NEworks para encontrar los trabajos más recientes publicados por los mejores empleadores en Nebraska.

Uno nunca sabe cuándo se presentará la oportunidad correcta. La aplicación móvil garantiza que no se la pierda.

State 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
May 3, 2023

Supersedes
Eligible Training Providers, Change 3
(effective April 6, 2023)

Eligible Training Providers, Change 4

REFERENCE

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

BACKGROUND

Nebraska's Eligible Training Provider List (ETPL) is a list of training providers that are qualified to receive WIOA Title IB funding for the provision of training services to eligible individuals through approved training programs, including Registered Apprenticeship programs.[1]

CHANGES

Under this Change 4, footnotes have been revised for clarity and links have been updated, where necessary.

[1] Nebraska's ETPL is accessible on NEworks at https://neworks.nebraska.gov. On the NEworks homepage under the Job Seekers column, click on Training Services then, on the next page, click on ETPL Approved Programs.

ACTION

This policy supersedes and cancels the State's policy titled Eligible Training Providers, Change 3 (effective April 6, 2023). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

- Training providers that are not sponsors of Registered Apprenticeship programs are subject to the requirements of Section I(a) through I(d), Section II, Section IV, Section V(b), and Section VI(b).

- Training providers that are sponsors of Registered Apprenticeship programs are subject to the requirements of Section I(a)(3), Section III, Section IV, and Section VI(b).

- Local boards must ensure that local area staff, including service provider staff, are knowledgeable of all requirements of this policy, including Section VII and Section VIII(b)(1).

POLICY

This policy establishes:

- eligibility criteria and processes for training providers and programs;

- eligibility criteria and processes for Registered Apprenticeship sponsors and programs;

- performance reporting requirements and minimum performance standards for continued eligibility for training providers and programs;

- record retention requirements;

- requirements pertaining to WIOA Title I program participants enrolled in eligible training programs; and

- roles and responsibilities for NDOL and local boards concerning the ETPL.

This policy has eight sections and one appendix.

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Section I. Eligibility criteria: Training providers and programs

Eligibility for inclusion on Nebraska's ETPL is determined based on characteristics of training providers and training provider programs, as described in Section I(a) through I(d).

(a) Training provider eligibility requirements

(1) Training providers that are not sponsors of Registered Apprenticeship programs

For training providers that are not sponsors of Registered Apprenticeship programs, all eligibility criteria listed below must be met for inclusion on the ETPL.[2]

1. The training provider must provide information about its organization and its primary representative.

2. At the time of application, the training provider must be authorized by appropriate accrediting or governing authorities to provide training services in Nebraska or to Nebraska residents.

    a. For "traditional" postsecondary schools (i.e., four-year universities and colleges and community colleges), the governing authority is the higher education authority that accredited the school.

    b. For private postsecondary career schools operating in or outside of Nebraska, the governing authority is the Nebraska Department of Education, in accordance with the Nebraska Private Postsecondary Career School Act.[3]

3. The training provider must have been in operation for at least 12 months as an authorized training provider, in accordance with requirements established by applicable accrediting or governing authorities.[4]

4. The training provider must be:

    a. an authorized postsecondary education institution; or

    b. another authorized public or private provider of training services, such as a:

        i. community-based organization;

        ii. joint labor-management organization; or

        iii. provider of Title II Adult Education and Family Literacy Act activities, provided the activities occur in combination with work-based training.

5. The training provider must provide information on its participation (or non-participation) in the Federal Pell Grant Program.

6. The training provider must not be debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.

7. The training provider must:

---

[2] WIOA Secs. 116(d)(4), 122(a)(2); 122(b), and 188; 20 CFR §§ 680.410(d), 680.460(f)(5), and 683.250(a)(4); 29 CFR §§ 38.1, 38.2(a)(1), and 38.4(zz); TEGLs 03-18 and 8-19; Neb. Rev. Stat. §§ 85-1601 – 85-1658

[3] Neb. Rev. Stat. §§ 85-1601 – 85-1658

[4] This is a State established requirement permitted under WIOA Sec. 122(b)(1)(J).

a. comply with the requirements of:

   i. WIOA Sec. 188 and 29 CFR Part 38, which prohibit discrimination on the basis of age, disability, sex, race, color, national origin, political affiliation or belief, or student status; discrimination against certain noncitizens; and assistance for facilities used for religious instruction or worship; and

   ii. the Americans with Disabilities Act, as amended;

b. provide physical and programmatic accessibility to its programs for individuals who are employed and individuals with barriers to employment, including individuals with disabilities;

c. report program performance as required under Section V(b); and

d. retain and provide access to training provider records as required under Section VI(b).

(2) Training providers that are non-sponsoring intermediaries of Registered Apprenticeship programs

When an entity acts as a non-sponsoring intermediary[5] of a Registered Apprenticeship program, the non-sponsoring intermediary is not automatically eligible for inclusion on Nebraska's ETPL and is subject to the eligibility requirements and processes, program performance reporting requirements, and record retention and access requirements described in Section I(a)(1) through I(d), Section II, Section V(b), and Section VI(b).

Note. Employers who sign participation agreements with non-sponsoring intermediaries pursuant to non-sponsoring intermediary standards approved by the US Department of Labor Nebraska Office of Apprenticeship are automatically eligible for inclusion on Nebraska's ETPL, because they become sponsors of the Registered Apprenticeship program upon execution of the participation agreements.

(3) Training providers that are sponsors of Registered Apprenticeship programs

Registered Apprenticeship sponsors and programs are automatically eligible for inclusion on Nebraska's ETPL and exempt from the eligibility requirements described in Section I(a)(1) through I(d) and processes described in Section II.[6] Requirements and processes for inclusion of Registered Apprenticeship sponsors and programs on Nebraska's ETPL are described in Section III.

[5] The term non-sponsoring intermediary refers to an entity that provides the related technical instruction component (i.e., occupational skills training) of a Registered Apprenticeship program but is not the registered sponsor of the program.
[6] TEGLs 08-19 and 08-19 Change 1

(b) Program eligibility requirements

(1) Programs provided by training providers that are not sponsors of Registered Apprenticeship programs, including non-sponsoring intermediaries

(A) Initial eligibility requirements

The requirements listed below for new programs must be met for initial eligibility.[7]

1. The program must provide one or more courses or classes through the program that lead to one or more of the following outcomes:
    a. industry-recognized certificate or certification;
    b. license recognized by the Federal government, State of Nebraska, or another state;
    c. postsecondary diploma;
    d. associate or baccalaureate degree;
    e. secondary-school diploma or GED earned in conjunction with occupational skills training;
    f. employment; or
    g. measurable skills gains toward employment.
2. The training provider must submit a complete program application[8] for the program through NEworks that includes:[9]
    a. a complete program description;
    b. information about the provider's business partnerships pertaining to the program;
    c. complete cost information for the program;
    d. identification of all locations where the program is offered;
    e. information concerning the program's alignment with in-demand occupations in Nebraska;[10] and
    f. other information required in the program application.

[7] 20 CFR §§ 680.450(e) and 680.490; TEGL 8-19
[8] Program applications are provided NEworks (https://neworks.nebraska.gov/) under training provider accounts. Video on how to add a new program can be requested by emailing the policy mailbox at ndol.wioa_policy@nebraska.gov.
[9] TEGL 08-19
[10] Data on in-demand occupations in Nebraska are provided by NDOL and is accessible at https://neworks.nebraska.gov/vosnet/gsipub/documentView.aspx?enc=oduMpwMRTIQnt7W7WO2/Ew==.

3. The training provider must provide program performance data, as required under Section V(b)(1).

Initial program eligibility is granted for only one year.[11]

(B) Continued eligibility requirements

The requirements listed below for a previously-approved program must be met for continued eligibility.[12]

1. The program must continue to provide one or more courses or classes through the program that lead to one or more of the following outcomes:
    a. industry-recognized certificate or certification;
    b. license recognized by the Federal government, State of Nebraska, or another state;
    c. postsecondary diploma;
    d. associate or baccalaureate degree;
    e. secondary-school diploma or GED earned in conjunction with occupational skills training;
    f. employment; or
    g. measurable skills gains toward employment.
2. The training provider must resubmit a complete program application for the program through NEworks that includes, as necessary:[13,14]
    a. an updated and complete program description;
    b. updated information about the provider's business partnerships pertaining to the program;
    c. current and complete cost information for the program;
    d. identification of all locations where the program is currently offered;

[11] WIOA Sec. 122(b)(4)(B)
[12] 20 CFR §§ 680.450(e) and 680.490; TEGL 8-19
[13] TEGL 08-19
[14] Program applications are provided NEworks (https://neworks.nebraska.gov/) under training provider accounts. Video on how to add a new program can be requested by emailing the policy mailbox at ndol.wioa_policy@nebraska.gov.

e. updated information concerning the program's alignment with in-demand occupations in Nebraska;[15] and

f. other information required in the program application.

3. The training provider must provide program performance data, as required under Section V(b)(1).

Continued program eligibility is granted for only two years.[16]

(C) Additional eligibility factors that may be considered

In addition to eligibility requirements described in Section I(a) through I(b)(1)(B), NDOL may also consider the following factors when determining training provider eligibility and initial and continued program eligibility:[17]

1. NDOL's obligation to ensure access to training services throughout Nebraska and through the use of technology;

2. information reported to state agencies regarding Federal and state training programs other than programs authorized under WIOA Title IB;

3. encouraging the use of industry-recognized certificates and credentials;

4. quality of programs and ability of training providers to offer programs leading to postsecondary credentials; and

5. other factors NDOL may determine as appropriate.

(c) Training provider use of third parties to provide training

If a training provider contracts with a third party to provide training services for a program and that third party awards the resulting credential instead of the training provider, that third party must be authorized by accrediting or governing authorities to provide training services in Nebraska or to Nebraska residents.[18]

(d) Ineligible programs

Programs providing training services for occupations resulting solely in commission-only earnings are not eligible for inclusion on Nebraska's ETPL.[19]

[15] Data on in-demand occupations in Nebraska are provided by NDOL and is accessible at https://neworks.nebraska.gov/vosnet/gsipub/documentView.aspx?enc=oduMpwMRTIQnt7W7WO2/Ew==.
[16] TEGL 08-19, Attachment II
[17] WIOA Secs. 122(b)(1)(B) – (C) and (F) – (H); 20 CFR § 680.460(f)
[18] WIOA Sec. 122(b)(1)(E); 20 CFR § 680.460(f)(5)
[19] This is a State established requirement permitted under WIOA Sec. 122(b)(1)(J).

(e) Excluded training services

The following training services funded with WIOA Title IB program funds are excluded from inclusion on Nebraska's ETPL:[20]

1. on-the-job training;
2. customized training;
3. incumbent worker training;
4. internships;
5. paid or unpaid work experiences; and
6. transitional jobs.

(f) Technical assistance

NDOL provides technical assistance to training providers upon written request concerning eligibility requirements. Requests for technical assistance from training providers must be submitted by email to ndol.wioa_policy@nebraska.gov.

Section II. Eligibility processes: Training providers and programs

As stated in Section I, training providers are subject to eligibility requirements, which are separate from program eligibility requirements.

- NDOL determines training provider eligibility before proceeding with program eligibility determinations.
- Following approval of training provider eligibility, NDOL proceeds with eligibility determinations for programs.

Subsections (a), (b), and (c) below describe eligibility processes for training providers and programs.

(a) Initial eligibility application processes

(1) New training providers and new programs

A training provider applying for new training provider eligibility and new program eligibility must, in the following order:

1. register for a new provider account by accessing the NEworks sign-in page (https://neworks.nebraska.gov/vosnet/loginintro.aspx?plang=E), selecting Option 3 on

[20] 20 CFR § 680.530(a)

that page, and completing the account registration process (takes approximately 10 minutes);[21]

2. following approval of the provider account, sign into the account from the NEworks sign-in page under Option 1; and

3. complete and submit one or more new program applications for eligibility determination and provide program performance information for each program as described under Section V(b)(1).[22]

Initial program eligibility can be granted for only one year.[23]

(2) Approved training providers and new programs

An approved training provider applying for eligibility for a new program must:

1. sign into its provider account from the NEworks sign-in page (https://neworks.nebraska.gov/vosnet/loginintro.aspx?plang=E); and

2. complete and submit one or more new program applications for eligibility determination and provide program performance information for each program as described under Section V(b)(1).

As stated above, initial program eligibility can be granted for only one year.

(b) Continued eligibility application processes

During the 30-day period preceding expiration of an approved program's eligibility, the approved training provider applying for continued eligibility for the program must:

1. sign into its provider account from the NEworks sign-in page (https://neworks.nebraska.gov/vosnet/loginintro.aspx?plang=E),; and

2. review and update the existing program application and resubmit it for continued eligibility determination; and

3. submit annual program performance data as required under Section V(b)(1).

Continued program eligibility can be granted for only two years.[24]

[21] Video on how to register for a provider account can be requested by emailing the policy mailbox at ndol.wioa_policy@nebraska.gov.
[22] Video on how to add a new program can be requested by emailing the policy mailbox at ndol.wioa_policy@nebraska.gov.
[23] WIOA Sec. 122(b)(4)(B); 20 CFR § 680.450(g)
[24] TEGL 08-19, Attachment II

(c) Eligibility determinations

(1) Training providers

(A) New training providers

During review of NEworks new provider account applications, NDOL verifies new training providers meet eligibility requirements described in Section I(a)(1) and I(a)(2). Absent extenuating circumstances, NDOL issues eligibility determinations by email within 15 calendar days of commencement of the review process.

(B) Approved training providers

NDOL biennially reviews approved training provider accounts to ensure training providers continue to meet eligibility requirements described in Section I(a)(1) and I(a)(2). If NDOL determines training providers no longer meet eligibility requirements, NDOL notifies training providers by email within 15 calendar days of commencement of the review process, absent extenuating circumstances.

(2) Programs

(A) Initial eligibility

Applications for initial eligibility for new programs are reviewed by NDOL based on the applicable requirements defined in Section I(b) through I(d). Initial program eligibility determinations will not be completed until:

1. provider eligibility has been verified or reverified;
2. each submitted program application is complete; and
3. program performance data has been submitted as required under Section V(b)(1).

Absent extenuating circumstances, NDOL issues program determinations for initial eligibility to training providers by email within 30 calendar days of NDOL's receipt of complete applications and required program performance data. Failure to submit required program performance data will result in denial of eligibility as described in Section IV(a)(1).

(B) Continued eligibility

Program applications for continued eligibility are reviewed by NDOL based on the requirements defined in Section I(b) through I(d). Program eligibility determinations will not be completed until:

1. provider eligibility has been verified;
2. each submitted program reapplication is complete;
3. program performance data has been submitted as required under Section V(b)(2); and

4. evaluation of calculated program performance[25] has been completed based on the minimum program performance standards established in Section V(b)(4).

Absent extenuating circumstances, NDOL issues program determinations for continued eligibility to training providers by email within 30 calendar days of NDOL's receipt of complete reapplications and required program performance data. Failure to submit required program performance data will result in denial of eligibility as described in Section IV(a)(1).

(d) Technical assistance

NDOL provides technical assistance to training providers upon written request regarding eligibility processes, submission of program performance data, eligibility determinations, and minimum program performance standards. Requests for technical assistance must be submitted by email to ndol.wioa_policy@nebraska.gov.

Section III. Registered Apprenticeship programs

(a) Nebraska Registered Apprenticeship programs

(1) Automatic eligibility

Registered Apprenticeship programs registered by the US Department of Labor Nebraska Office of Apprenticeship are automatically eligible for inclusion on Nebraska's ETPL[26] and are not subject to:

- eligibility requirements defined in Section I; or
- program performance reporting requirements defined in Section V(b).

(2) Outreach to non-participating Nebraska Registered Apprenticeship sponsors

On an annual basis, NDOL contacts the US Department of Labor Nebraska Office of Apprenticeship to obtain contact information for Nebraska sponsors of active Registered Apprenticeship programs in Nebraska. NDOL then contacts the sponsors of those programs that are not on Nebraska's ETPL:

- to promote participation in the ETPL and provide information on the benefits of participation; and
- advises sponsors that all that's required is submission of a PDF-version of the approved program standards (including all attachments)[27] to the policy mailbox at ndol.wioa_policy@nebraska.gov.

[25] Information about program performance calculations is provided in Section V(b)(3).
[26] 20 CFR §§ 680.450(b) and 680.470(a)
[27] NDOL may also request information on the cost of the related technical instruction (RTI) if the sponsor is not the provider of RTI, pursuant to 20 CFR § 680.470(a) and TEGL 8-19 Change 1.

(b) National Registered Apprenticeship programs

(1) Automatic eligibility

Registered Apprenticeship programs registered by the US Department of Labor National Office of Apprenticeship are automatically eligible for inclusion on Nebraska's ETPL[28] if they have an operational presence in Nebraska or provide on-line instruction that is available in Nebraska. Such National Apprenticeship sponsors and programs are not subject to:

- eligibility requirements defined in Section I; or
- program performance reporting requirements defined in Section V(b).

(2) Outreach to non-participating National Registered Apprenticeship sponsors

(i) Direct contact with NDOL

Sponsors of National Registered Apprenticeship programs are not contacted by NDOL to promote participation in Nebraska's ETPL. However, if National sponsors contact NDOL directly requesting inclusion in Nebraska's ETPL, NDOL contacts the US Department of Labor Nebraska Office of Apprenticeship and requests confirmation of registration status for the National sponsor and program. When National sponsor and program statuses are confirmed by the US Department of Labor Nebraska Office of Apprenticeship and the sponsor has operational presence in Nebraska or provides on-line instruction that is available in Nebraska, NDOL advises the sponsor that all that's required is submission of a PDF-version of the approved program standards (including all attachments)[29] to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(ii) Indirect contact with NDOL

When the National Office of Apprenticeship contacts NDOL on behalf of sponsors of National Registered Apprenticeship program that are interested in inclusion on Nebraska's ETPL, NDOL requests confirmation that the sponsors have operational presence in Nebraska or provide on-line instruction that is available in Nebraska. If the National Office of Apprenticeship confirms operational presence in Nebraska or availability of on-line instruction in Nebraska, NDOL advises the sponsor that all that's required is submission of a PDF-version of the approved program standards (including all attachments)[30] to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(c) Creation and maintenance of Registered Apprenticeship program records on the ETPL

NDOL is responsible for addition of all eligible Registered Apprenticeship programs to Nebraska's ETPL and maintenance of the programs on the ETPL.[31] Registered Apprenticeship programs on the ETPL will remain on the ETPL:[32]

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[28] 20 CFR § 680.470(a); TEGL 8-19 Change 1
[29] NDOL may also request information on the cost of the related technical instruction (RTI) if the sponsor is not the provider of RTI, pursuant to 20 CFR § 680.470(a) and TEGL 8-19 Change 1.
[30] Ibid.
[31] This is a State established procedure to ensure minimal burden on sponsors of Registered Apprenticeship programs that want to be included on Nebraska's ETPL.
[32] 20 CFR §§ 680.460(j) and 680.470(b)

- as long as the program remains registered with the US Department of Labor Nebraska Office of Apprenticeship or the US Department of Labor National Office of Apprenticeship and the sponsor confirms biennially that the program should remain on Nebraska's ETPL;

- until the sponsor contacts NDOL by email at ndol.wioa_policy@nebraska.gov and requests to be removed from Nebraska's ETPL; or

- the sponsor's or program's eligibility is denied or terminated by the registering authority, as required under Section IV.

Section IV. Denial or termination of eligibility

(a) Denial or termination by NDOL

NDOL is solely responsible for making determinations on the denial or termination of eligibility for inclusion on Nebraska's ETPL and will do so based on:[33]

- the provisions of WIOA and its implementing regulations, rules, and guidance and other applicable laws, rules, regulations, and guidance;

- eligibility documentation that substantiates the determination; and

- any supplemental criteria and information and performance requirements established by a local board under local policy, as applicable.

(1) Reasons for denial or termination

1. NDOL must deny or terminate ETPL inclusion when any training provider or program fails to:

    o meet requirements described in Section I and Section II;[34] or

    o fails to submit program performance data or meet minimum performance standards, as required under Section V(b).

2. NDOL must deny or terminate ETPL inclusion of sponsors of Registered Apprenticeships and their respective programs when it is determined that the sponsors or programs are no longer registered with the US Department of Labor Nebraska Office of Apprenticeship or the US Department of Labor National Office of Apprenticeship based on confirmation from the applicable registering authority. In the event that sponsors have more than one program on the ETPL, the sponsor will remain on Nebraska's ETPL along with its programs that are still registered with the applicable registering authority.

3. NDOL must terminate the eligibility of a training provider, including sponsors of Registered Apprenticeship programs, for a period of not less than two years and require repayment of Title I funds received by the provider or sponsor during a period of noncompliance, when it is determined through investigation by the Commissioner of Labor, NDOL Office of the General

[33] 20 CFR §§ 680.470(c) and 680.480
[34] 20 CFR § 680.480(c)

Counsel, and NDOL Reemployment Services Division Director that the training provider or sponsor, as applicable:[35]

a. intentionally supplied inaccurate information or an individual supplying information on behalf of the training provider or sponsor intentionally supplied inaccurate information;

b. substantially violated any provision of WIOA Title I:[36]

i. including the requirement to adhere to the nondiscrimination requirements of WIOA Sec. 188, including requirements of its implementing regulation 29 CFR Part 38 and requirements of the Americans with Disabilities Act, as amended; or

ii. by refusing to submit timely, accurate, and program performance data as required under applicable provisions of Section V(b) (does not apply to sponsors of Registered Apprenticeship programs);

c. intentionally failed to retain or provide access to program documentation, as required under Section VI(b).

4. NDOL may terminate the eligibility of a training provider or program for other substantial violations relating to the provisions of applicable provisions WIOA and its implementing regulations, rules, and guidance; other applicable laws, regulations, and rules; this policy; and documented requirements established by a local board under local policy.

The remedies and penalties prescribed under applicable provisions WIOA and its implementing regulations, rules, and guidance; other applicable laws, regulations, and rules; and this policy, supplement but do not supplant other civil and criminal remedies and penalties in other provisions of law.[37]

(2) Removal process based on conditions of ineligibility

In the event that NDOL determines that a training provider or sponsor of a Registered Apprenticeship program is no longer eligible for ETPL inclusion based on the conditions described in the applicable provisions of Section IV, NDOL will notify the training provider or sponsor by email that eligibility has been denied or terminated and provide:

- reason(s) for denial or termination based on applicable provisions WIOA and its implementing regulations, rules, and guidance; other applicable laws, regulations, and rules; and this policy;

- a copy of this policy; and

[35] 20 CFR §§ 680.460(l)(2), 680.470(c), and 680.480(b)
[36] When determining a substantial violation, NDOL must take into account exceptional circumstances beyond the training provider's or sponsor's control, such as natural disasters, unexpected personnel transitions, and unexpected technology-related issues [20 CFR § 680.460(l)(2)].
[37] WIOA Sec. 122(f)(2)

- when applicable, supporting documentation provided to NDOL by the US Department of Labor Nebraska Office of Apprenticeship or the US Department of Labor National Office of Apprenticeship.

Training providers or sponsors may appeal decisions to deny or terminate inclusion on Nebraska's ETPL in accordance with Section IV(a)(4).

(3) Removal process based on substantial violations

The Commissioner of Labor, NDOL Office of the General Counsel, and NDOL Reemployment Services Division Director (collectively, the Review Panel) investigates allegations of substantial violations, based on conditions described in Section IV, by:

- reviewing all available documentation allegedly supporting allegations of substantial violations, including applicable Federal laws, rules, regulations, and guidance and provisions of applicable State policies,[38] along with the submitted complaint and its supporting documentation, as available; and

- interviewing involved program staff and complainants, when possible.

When the Review Panel reasonably determines the allegations of substantial violations are valid, NDOL issues written notice to the applicable training provider or Registered Apprenticeship program sponsor of NDOL's intent to:

- remove the effected provider or sponsor and/or program from Nebraska's ETPL; and

- impose applicable time-based and financial sanctions described in Section IV.

In its written notice, NDOL advises the provider or sponsor of its right to appeal, as described in Section IV(a)(4).

(4) Appeal process

Training providers and sponsors of Registered Apprenticeship programs may appeal denials or terminations of eligibility, including denials or terminations of local eligibility by local boards.[39] To appeal, the training provider or sponsor must submit a written request for a hearing to the Commissioner of Labor at the following address provided below within 30 calendar days of notification of denial or termination.

Commissioner of Labor
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

[38] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[39] 20 CFR §§ 680.480(d) and 683.630(b)

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within 30 calendar days of the Commissioner's receipt of the written request for a hearing. The hearing will include the:

- statement of the reason(s) why training provider or sponsor eligibility was denied or terminated; and
- appeal by the training provider or sponsor describing why the decision should be reversed or a compromise established.

The Commissioner will render a final judgment that will include the length of time the training provider or sponsor remains ineligible, financial sanctions to be imposed, and conditions under which reinstatement of training provider or sponsor eligibility are justified.

A decision issued under this appeal process may not be appealed to the Secretary of Labor.[40]

(b) Denial or termination by local boards

As permitted under Section VIII(b), when a local board requires supplemental criteria and information from local training providers or has established levels of performance higher than those required by NDOL under Section V(b)(4), the local board may deny or terminate local eligibility for failure to meet the local board's supplemental criteria and information requirements or performance standards.[41]

As stated in Section VIII(b), local boards are not permitted impose additional criteria or requirements upon Registered Apprenticeship programs beyond those established under WIOA, its implementing rules, regulations, and guidance and those articulated in this policy.[42]

Training providers may appeal local board denials or terminations of local eligibility, according to the procedures described in Section IV(a)(4).

Section V. Performance reporting: NDOL and training providers[43]

(a) NDOL performance reporting[44]

WIOA Secs. 116(d)(4) and (d)(6)(B) and 20 CFR § 677.230 require states to report performance information relating to outcomes for individuals served by each approved program of training services on their respective ETPLs. States report this information annually to the US Department of Labor, as described in TEGL 03-18. The US Department of Labor publishes the results of annual ETPL Performance Reports for all states on its Training Provider Results website (https://www.trainingproviderresults.gov/#!/).

Consumers may use the Training Provider Results website to explore training programs and careers. The website allows users to compare programs of study nationally, within a state, and

[40] 20 CFR § 683.630(b)(3)
[41] 20 CFR § 680.480(e)
[42] 20 CFR § 680.510(a)
[43] 20 CFR §§ 680.460(h)(1) and 680.490
[44] TEN 24-19

across similar fields of study. Consumers may also compare training provider performance outcomes and program costs and filter selections to programs that meet their needs, such as online-only, in-person, or blended learning programs.

(b) Training provider program performance reporting

(1) Requirements for initial-eligibility performance performing

(i) Requirements

A training provider applying for initial eligibility for a new program must submit performance data for the new program. Types of acceptable performance data for initial eligibility purposes include:[45]

- academic research suggesting the selected training strategy for the program is effective in relation to employment, earnings, and credential attainment; or
- other data relating to employment, earnings, or credential attainment for participants with the program or provider.

When applying for initial eligibility, the training provider must submit the performance data by email to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(ii) Technical assistance

NDOL will provide technical assistance upon written request regarding submission of program performance data for initial eligibility purposes. Requests for technical assistance must be submitted by email to ndol.wioa_policy@nebraska.gov.

(2) Requirements for annual program performance reporting for approved programs

To establish continued eligibility for approved programs on the ETPL, training providers must submit annual program performance data for all students enrolled in or exiting from the programs during 12-month period beginning July 1 of the previous calendar year. This 12-month period is the "reporting period" for continued eligibility purposes. The program performance data must be submitted no later than August 31 of each calendar year using the performance reporting tool provided by NDOL, which is described directly below in subsection (i).

(i) Performance reporting tool for annual program performance reporting purposes

NDOL provides a reporting tool through NEworks for purposes of annual program performance reporting purposes. The tool is an .xlsx file that can be downloaded by the training provider, populated with the required program performance data, and then uploaded to NEworks. Within the tool, the following data elements are collected for all students participating the training provider's ETPL-approved programs.

[45] TEGL 8-19, Attachment III

1. *Social Security Numbers (SSNs)*

   Training providers enter nine-digit SSNs for all students who enrolled or exited the program during the reporting period. Missing SSNs will result in an error messages and upload failures. If SSNs are not available, training providers should enter unique nine-digit all-numeric student identifiers. Note that invalid SSNs (i.e., student identifiers) will affect training provider employment and median wage performance outcomes.

2. *Start date*

   Training providers enter start dates for all students who were enrolled or exited during the reporting period. The start dates must be in MM/DD/YYYY format and cannot be future dates. Missing or invalid start dates will result in error messages and upload failures.

3. *Status*

   Training providers select statuses from the drop-down list for all students who enrolled or exited during the reporting period (selection options: completed, withdrew, transferred). If no statuses are selected, the system will default to a status of *enrolled*.

4. *Exit date*

   Exit dates are required for all students who enrolled and exited during the reporting period (selection options: completed, withdrew, transferred). Exit dates must be in MM/DD/YYYY format and cannot be future dates or earlier than start dates. Missing or invalid exit dates will result in an error message and upload failure.

5. *Credential*

   Training providers select credential statuses from the drop-down list (selection options: yes, no, unknown) for the program displayed at the top of the respective worksheet. Credential statuses are required for all students who exited during the reporting period.

(c) Program performance calculations

Program performance outcomes are calculated annually for each reporting period using uploaded training provider performance data and wage matching data for all students for the following performance indicators:

1. total number of students enrolled;
2. total number of students exited;
3. total number of program completers;
4. credential rate;
5. employment rate 6 months after program exit;
6. employment rate 12 months after program exit; and
7. median earnings 6 months after program exit.

Outcomes for indicators 1 through 4 are based on data reported by the training provider; and outcomes for indicators 5, 6, and 7 are calculated through NDOL's wage matching systems. Program performance outcomes are reported to the US Department of Labor in aggregate. No student-level data appears in NDOL's annual program performance reports to the US Department of Labor in compliance with requirements established under the Family Educational Rights and Privacy Act (FERPA) regarding privacy of student education records, as well as other applicable Federal laws, regulations, and rules concerning protection of personally identifiable information.

Note. Aggregate program performance outcomes appear within each in program application following annual system-automated processing.

(3) Minimum performance standards for continued eligibility

To establish continued eligibility for inclusion on Nebraska's ETPL, 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[46] in and exited the program attained a credential;

2. 50 percent or more of all students who enrolled in the program are employed 6 months after program exit;

3. 50 percent or more of all students who enrolled in the program are employed 12 months after program exit; and

4. median earnings 6 months after program exit for all students who exited the program are at least 50 percent or more of the average of the State's Federally-negotiated levels of performance for median earnings second quarter after exit for all Title I adult, dislocated worker, and youth programs, which are determined as described below.

    a. The State's levels of performance for median earnings for each of the Title I adult, dislocated worker, and youth programs are negotiated and approved biennially by the US Department of Labor.

    b. NDOL will biennially publish the averaged negotiated level of performance for Title I programs as it relates to median earnings and continued eligibility for programs.

(d) Technical assistance

NDOL provides technical assistance to training providers upon written request regarding submission of program performance data, performance calculations, and minimum performance standards for continued eligibility. Requests for technical assistance must be submitted by email to ndol.wioa_policy@nebraska.gov.

[46] Performance reporting is required only for individuals enrolled in the program of training services and is not required for individuals who elect to take an individual course that is part of the program [TEGLs 03-18 and 08-19 Attachment I]. Refer to APPENDIX I for the definition of enrolled.

Section VI. Records retention and access requirements[47]

(a) State record retention and access requirements

NDOL's record retention and access requirements are defined in the State's records management policy.[48]

(b) Training provider record retention and access requirements

Training providers must collect and retain documents, papers, or other records pertaining to all-student program performance data for their programs that are included on Nebraska's ETPL. These materials must be retained for a minimum period of three years beginning on the date of NDOL approval of a training program, except under the following circumstances.

- If any litigation, claim, or audit relating to a training provider's program is started before the expiration of the three-year retention period, the records must be retained until all litigation, claims, or audit findings involving the program have been resolved and final is action taken.

- The training provider is notified in writing by a Federal agency or the State to extend the retention period.

The US Department of Labor and the State, or any of their authorized representatives, must have rights of access to any documents, papers, or other records of a training provider which pertain to program performance data, in order to make audits, examinations, excerpts, and transcripts.

- Rights of access also include timely and reasonable access to training provider personnel for the purpose of interview and discussion related to such documents, papers, or other records.

- Rights of access are not limited to the required retention period described above, as rights of access last as long as the documents, papers, or other records are retained by the training provider.

Section VII. Participants enrolled in ETPL-ineligible programs

(a) Requirements

There are two circumstances case managers must consider concerning participants who are enrolled in programs that are no longer eligible for inclusion on Nebraska's ETPL.

- When a program is removed from Nebraska's ETPL for a substantial violation of the requirements of WIOA, as described in Section IV(a), a participant is not permitted to use Title I funds to continue participation the removed program. If the participant wishes to

[47] 2 CFR §§ 200.333 and 200.336(a) and (c)
[48] The State's record retention policy is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

continue with Title I training services, the case manager must assist the participant with transition to another program on the ETPL.

- When a program is removed from the ETPL for a reason other than a substantial violation of the requirements of WIOA as described in Section IV(a), including voluntary withdrawal from the ETPL by the training provider, a participant already enrolled in that program can complete their training using an established ITA. However, the ITA should not be modified or extended as it relates to the removed program. If a participant in a removed program wants to transition to another program on the ETPL, the case manager must assist the participant with transition to the selected program, in accordance with Section VIII(b)(1).

(b) Technical assistance

NDOL provides technical assistance to local area administrative entity staff upon written request regarding participant enrollment in ETPL-ineligible programs. Requests for technical assistance must be submitted by email to ndol.wioa_policy@nebraska.gov.

Section VIII. Roles and responsibilities: NDOL and local boards[49]

(a) NDOL

NDOL's responsibilities regarding Nebraska's ETPL are listed in Table 1.

Table 1. NDOL responsibilities

Description
1. Managing Nebraska's ETPL
2. Clarifying NDOL and local board roles and responsibilities
3. Establishing eligibility criteria, processes, and performance reporting requirements
4. Establishing a method for adding Registered Apprenticeship programs to Nebraska's ETPL
5. Ensuring development, maintenance, and dissemination of Nebraska's ETPL
6. Verifying registration status of Registered Apprenticeship programs on the ETPL biennially
7. Providing an opportunity for local boards and interested members of the public to make recommendations and submit comments regarding eligibility criteria and processes and performance reporting requirements
8. Ensuring training providers and training programs meet established eligibility criteria and adhere to established eligibility processes and performance reporting requirements
9. Receiving and reviewing training provider and program applications and making eligibility determinations pertaining to training provider and program eligibility
10. Removing training providers and programs from Nebraska's ETPL
11. Taking enforcement actions against training providers, as required under WIOA and its implementing regulations, rules, and guidance; other applicable Federal laws, regulations, and rules; and this policy
12. Establishing an appeals process for denied or terminated training provider and program eligibility
13. Publication of program performance outcomes for Nebraska ETPL programs on the Training Provider Results website through NDOL's submission of annual training provider performance reports to the US Department of Labor

[49] 20 CFR §§ 680.430(b)(1) – (5), 680.450, 680.460, 680.470, and 680.500(d)(1) – (4)

(b) Local boards

Responsibilities of local boards regarding Nebraska's ETPL are listed in Table 2.

Table 2. Responsibilities of local boards regarding Nebraska's ETPL[50]

Description
1. Carrying out ETPL-related procedures assigned by NDOL
2. Working with NDOL to ensure sufficient numbers and types of training providers are serving local areas, including training providers with expertise in serving individuals with disabilities and adults in need of education and literacy activities
3. Ensuring the dissemination and appropriate use of Nebraska's ETPL in and throughout local area one-stop delivery systems
4. Ensuring adherence to consumer choice and consultation requirements described Section VIII(b)(1)

In addition to the responsibilities described in Table 2, local boards are permitted take the actions described in Table 3 regarding training providers and programs.[51]

Table 3. Permitted actions of local boards regarding Nebraska's ETPL

Description
1. Making recommendations to NDOL on the process used in determining ETPL eligibility of training providers and programs
2. Establishing supplemental (not alternative) criteria and information from training providers operating in their respective local areas in order to become or remain eligible in their local areas
3. Setting higher local levels of program performance for training providers than the minimum performance standards established by NDOL
4. Supplementing criteria and information requirements established under Federal law, rules, regulations, and guidance and this policy in support of informed consumer choice requirements and the achievement of locally established performance indicators, including: a. information on training programs that are linked to in-demand occupations in the local area;[52] b. performance and cost information, including program performance and cost information, for local area outlet(s) of multi-site eligible training providers; c. information that shows how programs are responsive to local requirements; and d. other appropriate information related to the objectives of WIOA

Local boards are not permitted impose additional requirements and criteria upon Registered Apprenticeship programs beyond those established under WIOA, its implementing rules, regulations, and guidance and those articulated in this policy.[53]

[50] 20 CFR §§ 680.340 and 680.430(c)
[51] 20 CFR §§ 680.430(d) – (e) and 680.510
[52] Data on regional in-demand occupations in Nebraska are provided by NDOL and is accessible at https://neworks.nebraska.gov/vosnet/gsipub/documentView.aspx?enc=oduMpwMRTIQnt7W7WO2/Ew==.
[53] 20 CFR § 680.510(a)

(1) Consumer choice and consultation requirements[54]

Training services must be provided in a manner that maximizes informed consumer choice and meets consultation requirements during a participant's selection of a training provider available on Nebraska's ETPL, as described below.

1. Each local board, through its one-stop centers, must make Nebraska's ETPL available to one-stop center customers.

2. An individual who has been determined eligible for training services may select a program from Nebraska's ETPL only after consultation with a case manager.

    a. Consultation with a case manager must include:[55]

        i. either an interview, evaluation, or assessment and career planning informed by local labor market information and training provider performance information;

        ii. appraisal of the participant's need for training services based on an interview, evaluation, or assessment and career planning informed by local labor market information and training provider performance information or any other career service received; and

        iii. documenting the participant's need for training services in the participant's case file.

3. There is no requirement that career services be provided as a condition for receipt of training services. However, if career services are not provided before training, the case manager must document the circumstances that justify the decision to authorize training services without first providing career services.

4. Priority consideration must be given to programs that:

    a. lead to recognized postsecondary credentials; and

    b. align with in-demand occupations in the local area.

5. Unless the applicable Title I program has exhausted training funds for the program year, the case manager must refer the participant to their selected training provider on Nebraska's ETPL and establish an ITA for the participant.

6. Costs for training services paid through an ITA to a training provider must be funded by out-of-school youth,[56] adult, or dislocated worker program funds, depending on the program in which the participant is enrolled or co-enrolled.

    a. In the event that NDOL has an active waiver from the US Department of Labor Employment and Training Administration allowing for establishment of ITAs for in-

[54] 20 CFR § 680.340
[55] 20 CFR § 680.220
[56] Refer to the State's youth program policy for information regarding ITAs and in-school youth. The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

school youth, in-school youth program funds may be used to fund an ITA, subject to the requirements and limitations established in the waiver.[57]

7. The local board, through the one-stop center, may coordinate funding for ITAs with funding from other Federal, state, local, or private job training programs or sources to assist participants with obtaining training services, subject to requirements established under 20 CFR § 680.230.

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.

[57] Local area administrative entity staff must confirm with NDOL the existence of an active waiver before authorizing use of ISY funds by local Title I youth program providers to establish ITAs for ISY. Requests for confirmation must be sent to the policy mailbox at ndol.wioa_policy@nebraska.gov.

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. business partnership

For purposes of determining program eligibility, business partnership means an informal or formal partnership with regional or local employers that relates directly to the program. Information to be provided by a training provider about the business partnership includes:

- a description of the quality and quantity of employer partnerships; and
- the role of that partnership in relation to the program.

2. enrolled

The meaning of the term enrolled, as it relates a program of training services included on Nebraska's ETPL, is determined by each training provider in accordance with its organizational standards.

3. linked to in-demand occupations

The term linked to in-demand occupations refers to the alignment of a program with in-demand occupations in Nebraska.[58]

4. program of training services

The term program of training services means one or more courses or classes, or a structured regimen that leads to:[59]

a. industry-recognized certificate or certification;

b. license recognized by the Federal government, State of Nebraska, or another state;

c. postsecondary diploma;

d. associate or baccalaureate degree;

e. secondary-school diploma or GED earned in conjunction with occupational skills training;

f. employment; or

g. measurable skills gains toward employment.

[58] Data on in-demand occupations in Nebraska are provided by NDOL and is accessible at https://neworks.nebraska.gov/vosnet/gsipub/documentView.aspx?enc=oduMpwMRTIQnt7W7WO2/Ew==.
[59] 20 CFR § 680.420

5. recognized postsecondary credential

A recognized postsecondary credential is one of the following:[60,61]

- industry-recognized certificate or certification;
- certificate of completion of an apprenticeship;
- license recognized by the Federal Government or State of Nebraska;
- associate degree; or
- baccalaureate degree.

[60] WIOA Sec. 3(52)

[61] The State's performance accountability policy provides detailed information on recognized postsecondary credentials and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

State 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 May 3, 2023
	Supersedes Records Management, Change 2 (effective June 30, 2022)

Records Management, Change 3

REFERENCE

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

BACKGROUND

Recipients and subrecipients of Federal financial assistance are required to keep records that are sufficient to:[1]

- trace funds to a level of expenditure adequate to ensure that funds have been spent lawfully;
- prepare accurate required reports on program performance and outcomes; and
- verify that the reported performance data are valid, accurate, reliable, and comparable across programs.

[1] WIOA Secs. 116(d)(5) and 185(a) – (g)

CHANGES

Under this Change 3, footnotes have been revised for clarity and links have been updated, where necessary, and the point of contact in Section IV, regarding requesting final expenditure report submissions dates, has been updated.

ACTION

This policy supersedes and cancels the State's policy titled Records Management, Change 2 (effective June 30, 2022). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(a) Local WIOA Title I programs

Each local board and its administrative entity must ensure creation, management, and maintenance of records according to the requirements of this policy, as well as the requirements of WIOA and its implementing regulations, related subregulatory guidance, subawards, and the Uniform Guidance.[2]

(b) NDOL-administered programs

Administrators of NDOL-administered programs listed in Section I(b) must ensure creation, management, maintenance of records according to the requirements of this policy, as well as the requirements of WIOA and its implementing regulations, related subregulatory guidance, subawards, and the Uniform Guidance.

POLICY

This policy establishes records management requirements for local Title I programs and NDOL-administered programs. This policy has six sections and two appendices.

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[2] WIOA Secs. 116(d)(5) and 185(a) – (g). Uniform Guidance refers to 2 CFR Parts 200 and 2900.

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Section I. General records management requirements

As Nebraska's recipient of funding for Title I programs, NDOL is required to submit reports to the US Department of Labor (USDOL) concerning the operations and expenditures of the programs at state and local levels.[3] The required reports must include information necessary to comply with the nondiscrimination provisions of WIOA Sec. 188 and 29 CFR Part 38, as well as information about:[4]

- demographic characteristics (including race, ethnicity, sex, and age) and other related information regarding participants;
- programs and activities in which participants are enrolled and the length of time participants are engaged in the programs and activities;
- outcomes for participants taking part in programs and activities, including information on participant occupations and placement of participants in nontraditional employment; and
- costs of programs and activities.

In addition, NDOL is required to submit reports to USDOL concerning the operations and expenditures of NDOL-administered programs. Reporting requirements for these programs are defined in each program's authorizing legislation, implementing regulations, subregulatory guidance, subawards, and the Uniform Guidance.

In order for NDOL to prepare and submit the required reports, local Title I programs and NDOL-administered programs must create, manage, and maintain records concerning the operations and expenditures of their respective programs as described in this policy.

(a) Local Title I programs

Each local board and its local area administrative entity must, for reporting, monitoring, data validation, and evaluation purposes:[5]

- ensure the utilization of NDOL's required records management systems to enable uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, including data necessary to comply with the nondiscrimination provisions of WIOA Sec. 188 and 29 CFR Part 38; and

[3] WIOA Sec. 185(c)
[4] WIOA Sec. 185(d)
[5] WIOA Sec. 185(c); TEGL 10-16 Change 2

- submit and make available through electronic means all case management records, source documentation, and data.

Records regarding activities performed and services provided by local Title I programs must be created, managed, and maintained according to the requirements established in this policy, as well as the requirements of each program's authorizing legislation, implementing regulations, subregulatory guidance, subawards, and the Uniform Guidance.[6]

(b) NDOL-administered programs

NDOL administers the following Federally funded programs:

- Jobs for Veterans State Grant program;
- Senior Community Service Employment Program;
- Trade Adjustment Assistance program;
- Wagner-Peyser Employment Service, which includes the Monitor Advocate System; and
- from time to time:
    - discretionary grant programs, including Dislocated Work Grant programs (DWGs) authorized under WIOA Sec. 170; and
    - other Federally funded discretionary grants programs.

The overseeing administrator of each NDOL-administered program must, for reporting, monitoring, data validation, and evaluation purposes:

- ensure utilization of NEworks and NDOL's approved source documentation management systems (described below), except as otherwise required by a Federal partner, to enable uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, including data necessary to comply with the nondiscrimination provisions of WIOA Sec. 188 and 29 CFR Part 38; and
- submit and make available through electronic means all required case management records, source documentation, and data.

Records regarding activities performed and services provided by NDOL-administered programs, except as otherwise required by Federal partners, must be created, managed, and maintained according to the requirements established in this policy, as well as the requirements of each program's authorizing legislation, implementing regulations, subregulatory guidance, subawards, and the Uniform Guidance.

[6] NEworks is the State's management information system of record, as stated in Section II.

Section II. Required records management systems

(a) Management information system

NEworks is the management information system of record for the State of Nebraska for Federal reporting purposes regarding local Title I programs and NDOL-administered programs. The Enterprise Content Management system (ECM) and NEworks Document Manager (NDM) are NDOL's source documentation management systems. Local Title I programs and NDOL-administered programs must use NEworks and ECM or NDM to record and document all program activities and services electronically, except as otherwise required by a Federal partner. Paper records are not permitted and are not considered for data validation and monitoring purposes.

Section III. Records corrections

Records in NEworks, ECM, and NDM that contain errors *must* be corrected, subject to the following conditions, limitations, and requirements.

1. Record correction requests *must not* be used to enhance program performance or distort actual events.

2. Program staff can individually correct errors in NEworks and NDM during the 30-day period beginning on the date of entry of incorrect information. After the 30-day period expires, a correction request must be submitted through OnBase.

3. Errors in ECM require submission of record correction requests, as only NDOL staff have the ability to make corrections to ECM.

4. To request a correction to records in NEworks, ECM, or NDM, program staff must complete, submit, and approve a record correction request through OnBase, after which the Quality Control Administrator will review the request.

5. All submitted record correction requests must concisely reference existing acceptable source documentation[7] that justifies the requested correction and that source documentation must be accessible to the Quality Control Administrator during the Administrator's review of the correction request.

6. Record correction requests will not be approved if:

    a. supporting source documentation for affected records is not apparent or available to NDOL's Quality Control Administrator; or

    b. an outcome for an NEworks activity was included in a quantitative annual performance report that has been submitted to USDOL. (Note. If an NEworks activity has been "system closed" it can be corrected.)

[7] Refer to APPENDIX II for access to a list of acceptable source documentation.

Section IV. Records retention

(a) Local Title I programs[8]

Subject to the exceptions described in Section IV(c), each local board must ensure that the following records relating to each of its Title I programs are retained for a minimum of three years from the date of NDOL's submission of the final expenditure report to USDOL for the applicable program year:

- financial records;
- source documentation;
- statistical records; and
- all other records pertaining to the programs.

A local board may request the date of NDOL's submission of the final expenditure report by sending an email to the policy mailbox at ndol.wioa_policy@nebraska.gov.

(1) Additional retention requirements

The Greater Lincoln and Greater Omaha Workforce Development Boards may be subject to additional record retention requirements based on other applicable State, regional, and local laws. Greater Lincoln and Greater Omaha administrative entity staff must individually determine if they are subject to such additional requirements.

The Greater Nebraska Workforce Development Board *is* subject to additional records retention requirements under the Nebraska Records Management Act.[9] Greater Nebraska administrative entity staff must refer to the records retention and disposition schedules established by Nebraska's Secretary of State to determine additional retention requirements.[10]

(b) NDOL-administered programs

NDOL-administered programs are bound by the same Federal three-year retention period described above. In addition to the three-year retention requirement, NDOL-administered programs are subject to additional records retention requirements under the Nebraska Records Management Act. Administrators of NDOL-administered programs must refer to the records retention and disposition schedules established by Nebraska's Secretary of State to determine the additional retention requirements.[11]

(c) Exceptions[12]

USDOL is not permitted to impose record retention requirements upon NDOL other than those stated in the Uniform Guidance, except under the circumstances described in paragraphs 1

[8] 2 CFR § 200.333
[9] Neb. Rev. Stat. §§ 84-1201 – 84-1229
[10] Retention schedules for NDOL are accessible at https://sos.nebraska.gov/records-management/department-labor-schedule-45.
[11] Ibid.
[12] 2 CFR § 200.333

through 6 below. Likewise, NDOL and local boards are not permitted to impose record-retention requirements upon subrecipients other than those stated in the Uniform Guidance, subject to the requirements of the Nebraska Records Management Act and other applicable State, regional, and local laws, except under the circumstances described in paragraphs 1 through 6 below.

1. If any litigation, claim, or audit is started before expiration of the applicable retention period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

2. The retention period must be extended when the applicable entity is notified in writing to extend the retention period and the written notification is provided by USDOL, NDOL, a local board, other cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs.

3. Records for real property and equipment acquired with Federal funds must be retained for three years after final disposition of the property and equipment.

4. When records are transferred to or maintained by USDOL or NDOL, the three-year retention requirement no longer applies to the local board.

5. *Records for program income transactions after the period of performance*. In some cases, recipients of Federal funds must report program income after the period of performance. When there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.

6. *Indirect cost rate proposals and cost allocations plans*. This retention requirement applies to the following types of documents and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

    a. *If submitted for negotiation*. If the proposal, plan, or other computation is required to be submitted to the Federal government (or to the pass-through entity, such as NDOL or a local board) to form the basis for negotiation of the rate, then the required retention period for its supporting records starts from the date of submission.

    b. *If not submitted for negotiation*. If the proposal, plan, or other computation is not required to be submitted to the Federal government (or to a pass-through entity, such as NDOL or a local board) for negotiation purposes, then the applicable retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

Section V. Records access

(a) Rights of access[13]

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

(b) Expiration of rights of access[14]

The rights of access described above *are not* limited to the required retention periods described in Section IV. The rights of access last as long as the records are retained by the non-Federal entity. Federal awarding agencies and pass-through entities (such as NDOL and local boards) must not impose any other access requirements upon non-Federal entities.

(c) Public access to records[15]

Unless required by Federal, state, local, or tribal statute, non-Federal entities are not required to permit public access to their records. No Federal awarding agency may place restrictions on a non-Federal entity that limits public access to the entity's records pertaining to a Federal award, except:

- for records that include protected PII; or
- when the Federal awarding agency can demonstrate that the records will be kept confidential and would have been:
    - exempted from disclosure pursuant to the Freedom of Information Act (FOIA);[16] or
    - deemed as controlled unclassified information[17] pursuant to Executive Order 13556[18] if the records had belonged to the Federal awarding agency.

Note that records provided to a Federal agency by a non-Federal entity are, in general, subject to FOIA and applicable exemptions.

[13] 2 CFR § 200.337(a)
[14] 2 CFR § 200.336(c)
[15] 2 CFR § 200.337
[16] FOIA does not apply to records that remain under a non-Federal entity's control, except as required under 2 CFR § 200.315 (intangible property) [5 USC § 552].
[17] Controlled unclassified information (CUI) is unclassified information belonging to the Executive Branch of the US Government that requires safeguarding or dissemination controls.
[18] Executive Order 13556 is accessible at https://obamawhitehouse.archives.gov/the-press-office/2010/11/04/executive-order-13556-controlled-unclassified-information.

Section VI. Data monitoring and quality control

(a) Data validation

NDOL is required to establish data validation procedures.[19] Data validation is a series of internal controls or quality assurance techniques established to verify the accuracy, validity, and reliability of data. The purposes of data validation procedures are to:[20]

- verify that the performance data reported to USDOL are valid, accurate, reliable, and comparable across programs;
- identify anomalies in the data and resolve issues that may cause inaccurate reporting;
- identify source documentation required for data elements; and
- improve program performance accountability through the results of data validation efforts.

(1) Procedures

(i) State-level system-automated data element validation

Data is validated quarterly and annually at the state-level through large-scale, system-automated processes.

1. NDOL's vendor for NEworks provides a full PIRL[21] file to NDOL on a daily basis through secure file transfer, which is then uploaded to the WIPS[22] data validation and reporting clearinghouse during USDOL-defined quarterly and annual reporting cycles.
2. The full PIRL file passes through a preliminary data validation and edit check protocol, which scans all individual and programmatic data elements. The edit check searches for date range errors and inconsistencies, anomalies, and waterfall errors (i.e., if element a = 1, element b cannot = 2).
3. Once the full PIRL file successfully clears the edit check protocol, full PIRL reports are certified by the NDOL Quality Control Unit Performance Program Coordinator.
4. A similar data validation and edit check process for wage data occurs simultaneously in the SWIS clearinghouse during quarterly and annual reporting cycles, as defined by USDOL. The data goes through an import/export/validation process within NEworks and is then inserted as aggregate data into the full PIRL file, after which the data is retired from NEworks.

[19] WIOA Sec. 116(d)(5); TEGL 23-19 Change 1
[20] TEGL 23-19 Change 1
[21] PIRL refers to the Participant Individual Record Layout, a format for reporting program performance data to USDOL.
[22] WIPS refers to the Workforce Integrated Performance System, the system by which states report on performance of workforce programs.

(ii) Manual data validation: State

NDOL is required to perform regular data element validation for the data elements accessible under APPENDIX II for Title I programs and Wagner-Peyser.[23] APPENDIX II also identifies acceptable source documentation required for validation of the data elements. Prior to NDOL's submission of the State's annual quantitative performance report to USDOL, NDOL's Quality Control Unit Program Analyst conducts manual validation of data elements,[24] in addition to the system-automated data element validation. Manual data validation for the preceding full program year begins on July 1 following the conclusion of that program year, according to the record sampling and validation processes described below in subsections (I) and (II).

(I) Records sampling

NDOL's Quality Control Unit Performance Program Coordinator generates a list of randomly selected participant cases for each Title I and Wagner-Peyser program population using the NEworks random sampling function. The participant cases are selected based on the required sample size per program population defined in Table 1.

- A participant case is the set of records documenting services provided to a program participant who was active or exited a program during the previous full program year (the data validation timeframe).

- A program population is the total number of participants who were active or exited a program during the data validation timeframe.

Table 1. Required sample size per program population

Program population size	Confidence level	Confidence interval	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
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

[23] TEGL 23-19 Change 1

[24] Information in the State's annual quantitative performance report for local Title I programs and Wagner-Peyser must be validated by the State before the report is submitted to USDOL [TEGL 23-19 Change 1].

The Performance Program Coordinator then provides the lists to the Quality Control Unit Program Analyst within 15 days of the conclusion of the applicable program year.

(II) Validation

Validation of the data elements accessible through APPENDIX II for Title I and Wagner-Peyser programs must be based on the following guidelines.

1. Each participant case in the sample is evaluated, comparing the information in NEworks for the data element to the source documentation provided in ECM or NDM to determine if acceptable source documentation is present for each of the applicable data elements accessible through APPENDIX II for the program.

2. For most data elements, the validation guidelines in APPENDIX II provide multiple forms of acceptable source documentation. If multiple types of source documentation are present in ECM or NDM for the same data element and the sources conflict, the most objective source should be used to determine if the data element is valid and accurate.

Following the completion of data validation, the Program Analyst creates a report that:

- indicates the number of participant cases evaluated from each program population;
- identifies anomalies in the data that may cause inaccurate reporting;
- identifies trends in common data accuracy issues;
- identifies participant cases with data accuracy issues; and
- assesses the effectiveness of the current data validation process and recommends revisions to the process in order to improve program performance accountability through the results of data validation efforts.

On or before September 30 of the applicable year, the Program Analyst then provides the report to the NDOL Quality Control Administrator and State Monitoring Unit Supervisor for evaluation and necessary corrective actions, in collaboration with the State Policy Unit and the Performance Program Coordinator.

(iii) Manual data validation: Local Title I programs

Local area administrative entities overseeing Title I programs are:

- individually responsible for development and implementation of Title I program data validation procedures to ensure data accuracy; and
- required to perform quarterly data validation for program-specific data elements.[25]

At a minimum, local data validation procedures must:

[25] TEGL 23-19 Change 1 Attachment II defines acceptable source documentation required for validation of the data elements. Attachment II is accessible through APPENDIX II of this policy.

- require that data validation be performed according to the schedule provided in Table 2;
- require that data validation be performed according to the record sampling and validation processes described below in subsections (I) and (II) to insure that recorded program activities are accurately supported by acceptable source documentation as required by each program's authorizing legislation, implementing regulations, subregulatory guidance, subawards, applicable requirements of the Uniform Guidance, and this policy;
- include procedures for provision of technical assistance to program staff when data validation reveals invalid or inaccurate data;
- include procedures for timely submission of record corrections when data validation reveals invalid data, subject to the requirements and limitations described in Section III; and
- require the submission of quarterly data validation reports to the NDOL Quality Control Administrator and State Monitoring Unit Supervisor according to the schedule defined in Table 2.

Table 2. Local Title I quarterly data validation and reporting schedule

Quarter being reviewed	Start date	End date	Report due date
January – March	April 1	June 30	August 15
April – June	July 1	September 1	October 16
July – September	October 1	December 31	February 14
October - December	January 1	March 31	May 15

(I) Records sampling

The Quality Control Unit Performance Program Coordinator generates a list of randomly selected participant cases for each Title I program population using the NEworks random sampling function. The participant cases are selected based on the required sample size per program population defined in Table 3.

- A participant case is the set of records documenting services provided to a program participant who was active or exited a program during the previous full program year (the data validation timeframe).
- A program population is the total number of participants who were active or exited a program during the data validation timeframe.

Table 3. Required sample size per program population

Program population size	Confidence level	Confidence interval	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

Program population size	Confidence level	Confidence interval	Sample size
700 - 799	95%	15	41
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

The Performance Program Coordinator then provides the lists to the local administrative entity within 15 days of the conclusion of the applicable quarter.

(II) Validation

Validation of the data elements accessible under APPENDIX II for local Title I programs must be based on the following guidelines.

1. Each participant case in the sample is evaluated, comparing the information in NEworks for the data element to the source documentation provided in ECM or NDM to determine if acceptable source documentation is present for each of the data elements accessible under APPENDIX II for the applicable program.

2. For most data elements, the validation guidelines in APPENDIX II provide multiple forms of acceptable source documentation. If multiple types of source documentation[26] are present in ECM or NDM for the same data element and the sources conflict, the most objective source should be used to determine if the data element is valid and accurate.

Following the completion of data validation, the local area administrative entity must generate a report that:

- indicates the number of participant cases evaluated from each program population;
- identifies anomalies in the data that may cause inaccurate reporting;
- identifies trends in common data accuracy issues;
- identifies participant cases with data accuracy issues; and
- identifies corrective actions that were taken during the quarterly data validation process.

On or before the report due date defined in Table 2, the local area administrative entity must then provide the report to the NDOL Quality Control Administrator and State Monitoring Unit Supervisor

[26] Refer to APPENDIX I for the definition of source documentation types.

for evaluation and implementation of any additional corrective action, in collaboration with the State Policy Unit and the Performance Program Coordinator.

(iv) Manual data validation: Wagner-Peyser

The NDOL administrator overseeing Wagner-Peyser is:

- responsible for development and implementation of program-specific data validation procedures for Wagner-Peyser to ensure data accuracy; and
- designating Wagner-Peyser staff responsible for performing quarterly data validation for the data elements accessible under APPENDIX II.[27]

At a minimum, Wagner-Peyser data validation procedures must:

- require that data validation be performed quarterly according to policies established by the NDOL Reemployment Services Division;
- require that data validation be performed according to the record sampling and validation processes described below in subsections (I) and (II) to insure that recorded program activities are accurately supported by acceptable source documentation as required by each program's authorizing legislation, implementing regulations, subregulatory guidance, subawards, applicable requirements of the Uniform Guidance, and this policy;
- include procedures for provision of technical assistance to program staff when data validation reveals invalid or inaccurate data; and
- include procedures for timely submission of record corrections when data validation reveals invalid data, subject to conditions, limitations, and requirements described in Section III.

(b) Staff training

The NDOL Quality Control Unit provides local area staff and staff of NDOL-administered programs with access to monthly training on topics relating the use of NEworks, ECM, and NDM. Requests for additional training relating to the use of NEworks, ECM, and NDM may be submitted by email to the NEworks Help Desk at ndol.neworkshelp@nebraska.gov. The Quality Control Unit Performance Program Coordinator also provides training to the State Monitoring Unit Supervisor and Quality Control Unit Program Analyst upon request regarding data validation.

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.

[27] TEGL 23-19 Change 1 Attachment II defines acceptable source documentation required for validation of the data elements and is accessible through APPENDIX II of this policy.

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. exit (program exit) and common exit

Exit (or program exit) [28] is the last date of service provided to a participant under a program listed below. The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services and there are no plans to provide the participant with future services. Services do not include self-service, information-only services or activities, or follow-up services. This criterion for determining program exit applies to the:

- local Title I programs;
- Jobs for Veterans State Grant program;
- Trade Adjustment Assistance program; and
- Wagner-Peyser Employment Service.

Common exit[29] means a participant is exited only when all exit criteria described above in the definition of exit are met for each program in which the participant is enrolled.

Example: Joe is enrolled in the Trade Adjustment Assistance Program and is co-enrolled in a dislocated worker program and the Wagner-Peyser Employment Service. Joe's last date of service under Wagner-Peyser is August 1. Joe's last date of service under the dislocated worker program is September 15. Joe's last date of service under the Trade program is October 1. Joe receives no additional services from any of the programs. Joe's common exit date is October 1.

2. Federal financial assistance

Federal financial assistance means assistance that non-Federal entities receive or administer in the form of:[30]

- grants;
- cooperative agreements;
- non-cash contributions or donations of property (including donated surplus property);
- direct appropriations;
- food commodities; and

[28] 20 CFR § 677.150(c)
[29] 20 CFR § 677.150(c)(3)(ii)
[30] 2 CFR § 200.40

- other financial assistance, excluding:
    - loans and loan guarantees;
    - interest subsidies; and
    - insurance.

3. non-Federal entity

Non-Federal entity means a state, local government, Indian tribe, institution of higher education, or nonprofit organization that carries out a Federal award as a recipient or subrecipient.[31] For purposes of the policy, non-Federal entity may refer to NDOL, local boards, or subrecipients.

4. pass-through entity

Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.[32] For purposes of this policy, pass-through entity may refer to NDOL or local boards, depending on context.

5. personally identifiable information (PII)

Personally identifiable information[33] (PII) means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Some information that is considered to be PII is available in public sources such as telephone books, public websites, and university listings. This type of information is considered to be public PII and includes, for example, first and last name, address, work telephone number, email address, home telephone number, or general educational credentials. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. Non-PII can become PII whenever additional information is made publicly available, in any medium and from any source, that could be used to identify an individual when combined with other available information.

6. protected PII

Protected personally identifiable information (protected PII)[34] means an individual's first name or first initial and last name in combination with any one or more of types of information, including, but not limited to, social security number, passport number, credit card numbers, clearances, bank numbers, biometrics, date and place of birth, mother's maiden name, criminal, medical and financial records, educational transcripts. This does not include PII that is required by law to be disclosed.

[31] 2 CFR § 200.69
[32] 2 CFR § 200.74
[33] 2 CFR § 200.01
[34] Ibid.

7. recipient

Recipient[35] means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. Recipient does not include subrecipients. For purposes of this policy, recipient refers to NDOL.

8. source documentation types

Acceptable source documentation types include crossmatch, self-attestation, case notes, and electronic records, subject to the requirements defined in TEGL 23-19 Change 1 Attachment II.

a. crossmatch

A crossmatch requires the validator to find detailed supporting evidence for the data element in a database. An indicator or presence of a Social Security Number in an administrative non-WIOA database is not sufficient evidence for a crossmatch. A non-WIOA database is a database that is not maintained by a WIOA core program, such as database maintained by the Nebraska Department of Motor Vehicles. A validator must confirm supporting information such as dates of participation and services rendered when using a crossmatch as source documentation.

b. self-attestation

Self-attestation (also referred to as a participant statement) occurs when a participant states their status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements of self-attestation are:

- the participant identifying his or her status for permitted data elements; and
- signing and dating a form attesting to this self-identification.

The form may be completed electronically in NEworks with an electronic signature or completed and signed using a paper form. When using a paper form, the form must be scanned and uploaded into ECM or NDM once it has been completed and signed by the participant.

c. case notes

Case notes refers to electronic statements entered into NEworks by a case manager that identify, at a minimum:[36]

- a participant's status for a specific data element (i.e., program activity or service);
- the date on which the information was obtained from the participant; and
- the name of the case manager who obtained the information.

If a program activity is planned to last more than one day, the case manager must document actual service delivery in case notes.

[35] 2 CFR § 200.86
[36] Ibid.

Case notes add context to services provided to a participant that are not clearly evidenced by the recording of program activities or services in NEworks, such as details relating to participant enrollment and discussions regarding possible training services, including consultations relating to the Eligible Training Provider List which must be documented.[37] It is important to note that case notes are necessary supplemental information that support recorded services, and they are considered during data validation and monitoring.

d. electronic records

Electronic records are participant records created, stored, and maintained exclusively in NEworks, ECM, or NDM, including:

- program applications;
- eligibility determinations;
- participant enrollments;
- exits and follow-ups;
- case notes; and
- all other information relevant to program activities.

9. subaward

Subaward[38] means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. Subaward does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

10. subrecipient

Subrecipient[39]means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program. The terms subrecipient does not include an individual that is a beneficiary of a Federal program, meaning a program participant.

[37] Refer to the State's policy on Eligible Training Providers for information on consultation requirements. The State's policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[38] 2 CFR § 200.1
[39] 2 CFR § 200.93

APPENDIX II. Acceptable source documentation for data elements

TEGL 23-19 Change 1 Attachment II defines acceptable source documentation for WIOA core and non-core programs. TEGL 23-19 Change 1 Attachment II is accessible at https://www.dol.gov/agencies/eta/advisories/tegl-23-19-change-1.

Clarifications regarding use of self-attestations under WIOA Title I youth programs[40]

As stated in TEGL 23-19, Change 1, the following youth eligibility data elements allow self-attestation as an acceptable source of documentation:

- school status at program entry;
- date of birth;
- individual with a disability;
- pregnant or parenting;
- youth who needs additional assistance;
- foster youth;
- homeless youth;
- offender;
- low income; and
- English Language Learner.

The only data element related to Title I youth eligibility that does not permit the use of self-attestation for documentation is “basic skills deficient.”

Further, as stated in TEGL 23-19, Change 1, self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. USDOL broadly interprets what is an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Title I youth programs must retain documentation of the self-attestation.

[40] TEGL 9-22

Disability Self-Disclosure Statement
For Employees of the Nebraska Department of Labor

Employee's Name	Job Title	Department/Location

The Nebraska Department of Labor, supports the purposes of the Federal Rehabilitation Act of 1973 as codified in Title 29 U.S.C.A. 794(7) (B), which requires an organization to provide assurance that no qualified disabled person shall, solely by his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in employment.

Section 29 U.S.C.A. 794(7) (B) defines a disabled individual as any person who:

1. Has a physical or mental impairment which substantially limits one or more of his/her major activities.
2. Has a record of such an impairment, or,
3. Is regarded as having impairment.

Examples include, but are not limited to: loss of an arm, leg or other body system, or a disease or condition which affects the heart, brain, vision, speech, hearing, or emotional well-being of the individual.

To ensure that the Department's Affirmative Action Plan and Policy addresses meaningful and realistic goals for present and future employees, we hereby give every employee an opportunity to identify him or herself as disabled.

Disclosure of this information is **voluntary**. Information obtained will be kept in a separate file and be considered confidential. Supervisors, managers, and administrators may be informed on a need-to-know basis in order to make reasonable accommodations on your job. First aid personnel may be informed as applicable and government officials may be informed where required.

We request that all employees voluntarily complete the disclosure statement and return to Office of Administrative Services/Human Resources (AS/HR).

Voluntary Self-Disclosure

☐ Choose Not to Respond	(If checked, you have completed the Voluntary Disability Self-Disclosure Statement; please sign, date, and return to Office of AS/HR
☐ Not Disabled	(If checked, you have completed the Voluntary Disability Self-Disclosure Statement; please sign, date, and return to Office of AS/HR
☐ Disabled	(If checked, complete the following; then sign, date, and return to Office of AS/HR

Identify physical impairment:

Identify the mental impairment:

Identify any barriers or obstructions which prevent access or use of work space of facilities:

Identify items that would aid you in performing your present or future job better; please describe:

Signature of Employee:	Date:

State 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 May 3, 2023 Supersedes Program Eligibility for Adults, Dislocated Workers, and Youth, Change 3 (effective August 12, 2022)

Program Eligibility for Adults, Dislocated Workers, and Youth, Change 4

REFERENCE

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

BACKGROUND

Eligibility criteria for WIOA Title I adult, dislocated worker, and youth programs are defined under the provisions of WIOA and its implementing rules, regulations, and guidance, as well as other applicable Federal rules, regulations, and guidance.

CHANGES

Under this Change 4, footnotes have been revised for clarity and links have been updated, where necessary.

ACTION

This policy supersedes and cancels the State's policy titled Program Eligibility for Adults, and Dislocated Workers, and Youth Change 3 (effective August 12, 2022). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Local boards must establish a policy or policies that:[1]

1. describe quantifiable methods that must be used to determine eligibility as in-school youth (ISY), out-of-school youth (OSY), and adults based on basic skills deficient criteria, which are defined in APPENDIX I, and such methods must:

    a. include use of assessment instruments that are valid and appropriate for the target population and the provision of reasonable accommodations during the assessment process for individuals with disabilities; and

    b. describe acceptable source documentation required to demonstrate eligibility determinations based on this criteria, in accordance with TEGL 23-19 Attachment II;

2. includes a definition for the requires additional assistance to **complete** an education program or to secure or hold employment criterion used to determine eligibility as an ISY based on the need for the additional assistance and such definition must:

    a. be reasonable, quantifiable, and based on objective evidence that the individual requires the additional assistance;

    b. describe methods that must be used to determine eligibility based on this criterion; and

    c. describe acceptable source documentation required to demonstrate eligibility determinations based on this criterion, in accordance with TEGL 23-19 Attachment II;

3. includes a definition for the requires additional assistance to enter or complete an education program or to secure or hold employment criterion used to determine eligibility as an OSY based on the need for the additional assistance and such definition must:

    a. be reasonable, quantifiable, and based on objective evidence that the individual requires the additional assistance;

    b. describe methods that must be used to determine eligibility based on this criterion; and

    c. describe acceptable source documentation required to demonstrate eligibility determinations based on this criterion, in accordance with TEGL 23-19 Attachment II;

4. defines conditions constituting the unemployed as a result of general economic conditions in the community in which the individual resides criterion used to determine eligibility as a dislocated worker based on conditions affecting self-employed individuals, including family members and farm workers or ranch hands and such definition must describe:

    a. required methods for determining eligibility based on this criterion, which must relate to general economic conditions in the individuals' community, rather than

[1] 20 CFR §§ 681.290(b) – (c), 681.300, 681.310(a), 680.130(b)(2)

personal circumstances of an individual, such as disability, injury, or other situations not related to the general economic conditions; and

b. acceptable source documentation required to demonstrate eligibility determinations based on this criterion;

5. must establish policies and procedures that address implementation, oversight, and monitoring of priority of service for adult, dislocated worker, and youth programs, as required under the State's priority of service policy.[2]

Local boards must ensure that local policies regarding eligibility for adult, dislocated worker, and youth programs comply and align with the requirements and defined terms established in this policy. Local policies must not add to or detract from eligibility requirements established under this policy and WIOA, its implementing rules, regulations, and guidance and other applicable Federal laws and regulations.

POLICY

This policy establishes eligibility requirements for adult, dislocated worker, and youth programs, including priority-of-service requirements, and has five sections and one appendix.

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Section I. General eligibility requirements

In addition to the eligibility requirements described in Sections III, IV, and V, all adult, dislocated worker, and youth program participants must be:[3]

- citizens or nationals of the United States; or

[2] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[3] 20 CFR § 683.285(a)(5)

- lawfully admitted permanent resident non-citizens, refugees, asylees, parolees, or other immigrants authorized to work in the United States by the Secretary of Homeland Security, or the Secretary's designee.

Further, the local board must ensure that all individuals who are age 18 or older and subject to the registration requirements of the Military Selective Service Act have complied with those requirements.[4]

Section II. Priority-of-service requirements

In addition to the general eligibility requirements described in Section I and program-specific eligibility requirements described in Sections III, IV, and V, there are program-specific priority-of-service requirements for adult, dislocated worker, and youth programs. The State's policy on priority-of-service provides detailed information on program-specific requirements for priority of service.[5]

Section III. Adult program eligibility

In addition to the requirements described in Section I and Section II and in order to receive career services[6] through the adult program, individuals must be age 18 or older.[7]

Section IV. Dislocated worker program eligibility[8]

In addition to the requirements described in Section I and Section II and in order to receive career services through the dislocated worker program, individuals must meet the criteria described in one of the following five categories.

Category I. Ordinary layoff

This eligibility category applies to individuals who have been terminated or laid off, or who have received a notice of termination or layoff from employment, but not because of a permanent closure or mass layoff, and are either:

- eligible for or have exhausted unemployment compensation; or
- have been employed long enough to demonstrate an attachment to the workforce even if not eligible for unemployment compensation due to:

[4] 50 USC 3801 et seq.; WIOA Sec. 189(h). Federal information on Selective Service registration requirements is accessible at https://www.sss.gov/register/who-needs-to-register/.
[5] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[6] 20 CFR § 678.430 provides detailed descriptions of career services.
[7] 20 CFR § 680.120
[8] WIOA Sec. 3(15); 20 CFR § 680.120; TEGL 19-16

- insufficient earnings; or
- having performed services for an employer that is not covered under state unemployment compensation laws.

The individuals must also be unlikely to return to a previous industry or occupation.

Category II. Permanent closure or mass layoff

This eligibility category applies to individuals who have been dislocated because of a permanent closure or mass layoff, meaning individuals who:

- have been terminated or laid off, or have received a notice of termination or layoff from employment because of permanent closure of or any substantial layoff at a plant, facility, or enterprise; or
- are employed at a facility at which the employer has made a general announcement that the facility will close within 180 calendar days; or
- for purposes of eligibility to receive services other than training services, career services, or supportive services, are employed at a facility for which the employer has made a general announcement that the facility will close.

Category III. Conditions affecting self-employment

This eligibility category applies to self-employed individuals, including family members and farm workers or ranch hands, who are:

- unemployed as a result of a natural disaster; or
- unemployed as a result of general economic conditions in the community in which the individual resides, which must be defined by the local board as stated in APPENDIX I.

Category IV. Displaced homemaker[9]

This eligibility category applies to individuals who are displaced homemakers, meaning individuals who have been providing unpaid services to family members in the home and:

- have been dependent on the income of another family member but are no longer supported by that income; or
- are dependent spouses of members (i.e., military spouses) of the US Armed Forces on active duty and whose family income is significantly reduced because of:
  - deployment;
  - call or order to active duty;

[9] WIOA Sec. 3(16)(A) – (B); 20 CFR § 680.630(d)

- permanent change of duty station; or
- service-connected disability of a service member.

The individuals must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment. Regarding underemployment, individuals who meet one or more criteria in the definition of underemployed in APPENDIX I may be considered eligible to receive services under a dislocated worker program.[10] For instance, an individual who is dislocated from a full-time job but has found part-time employment may be considered a dislocated worker.

Section IV(a)(1) provides information pertaining to military spouses (defined below) and displaced homemaker status, which is also provided in the State's priority-of-service policy.

Category V. Service members and military spouses[11]

Service members

This eligibility category applies to service members who have separated or are separating from the US Armed Forces with a discharge that is anything other than dishonorable (honorable, general, entry-level, other than honorable, and bad conduct discharges; dismissal [officer discharge]) and:

- have received a notice of separation, meaning a Form DD-214 from the Department of Defense or other documentation showing a separation or imminent separation from the US Armed Forces;
- are eligible for or have exhausted unemployment compensation; and
- are unlikely to return to a previous industry or occupation.

Section IV(b) provides clarification pertaining to separating military service members, which is also provided in the State's priority-of-service policy.

Military spouses.

This eligibility category also applies to military spouses, meaning:[12]

- individuals who are married to active duty service members, including National Guard or Reserve personnel on active duty; and
- surviving spouses of active duty service members who lost their lives while on active duty service in Afghanistan, Iraq, or other combat-related areas.

Section IV(a)(2) provides information pertaining to military spouses (defined above) and cessation of employment, which is provided in the State's priority-of-service policy.

[10] TEGL 19-16
[11] 20 CFR § 680.660; TEGL 19-16
[12] TEGL 22-04

(a) Policy clarification on military spouses

The State's priority of service policy includes the following policy clarifications regarding military spouses (defined above) and displaced homemaker status and cessation of employment.[13]

(1) Displaced homemakers[14]

Military spouses may qualify to be served as a dislocated worker if they meet the definitional requirements for displaced homemaker. Surviving military spouses of Veterans and military service members may be served with dislocated worker funds. If a surviving military spouse of a Veteran or military service member qualifies generally as a dislocated worker or specifically as a displaced homemaker, they can be served under the dislocated worker program. If the surviving military spouse does not meet those requirements, they can be served under the adult program. Under either program, a surviving military spouse of a Veteran must receive priority of service over non-covered persons if they qualify for priority as an eligible spouse.

(2) Cessation of employment[15]

When a military spouse is unable to continue an employment relationship because of a military service member's permanent change of military station or the military spouse loses employment as a result of the military service member's discharge from the military, then the cessation of employment meets the termination component of the definition of dislocated worker. The military spouse's cessation of employment due to the military service member's permanent change of military station or their discharge from the military can also be considered to meet the unlikely to return to a previous industry or occupation criterion of the definition of dislocated worker. This criterion of the definition of dislocated worker recognizes the breadth of job types and considers whether the individual is likely to return to either their prior industry or (not "and") occupation. Furthermore, the phrase specifically uses the term "unlikely" to return; therefore, the standard for determining the likelihood of return is not absolute; instead, it is a matter of judgment based on relevant circumstances. In the majority of cases, the circumstances in which military spouses are required to leave a job/occupation as a result of the military service member's transfer do not position the spouse to return immediately to their previous industry or occupation, particularly at the same level for one or more of following reasons.

- Spouses are generally not resuming employment with the same employer.
- Even if a military spouse resumes employment with the same employer, the employment is in a new location, and jobs/occupations will generally not be the same structurally or organizationally in the new location as in the prior location.
- When military spouses do get jobs in their new locations, it is likely, as new employees, that they will start at lower levels of seniority than the levels of their positions in their prior locations.

[13] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[14] TEGL 22-04
[15] TEGLs 22-04 and 22-04 Change 1

- There is frequently a gap in employment as military spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of job type or occupation.

- The skills of the military spouse may be obsolete or inadequate compared to the advancing competency needs of the current workforce and economy.

- The industry in which the military spouse has prior work experience may be in decline in the region to which the military spouse has relocated.

- There may be an excess number of workers with similar skill sets and experience to that of the military spouse who are also seeking limited employment opportunities in the region to which the military spouse has relocated.

Based upon the totality of these circumstances, it would be reasonable to conclude that in the vast majority of cases, military spouses impacted by a military service member's duty reassignment or discharge will meet the unlikely to return to a previous industry or occupation criterion and could, therefore, be served as dislocated workers. Military spouses who meet eligibility criteria for dislocated workers must be afforded priority over non-covered persons.

(b) Policy clarification on separating military service members[16]

A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid off. 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, falls within the scope of the termination component of the definition of dislocated worker. The separating military service member must also satisfy other criteria for dislocated worker program eligibility, including the requirement that the individual is unlikely to return to a previous industry or occupation. Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating military service members who upon discharge meet the eligibility criteria for dislocated worker programs are afforded priority over individuals who are not Veterans.

Section V. Youth program eligibility

(a) ISY eligibility criteria

In addition to the requirements described in Section I and Section II, two levels of criteria must be met for individuals to qualify as an ISY.

Level 1. Individuals must meet all of the criteria listed in Table 1 to be eligible as an ISY.

Table 1. ISY level 1 eligibility criteria[17]

ISY level 1 eligibility criteria
1. The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability.
2. The individual is not younger than age 14 or older than age 21.

[16] TEGL 22-04
[17] 20 CFR §§ 680.110(c) and 681.220(a) – (c)

ISY level 1 eligibility criteria
3. The individual is attending school, including secondary school or postsecondary school.
4. The individual is a low-income individual.[18]

Potential ISY who receive or are eligible to receive free or reduced lunch, foster youth, homeless youth, and youth living in a high-poverty area to automatically be considered low income.

Level 2. In addition to Level 1 criteria, individuals must also meet at least one of the eight criteria listed in Table 2 to be eligible as an ISY.

Table 2. ISY level 2 eligibility criteria[19]

ISY level 2 eligibility criteria
1. The individual is basic skills deficient.
2. The individual is an English language learner.
3. The individual is an offender.
4. The individual is a homeless individual who: a. lacks a fixed, regular, and adequate nighttime residence and is: i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; ii. lives in a motel, hotel, trailer park, or campground due to the lack of an adequate alternative; iii. lives in an emergency or transitional shelter; or iv. is awaiting foster care placement; b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; c. is a migratory youth who is living under circumstances described in rows 4a and 4b of this table; d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, similar settings; or e. is a runaway.
5. The individual: a. is in foster care; b. has aged out of the foster care system; c. has attained age 16 and left foster care for kinship guardianship or adoption; d. is eligible for assistance under the John H. Chafee Foster Care Independence Program; or e. is in an out-of-home placement.
6. The individual is pregnant or parenting.
7. The individual is an individual with a disability.
8. The individual requires additional assistance to complete an educational program or to secure or hold employment.

(1) Age-based eligibility for ISY[20]

As stated above, an individual must be at least age 14 but not older than age 21 to be considered eligible as an ISY. School status is determined at the time of eligibility determination and remains

[18] Potential youth program participants who live in high-poverty area census tracts are automatically considered low-income individuals [20 CFR §§ 681.250(d) and 681.260], in accordance with NDOL's current Notice regarding high-poverty area census tracts, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Notices.
[19] 20 CFR § 681.220(d); 42 USC §§ 14043e-2(6) and 11434a(2)
[20] 20 CFR § 681.220(b)

the same throughout the individual's participation in the youth program. Once enrolled, an ISY may continue to receive services beyond age 21.

(2) High school equivalency and dropout re-engagement programs[21]

High school equivalency programs and dropout re-engagement programs are not considered schools for purposes of determining school status, with one exception. Individuals attending high school equivalency programs, including programs considered to be dropout re-engagement programs, are ISY when the programs:

- are funded by a public K12 school system; and
- classify the individuals as still enrolled in school.

In addition, an individual enrolled in an alternative school, class, or education program established in accordance with Neb. Rev. Stat. § 79-266 is considered an ISY when the alternative school, class, or education program classifies the individual as still enrolled in school.

(3) Low-income exception[22]

All individuals must be low-income to meet ISY eligibility criteria, with one exception. Up to five percent of all youth program participants (ISY and OSY), who ordinarily would be required to be low-income for eligibility purposes, are not required to meet the low-income requirement for eligibility provided they meet all other eligibility requirements. Example:

- A local area enrolled 200 individuals in the youth program:
    - 100 were OSY who were not required to meet the low-income criterion;
    - 50 were OSY who were required to meet the low-income criterion; and
    - 50 were ISY.
- In this example, the 50 OSY required to meet the low-income criteria and the 50 ISY are the only youth program participants factored into the five percent low-income exception calculation.
- Therefore, 5 of the 100 individuals who ordinarily would be required to meet the low-income criterion are not required to meet that criterion based on this low-income exception.

(4) Additional assistance limitation for ISY[23]

In each local area, not more than five percent of individuals may be eligible as ISY based solely on a need for additional assistance to complete an educational program or to secure or hold employment. This limitation applies only to ISY.

[21] 20 CFR § 681.230; TEGL 21-16
[22] 20 CFR § 681.250(c); TEGL 21-16
[23] 20 CFR § 681.310(b)

Example. if a local area enrolls 100 individuals as ISY during PY 2017, only five of those 100 individuals can be determined eligible based solely on the requires additional assistance criterion.

(b) OSY eligibility criteria

In addition to the requirements described in Section I and Section II, two levels of criteria must be met for an individual to qualify as an OSY.

Level 1. Individuals must meet all of the criteria listed in Table 3 to be eligible as an OSY.

Table 3. OSY level 1 eligibility criteria[24]

OSY level 1 eligibility criteria
1. The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability.
2. The individual is not younger than age 16 or older than age 24.
3. The individual is not attending school (secondary school) or attending postsecondary school.

Level 2. In addition to Level 1 criteria, individuals must meet at least one of the nine criteria listed in Table 4 to be eligible as an OSY.

Table 4. OSY level 1 eligibility criteria[25]

OSY level 2 eligibility criteria
1. The individual is a dropout.
2. The individual is within the age of compulsory school attendance under state law but has not attended for at least the most recent complete school-year quarter or calendar-year quarter.
3. The individual is a recipient of a secondary school diploma or its recognized equivalent, a low-income individual,[26] and either basic skills deficient or an English language learner.
4. The individual is an offender.
5. The individual is a homeless individual who: a. lacks a fixed, regular, and adequate nighttime residence and is: i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; ii. living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative; iii. living in an emergency or transitional shelter; iv. is abandoned in a hospital; or v. is awaiting foster care placement; b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; c. is a migratory youth who is living under circumstances described in rows 5a and 5b of this Table 4; d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or e. is a runaway.
6. The individual: a. is in foster care;

[24] 20 CFR §§ 680.110(c) and 681.210(a) – (b)
[25] WIOA Sec. 3(24)(G); 20 CFR § 681.210(c); 42 USC §§ 14043e-2(6) and 11434a(2)
[26] Potential youth program participants who live in high-poverty area census tracts are automatically considered low-income individuals [20 CFR §§ 681.250(d) and 681.260], in accordance with NDOL's current Notice regarding high-poverty area census tracts, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Notices.

OSY level 2 eligibility criteria
b. has aged out of the foster care system; c. has attained age 16 and left foster care for kinship guardianship or adoption; d. is eligible for assistance under the John H. Chafee Foster Care Independence Program; or e. is in an out-of-home placement.
7. The individual is pregnant or parenting.
8. The individual is an individual with a disability.
9. The individual requires additional assistance to **enter or complete** an educational program or secure or hold employment and is a low-income individual

(1) Age-based eligibility for OSY[27]

As stated above, individuals must be at least age 16 but not older than age 24 to be considered eligible as an OSY. School status is determined at the time of eligibility determination and remains the same throughout individuals' participation in the youth program. Once enrolled, OSY may continue to receive services beyond age 24.

(2) Low-income requirements for OSY

There are only three instances where low-income status must be documented for OSY. Only those OSY who are determined eligible by virtue of one or more of the following characteristics:[28]

1. basic skills deficiency;

2. English language learner; or

3. requires additional assistance to enter or complete an educational program or to secure of hold employment criterion.

Other out-of-school youth do not need to be low-income or document their income.[29] Additionally, OSY who are foster youth, homeless youth, and youth living in a high-poverty area are automatically be considered low income.[30]

(3) Low-income exception

As stated in Section IV(a)(3), up to five percent of all youth program participants (ISY and OSY), who ordinarily would be required to be low-income for eligibility purposes, are not required to meet the low-income requirement for eligibility, provided they meet all other eligibility requirements.

[27] 20 CFR § 681.210(b)
[28] 20 CFR § 681.250(a); TEGL 9-22
[29] TEGL 9-22
[30] TEGL 9-22. The

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.

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. active duty

Active duty[31] means full-time duty in the active military service of the United States. 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.

For purposes of this policy, active duty does not include full-time National Guard duty.

2. active military, naval, air, or space service

Active military, naval, air, or space service includes:[32]

- active duty;
- any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty;
- any period of inactive duty training during which the individual concerned was disabled or died:
    - from an injury incurred or aggravated in line of duty; or
    - from an acute myocardial infarction, cardiac arrest, or a cerebrovascular accident occurring during such training;
- full-time duty in the National Guard or a Reserve component.

Active military, naval, air, or space service does not include full-time duty for training purposes, meaning training that is often referred to as “weekend” or “annual” training for National Guard or a Reserve components.[33]

[31] 10 USC § 101(d)(1)
[32] 38 USC § 101(24); 38 CFR § 17.31
[33] 20 CFR § 1010.110

3. age of compulsory school attendance

An individual who is within the age of compulsory school attendance[34] is an individual who is subject to compulsory school attendance according to Nebraska state law. In Nebraska, individuals ages 6 through 17 are required to attend school, with three exceptions:

- the individual has obtained a high school diploma;
- the individual has completed a program of instruction offered by an unaccredited school that is approved by the Nebraska State Board of Education; or
- has reached 16 years of age and has been legally withdrawn from school.

4. attachment to the workforce

The phrase attachment to the workforce[35] means having been employed at least 20 or more hours per week for at least six of the most recent 36 months in a single occupation. The six months need not be consecutive. An employee of a temporary employment agency, in order to demonstrate attachment to the workforce, must have worked on the same assignment for the same number of weekly hours and duration noted above.

5. attending postsecondary school

Attending postsecondary school[36] means enrollment in credit-bearing postsecondary education classes, including credit-bearing community college classes and continuing education classes.

If an individual is enrolled in non-credit-bearing postsecondary classes only, then the individual is not considered to be attending postsecondary school.

If 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.

6. attending school (secondary school)

The phrase attending school (secondary school) is defined under state law. Nebraska State Law defines attending school[37] as enrollment in and regular attendance at a school approved by the Nebraska State Board of Education, including:

- accredited public and private schools;
- accredited denominational and parochial schools;
- schools that elect not to meet accreditation requirements, including home schools; and

[34] TEGL 21-16; Neb. Rev. Stat. § 79-201
[35] This is a term defined by the State.
[36] TEGL 21-16
[37] 20 CFR § 681.550(a); TEGL 21-16; Neb. Rev. Stat. §§ 79-201, 79-202, 79-319, and 79-1601

- high school equivalency programs, including an alternative school, class, or education program established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students.

If an individual is enrolled in the youth program during the summer and is in between secondary school years, the individual is considered an ISY if they are enrolled to continue school in the fall.

7. basic skills deficient

An individual who is basic skills deficient is:[38]

- a youth who has English reading or writing skills or computing skills at or below the 8th grade level based on a generally accepted standardized test; or

- a youth or adult who is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

8. call or order to active duty

The phrase call or order to active duty[39] refers to a call or order or retention on active duty for members of the uniformed services pursuant to 10 USC §§ 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 or 10 USC Subtitle A Part I Chapter 15, or any other provision of law during a war or during a national emergency declared by the United States President or Congress.

9. deployment

A member of the US Armed Forces is considered to be on deployment[40] on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on duty at the member's permanent duty station or homeport. If the individual is member of a reserve component of the US Armed Forces and is performing active service pursuant to orders that do not establish a permanent change of station, the housing referred to above is any housing (including the member's residence) that the member usually occupies for use during off-duty time when on duty at the member's permanent duty station or homeport. The Secretary of Defense may prescribe an alternative definition of deployment other than that described above.

A member of the US Armed Forces is not on deployment when the member is:

- performing service as a student or trainee at a school (including Government school);

- performing administrative, guard, or detail duties in garrison at the member's permanent duty station;

[38] WIOA Sec. 3(5)
[39] 10 USC § 101(a)(13)(B)
[40] 10 USC § 991(b)

- unavailable solely because of a hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

- unavailable solely because of a disciplinary action taken against the member.

10. dropout

A dropout[41] is an individual who:

- is no longer attending any school; and

- has not received a secondary school diploma or recognized equivalent.

Dropout refers only to an individual who is currently a secondary school dropout. Dropout does not include a youth who previously dropped out of secondary school but subsequently returned. For example, a youth who dropped out of high school in 2020 and returned to high school in 2021 prior to enrollment in the youth program is not a dropout. An individual who has dropped out of postsecondary education is not a dropout for purposes of youth program eligibility.

11. eligible spouse

Eligible spouse,[42] as defined in 38 USC § 4215(a), means the spouse of any of the following:

- any Veteran who died of a service-connected disability;

- any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:

    - missing in action;

    - captured in line of duty by a hostile force; or

    - forcibly detained or interned in the line of duty by a foreign government or power;

- any Veteran who has a total disability resulting from a service-connected disability, as determined by the US Department of Veterans Affairs (USDVA); or

- any Veteran who died while a total disability resulting from a service-connected disability was in existence, as determined by USDVA.

Note.[43] An eligible spouse whose eligibility is derived from a living Veteran or military service member would lose their eligibility if the Veteran or military service member were to lose the status that is the basis for the eligibility (e.g., if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for an eligible spouse whose

[41] WIOA Sec. 3(54); TEGL 21-16
[42] Ibid.
[43] TEGL 07-09

eligibility is derived from a living Veteran or military service member, that eligible spouse's eligibility would be lost upon divorce from the Veteran or military service member.

12. English language learner

English language learner[44] means an individual who has limited ability in reading, writing, speaking, or comprehending the English language and:

- whose native language is a language other than English; or
- lives in a family or community environment where a language other than English is the dominant language.

13. general announcement

The term general announcement[45] 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.

14. high-poverty area

A high-poverty area, as it relates to youth eligibility, is a census tract, a set of contiguous Census tracts, a county, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the US Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary of Labor in guidance, that has a poverty rate of at least 25 percent as set every five years using American Community Survey 5-year data.[46]

A detailed list of high-poverty area census tracts is provided by the NDOL Reemployment Services Division every five years pursuant to 20 CFR § 681.260.

15. individual with a disability

The term individual with a disability means an individual with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990.[47]

[44] WIOA Secs. 3(20) and 203(7); TEGL 21-16
[45] This is the State's definition as permitted under 20 CFR § 680.130(b)(1).
[46] Potential youth program participants who live in high-poverty area census tracts are automatically considered low-income individuals [20 CFR §§ 681.250(d) and 681.260], in accordance with NDOL's current Notice regarding high-poverty area census tracts, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Notices.
[47] 20 CFR § 675.300

16. laid off or layoff

For determining eligibility as a dislocated worker, the terms laid off or layoff[48] mean an individual's employment relationship is or will be suspended by the employer, without cause,[49] for more than 180 calendar days.

17. low-income individual

A low-income individual is an individual who meets one or more of the criteria listed in Table 5. Note that a youth who lives in a high-poverty area is automatically considered a low-income individual.[50]

Table 5. Low-income criteria[51]

Low-income eligibility criteria
1. The individual currently receives or is a member of a family currently receiving assistance through: a. Supplemental Nutrition Assistance Program (SNAP); b. Temporary Assistance for Needy Families Program (TANF); c. Supplemental Security Income through the Social Security Administration (SSI); or d. state or local income-based public assistance.
2. In the past 6 months, the individual has received or is a member of a family that has received assistance through: a. SNAP; b. TANF; c. SSI; or d. state or local income-based public assistance.
3. The individual is in a family whose total family income does not exceed the higher of:[52] a. the current Federally established poverty line; or b. 70 percent of the Federally established lower living standard income level (LLSIL).
4. The individual is a homeless individual who: a. lacks a fixed, regular, and adequate nighttime residence and is: i. sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; ii. living in a motel, hotel, trailer park, or campground due to the lack of adequate alternative; iii. living in an emergency or transitional shelter; iv. is abandoned in a hospital; or v. is awaiting foster care placement; b. has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; c. is a migratory youth who is living under circumstances described in rows 4a and 4b of this table; d. lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or e. is a runaway.
5. The individual receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act, unless the individual is a recipient of a secondary school diploma or its recognized equivalent.
6. The individual is a foster child on behalf of whom state or local government payments are made.

[48] This is a term defined by the State.
[49] Cause, with or without, is a determination made by the state's unemployment compensation determinations unit regarding the circumstances surrounding a separation from employment.
[50] 20 CFR §§ 681.250(d) and 681.260
[51] WIOA Secs. 3(36) and 181(a)(2); 38 USC § 4213
[52] The term lower living standard income level (LLSIL) means the income level determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

Low-income eligibility criteria
7. The individual is an individual with a disability whose income meets either of the criteria listed in row 3 of this Table 5.

a. Income considered when determining low-income status

The following types of payments made or in-kind aid to individuals are not considered income when determining low-income eligibility for WIOA Title I programs:

- TANF payments;
- reduced price lunches under the Richard B. Russell National School Lunch Act;
- payments made on behalf of a foster child by state or local government payments; and
- payments made to individuals participating programs authorized under WIOA Title I.

In addition, when determining low-income eligibility for WIOA Title I programs for Veterans and eligible spouses of Veterans, payments made or in-kind aid to individuals from the following sources are not considered income:

- any amounts received as military pay or allowances by any person who served on active duty;
- any amounts received by a Veteran or eligible spouses of Veterans under the following chapters of Title 38 of the US Code:
    - Chapter 13 for service-connected deaths;
    - Chapter 30 for educational assistance;
    - Chapter 30 for peacetime disability or death compensation;
    - Chapter 30 for wartime disability or death compensation;
    - Chapter 31 for training and rehabilitation for Veterans with service-connected disabilities;
    - Chapter 32 for Post-Vietnam Era Veterans education assistance; and
    - Chapter 35 for survivors and dependents educational assistance;
- any amounts received by a Veteran or eligible spouse of a Veteran under 10 USC Chapter 106 for educational assistance for members of the selected reserve; and
- any amounts received by transitioning service members.

Also, when determining low-income status of an individual with a disability, the income of the individual's family must not be considered.

There are no other income exclusions.

For the avoidance of doubt, all other types of payments made to individuals are considered income when determining low-income eligibility for WIOA Title I programs, including:

- unemployment insurance benefits;
- child support payments; and
- payments made by state-administered plans for old-age assistance.

18. mass layoff

The term mass layoff means a layoff that has occurred when:[53]

- at least 50 affected workers have been laid off; or
- a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the announced layoff.

19. non-covered person

Non-covered person[54] means any individual who does not meet the definition of Veteran or eligible spouse.

20. notice of termination or layoff from employment

A notice of termination or layoff from employment[55] 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.

21. offender

Offender means an adult or juvenile who:[56]

- is or has been subject to any stage of the criminal justice process and for whom services under adult, dislocated worker, or youth programs may be beneficial; or
- requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

22. pregnant or parenting

A pregnant individual is the expectant mother only.[57] An individual who is parenting is a custodial or non-custodial mother or father.[58]

[53] 20 CFR § 682.305
[54] 20 CFR § 1010.110
[55] This is a term defined by the State.
[56] WIOA Sec. 3(38)
[57] TEGL 21-16
[58] Ibid.

23. requires additional assistance to complete an education program or to secure or hold employment

The phrase requires additional assistance to complete an education program or to secure or hold employment with regard to youth program eligibility must be defined in policy by the local board.[59]

24. requires additional assistance to enter or complete an education program or to secure or hold employment

The phrase requires additional assistance to enter or complete an education program or to secure or hold employment with regard to youth program eligibility is defined in policy by the local board.[60]

25. postsecondary school

The following postsecondary schools are considered postsecondary career schools:

- all postsecondary institutions that are accredited according to the requirements of the US Department of Education, such as universities, state colleges, and community colleges;
- all in-state private postsecondary career schools that are licensed to operate in Nebraska by the Nebraska Department of Education pursuant to the Nebraska Private Postsecondary Career School Act;[61] and
- all out-of-state private postsecondary career schools that are authorized to recruit Nebraska residents by the Nebraska Department of Education pursuant to the Nebraska Private Postsecondary Career School Act.[62]

26. school

The term school is defined under Nebraska state law which defines school[63] as a school approved by the Nebraska State Board of Education, including:

- accredited public and private secondary schools;
- accredited denominational and parochial secondary schools;
- schools that elect not to meet accreditation requirements, including home schools; and
- alternative schools, classes, or education programs established in accordance with Neb. Rev. Stat. § 79-266 for the benefit of expelled students.

It is important to note the following points in relation to the definition of school.

- Nebraska state law does not include postsecondary schools in its definition of school.

[59] 20 CFR §§ 681.300 and 681.310
[60] 20 CFR § 681.300 and 681.310
[61] Neb. Rev. Stat. §§ 85-1607 – 85-1658
[62] Ibid.
[63] 20 CFR § 681.230; TEGL 21-16; Neb. Rev. Stats. §§ 79-201, 79-202, 79-319, and 79-1601

- Providers of WIOA Title IC (Job Corps), Title ID (YouthBuild), and Title II (Adult Education and Family Literacy Act) programs are not considered schools for the purposes of determining school status.

27. service-connected disability

The term service-connected disability means with respect to disability or death that such disability was incurred or aggravated, or that death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, air, or space service.[64]

28. temporary recall

The term temporary recall[65] refers to a request from an employer for 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. In a temporary recall, the employer still intends to terminate the worker.

29. terminated

For determining eligibility as a dislocated worker, terminated[66] employment is a permanent situation in which the employer lays off an individual without cause[67] 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 a termination of employment:

- seasonal unemployment;
- an end to an assignment through a temporary employment agency;
- a notice of termination that includes a certain or tentative recall date within 180 calendar days of the initial layoff date; or
- retirement or other voluntary separation from the workforce.

30. underemployed

Underemployed[68] individual means an individual who is employed:

- less than full-time who is seeking full-time employment;
- in a position that is inadequate with respect to their skills and training;
- who meets the definition of a low-income individual; or

[64] 38 USC § 101(16)
[65] This is a term defined by the State.
[66] Ibid.
[67] Cause, with or without, is a determination made by the Nebraska Department of Labor unemployment compensation determinations unit regarding the circumstances surrounding a separation from employment.
[68] TEGL 19-16

- but whose current job earnings are not sufficient compared to their previous earnings from previous employment.

31. unemployed as a result of general economic conditions in the community in which the individual resides

The phrase unemployed as a result of general economic conditions in the community in which the individual resides must be defined by the local board, provided the definition is reasonable and based on verifiable data.[69]

32. unemployed as a result of a natural disaster

The phrase unemployed as a result of a natural disaster[70] means unemployment caused by a major adverse event resulting from natural processes of the Earth or forces other than the acts of human beings, including environmental conditions, such as:

- floods;
- droughts;
- tornadoes;
- earthquakes; and
- 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.

33. unlikely to return to a previous occupation or industry

When determining eligibility as a dislocated worker, 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 only on one or more of the following four criteria, subject to the clarification provided below relating to separating service members and military spouses:[71]

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.

[69] This is the State's definition as permitted under 20 CFR § 680.130(b)(1).
[70] Ibid.
[71] Ibid.

Separating service members and military spouses experiencing cessation of employment meet the standard of unlikely to return to a previous industry or occupation.

34. Veteran

Veteran[72] means a person who served in the active military, naval, air, or space service and was discharged or released therefrom under conditions other than dishonorable, as specified in 38 USC § 101(2). Active military, naval, air, or space service includes full-time duty in the National Guard or a Reserve component, except for full-time duty for training purposes (i.e., that which often is referred to as "weekend" or "annual" training).

[72] 20 CFR § 1010.110; 38 USC § 101(2)

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

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Policy category
Performance Accountability

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Performance Accountability, Change 4

REFERENCE

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

BACKGROUND

The US Departments of Education and Labor established performance accountability requirements to assess the effectiveness of the workforce development system's six core programs and 10 non-core programs (listed in Table 1) toward achieving positive outcomes for individuals served by the programs.

Table 1. Programs participating in the WIOA Performance Accountability System[1]

Program type	Program name	Authorizing legislation
Core	Adult	WIOA Title I
Core	Dislocated worker	WIOA Title I
Core	Youth	WIOA Title I
Core	Adult Education and Family Literacy Act	WIOA Title II
Core	Wagner-Peyser Employment Service, including the Monitor Advocate System[2]	WIOA Title III

[1] TEGL 10-16 Change 2; TEGL 14-18

[2] Monitor Advocate System is not a stand-alone program. Instead, Monitor Advocate System works to protect the standards of services provided to migrant and seasonal farmworkers under the Title III Wagner-Peyser [TEGL 14-18].

Program type	Program name	Authorizing legislation
Core	Vocational Rehabilitation	WIOA Title IV
Non-core	Job Corps	WIOA Secs. 141 – 162
Non-core	Jobs for Veterans State Grants	38 USC Chapter 41
Non-core	H-1B Job Training (grants awarded July 1, 2016 and later)	29 USC § 3224a
Non-core	Indian and Native American	WIOA Sec. 166
Non-core	National Dislocated Worker Grants	WIOA Sec. 170
Non-core	National Farmworker Jobs Program	WIOA Sec. 167
Non-core	Reentry Employment Opportunities	WIOA Sec. 169
Non-core	Senior Community Service Employment Program	42 USC 3056 et seq.
Non-core	Trade Adjustment Assistance	19 USC 2271 et seq.
Non-core	YouthBuild	WIOA Sec. 171

CHANGES

Under this Change 3, footnotes have been revised for clarity and links have been updated, where necessary. In addition, the following materials changes have made to Section I(d)(1)(i):

- expansion of the description of professional, industry or employers that may offer recognized postsecondary credentials to include product manufacturers and developers; and

- clarification that not all credentials offered by the entities listed meet the definition of recognized postsecondary credential; and although these types of certificates may not count towards the credential attainment rate indicator, these types of certifications may lead to positive outcomes in other performance indicators, so it may be valuable to provide services that lead to such certificates, depending on the requirements and eligibility for individual programs.

ACTION

This policy supersedes and cancels the State's policy titled Performance Accountability, Change 3 (effective June 17, 2022). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

POLICY

This policy establishes performance accountability requirements applicable to:

- Title I adult, dislocated worker, and youth programs;

- NDOL-administered programs:
    - Title III Wagner-Peyser Employment Service (Wagner-Peyser), including the Monitor Advocate System;
    - Jobs for Veterans State Grant program (JVSG);
    - Trade Adjustment Assistance program (TAA); and
- National Dislocated Worker Grant programs (DWG).

This policy has six sections and two appendices.

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Section I. Primary indicators of performance

The US Department of Labor (USDOL) measures performance of USDOL-funded programs using six primary indicators of performance.[3] This policy discusses how the performance indicators apply to:

- local adult, dislocated worker, and youth programs;
- Wagner-Peyser, including the Monitor Advocate System;
- JVSG;
- TAA; and
- DWG.

The six primary indicators of performance are described in the following subsections.

(a) Employment rate, second quarter after exit

For the programs listed below, this indicator measures program performance based on the percentage of participants who are in unsubsidized employment during the second quarter after exit:[4]

- local adult and dislocated worker programs;
- Wagner-Peyser;
- JVSG;
- TAA; and
- DWG.

For local youth programs, this indicator measures program performance based on the percentage of participants in unsubsidized employment or education or training activities during the second quarter after exit.[5]

[3] WIOA Sec. 116(b)(2)(A)(i) – (ii); 20 CFR § 677.155(a)(1); TEGL 10-16 Change 2; TEGL 14-18
[4] TEGL 10-16 Change 2; TEGL 14-18 Appendix I and Attachments 4 and 10
[5] TEGL 10-16 Change 2; TEGL 14-18 Appendix I

(1) Monitor Advocate System

For the Monitor Advocate System, USDOL monitors the equitable provision of employment services for migrant and seasonal farmworkers (MSFWs) by comparing outcomes on this indicator for MSFWs in Wagner-Peyser to outcomes for non-MSFWs in Wagner-Peyser.[6] This is achieved by using outcomes on this indicator for non-MSFWs as a:

- proxy to calculate the minimum service level indicator for MSFWs placed in unsubsidized employment; and
- data point necessary for calculating the proxy for the minimum service level indicator for MSFWs placed long-term in unsubsidized non-agriculture employment for the fourth-quarter employment rate indicator.

(b) Employment rate, fourth quarter after exit

For the programs listed below, this indicator measures program performance based on the percentage of participants who are in unsubsidized employment during the fourth quarter after exit:[7]

- local adult and dislocated worker programs;
- Wagner-Peyser;
- JVSG;
- TAA; and
- DWG.

For local youth programs, this indicator measures program performance based on the percentage of participants in unsubsidized employment or education or training activities during the fourth quarter after exit.[8]

(1) Monitor Advocate System

For the Monitor Advocate System, USDOL monitors the equitable provision of employment services for MSFWs by comparing outcomes on this indicator for MSFWs in Wagner-Peyser to outcomes for non-MSFWs in Wagner-Peyser.[9] This is achieved by using outcomes on this indicator for non-MSFWs as a proxy to calculate the minimum service level indicator for MSFWs placed long-term in unsubsidized non-agriculture employment.

[6] TEGL 14-18 Attachment 5
[7] TEGL 10-16 Change 2; TEGL 14-18 Appendix I and Attachments 4 and 10
[8] TEGL 10-16 Change 2; TEGL 14-18 Appendix I
[9] TEGL 14-18 Attachment 5

(c) Median earnings rate, second quarter after exit

For the programs listed below, this indicator measures program performance based on the median earnings of participants who are in unsubsidized employment during the second quarter after exit:[10]

- local adult, dislocated worker, and youth programs;
- Wagner-Peyser;
- JVSG;
- TAA; and
- DWG.

(1) Monitor Advocate System

For the Monitor Advocate System, USDOL monitors the equitable provision of employment services for MSFWs by comparing outcomes on this indicator for MSFWs in Wagner-Peyser to outcomes for non-MSFWs in Wagner-Peyser.[11] This is achieved by using outcomes on this indicator for non-MSFWs as a proxy to calculate the minimum service level indicator of median earnings for MSFWs placed in unsubsidized employment.

(d) Credential attainment rate

For the programs listed below, this indicator measures program performance based on the percentage of participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma (or its recognized equivalent) during program participation or within one year after exit:[12]

- local adult, dislocated worker, and youth programs;
- TAA; and
- DWG.

Participants who attain secondary school diplomas (or recognized equivalents) are included in performance calculations for this indicator only if they are also employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit.

This performance indicator does not apply to JVSG or Wagner-Peyser, including the Monitor Advocate System.[13]

[10] TEGL 10-16 Change 2; TEGL 14-18 Appendix I and Attachments 4 and 10
[11] TEGL 14-18 Attachment 5
[12] TEGL 10-16 Change 2; TEGL 14-18 Appendix I and Attachment 10
[13] TEGL 10-16 Change 2; TEGL 14-18 Appendix I and Attachment 4

(1) Types of credentials

The credential attainment indicator measures attainment of two types of credentials:

- recognized postsecondary credentials; and
- secondary school diplomas or recognized equivalents.

(i) Recognized postsecondary credentials

A recognized postsecondary credential is a credential that is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation.[14] These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations. A variety of public and private entities issue recognized postsecondary credentials, examples of which include:

- state educational agencies or state agencies responsible for administering vocational and technical education within a state;
- institutions of higher education that are qualified to participate in Federal student financial aid programs authorized under the Higher Education Act, including community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;
- institutions of higher education that are formally controlled, or have been formally sanctioned or chartered, by the governing body of Indian tribes;
- professional, industry, or employer organizations or product manufacturer or development that use valid and reliable assessments of individuals' knowledge, skills, and abilities;
- product manufacturers or developers using valid and reliable assessments of individuals' knowledge, skills and abilities;
- USDOL Office of Apprenticeship or recognized state apprenticeship agencies;
- public regulatory agencies that award credentials based on an individual's fulfillment of educational, work experience, or skill requirements that are legally necessary for individuals to use occupational or professional titles or to practice occupations or professions;
- programs approved by the Department of Veterans Affairs to offer education benefits to Veterans and other eligible persons; and
- Job Corps, which issues certificates for completing career-training programs based on industry skills standards and certification requirements.

[14] TEGL 10-16 Change 2; TEGL 14-18 Appendix I

It is important to note that not all credentials offered by these entities meet the definition of recognized postsecondary credential.[15] Although these types of certificates may not count towards the credential attainment rate indicator, these types of certifications may lead to positive outcomes in other performance indicators, so it may be valuable to provide services that lead to such certificates, depending on the requirements and eligibility for individual programs.

(ii) Secondary school diploma or recognized equivalent

A secondary school diploma is one that is recognized by a state. A recognized equivalent is one that signifies the student completed the requirements for a high school education as recognized by a state.[16] Examples of secondary school diplomas and equivalents recognized by a state include:

- secondary school diplomas obtained through credit-bearing secondary education programs sanctioned by state law, code, or regulation;
- certification of passing state-recognized competency-based assessments, such as GED tests; and
- certification of attainment of passing scores on state-recognized high school equivalency tests.

(2) Credentials that count toward the credential attainment rate

The following are acceptable types of credentials that count toward the credential attainment rate for local adult, dislocated worker, and youth programs, TAA, and DWG:[17]

- secondary school diplomas or recognized equivalents;
- associate degrees;
- bachelor degrees;
- occupational licenses, such as Federal Aviation Administration aviation mechanic licenses, and asbestos inspector licenses;
- occupational certificates , such as Registered Apprenticeship certificates of completion and Career and Technical Education educational certificates;
- occupational certifications, such as National Institute for Automotive Service Excellence certifications and National Institute for Metalworking Skills, Inc. Machining Level I credentials; and
- other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment, such as Microsoft Information Technology certificates.

[15] TEGL 10-16 Change 2; TEGL 14-18 Attachment 1
[16] TEGL 10-16 Change 2; TEGL 14-18 Appendix I
[17] 20 CFR § 680.420(a); TEGL 10-16 Change 2; TEGL 14-18 Appendix I

(i) TAA only

In addition to the credentials listed above, the following are acceptable credential types that count toward the credential attainment rate for TAA only:[18]

- post-baccalaureate certificate: an award that requires completion of an organized program of study equivalent to 18 semester credit hours beyond the bachelor's degree but does not meet the requirements of a master's degree;

- post-master's certificate: an award that requires completion of an organized program of study equivalent to 24 semester credit hours beyond a master's degree but does not meet the requirements of academic degrees at the doctor's level;

- first-professional certificate (post-degree): an award that requires completion of an organized program of study designed for persons who have completed the first-professional degree (examples: refresher courses or additional units of study in a specialty or subspecialty);

- graduate degrees:

    - master's: an award that requires the successful completion of a program of study that is at least the full-time equivalent of one or more academic years of work beyond the bachelor's degree; and

    - doctor's: highest award a student can earn for graduate study (examples: Doctor of Education, Doctor of Juridical Science, Doctor of Public Health, Doctor of Philosophy);

- first-professional degree: an award that requires completion of a program that meets all of the following criteria:

    - completion of the academic requirements to begin practice in a profession;

    - at least two years of college work prior to entering the program;

    - a total of at least six academic years of college work to complete the degree program, including prior required college work plus the length of the professional program itself; and

    - awarded in one of the following fields: Chiropractic (DC or DCM), Dentistry (DDS or DMD), Law (LLB or JD), Medicine (MD), Optometry (OD), Osteopathic Medicine (DO), Pharmacy (PharmD), Podiatry (DPM, DP, or PodD), Theology (MDiv, MHL, BD, or Ordination), or Veterinary Medicine (DVM).

[18] TEGL 14-18

(3) Credentials that do not count toward the credential attainment rate

For local adult, dislocated worker, and youth programs, TAA, and DWG, the following types of credentials do not count toward the credential attainment rate:[19]

- certificates awarded by local boards and work readiness certificates, because they do not document measurable technical or industry/occupational skills necessary to gain employment or advance within an occupation; and

- certificates awarded for general skills, such as safety and hygiene, even if broadly required to qualify for entry-level employment or advancement in employment, such as OSHA and food handler certificates.

In addition to the credentials listed above, the following types of credentials do not count toward the credential attainment rate for local adult, dislocated worker, and youth programs and DWG:[20]

- post-baccalaureate certificates;

- graduate degrees (master's and doctor's);

- post-master's certificates;

- first-professional certificates (post-degree); and

- first-professional degrees.

(e) Measurable skill gains

This indicator measures program performance based on the percentage of program participants who, during a program year, are (1) in an education or training program that leads to a recognized postsecondary credential or employment and (2) achieving measurable skill gains, which are defined as documented academic, technical, occupational, or other forms of progress towards such a credential or employment.[21] This applies to the programs listed below:[22]

- local adult, dislocated worker, and youth programs;

- TAA; and

- DWG.

It is important to note that the measurable skill gains indicator is not an exit-based measure. In addition to using this indicator to measure program performance during the program year, this indicator has a secondary and equally important function: Documenting measurable skill gains is

[19] TEGL 10-16 Change 2; TEGL 14-18 Appendix I.
[20] Definitions for these 5 credential types are provided above in Section I(d)(2)(i).
[21] TEGL 10-16 Change 2
[22] TEGL 10-16 Change 2; TEGL 14-18 Appendix I and Attachment 10. Measurement of performance on this indicator for local Title I programs and TAA will begin after USDOL has collected baseline data sufficient to establish expected levels of performance [TEGL 10-16 Change 2; TEGL 14-18 Appendix I].

a useful case-management tool for tracking interim progress of participants who are enrolled in education or training services during the program year.

The measurable skill gains performance indicator does not apply to JVSG or Wagner-Peyser, including the Monitor Advocate System.[23]

(1) Types of measurable skill gains

Depending on the type of education or training program in which a participant is enrolled, documented progress is defined as one or more of the following types of measurable skill gains.[24]

1. Achievement of at least one educational functioning level by a participant who is receiving instruction below the postsecondary education level

Achievement of educational-functioning gains can be documented in one of three ways:

- comparing a participant's initial educational-functioning levels measured by pre-tests with the participant's educational functioning levels measured by post-tests;

- adult basic education programs that lead to a recognized equivalent for a secondary school diploma or recognized equivalent and measure and report educational gains through the awarding of credits or Carnegie units; or

- reporting an educational-functioning level gain for participants who exited a program below the postsecondary level[25] and were then enrolled in postsecondary education and training after exit during the same program year.

2. Attainment of a secondary school diploma or its recognized equivalent

Attainment of secondary school diplomas or their recognized equivalents can be documented as a measurable skill gain if a participant obtains a:

- secondary school diploma; or

- certification of passing state-recognized competency-based assessments, such as GED tests.

3. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting academic standards

Secondary school diplomas or their recognized equivalents can be documented as a measurable skill gain if a participant obtains a:

- secondary school diploma; or

[23] TEGL 10-16 Change 2 and TEGL 14-18 Appendix I and Attachment 4
[24] Ibid.
[25] Program below the postsecondary level refers to an adult basic education program [TEGL 10-16 Change 2; TEGL 14-18 Appendix I].

- certification of passing state-recognized competency-based assessments, such as GED tests.

Full-time postsecondary education

For participants enrolled in postsecondary education as full-time students, this gain must demonstrate participants are meeting academic standards by attaining 12 credit hours per one completed semester, or the equivalent for the applicable academic system in use by the postsecondary institution in which the participants are enrolled.

Part-time postsecondary education

For participants enrolled in postsecondary education as part-time students, this gain must demonstrate participants are meeting academic standards by attaining 12 credit hours over the course of two completed semesters during a 12-month period, or the equivalent for the applicable academic system in use by the postsecondary institution in which the participant is enrolled. For example, if a participant completed six credit hours in one semester and six credit hours in another semester and both semesters occurred during the same program year, they would count as a skill gain during that program year. However, if a participant completed six credit hours in one semester and six credit hours in the next semester and those semesters crossed two program years, credit hours earned during the first semester would not count as a skill gain in the first program year but credit hours earned during the second semester would count as a skill gain in the second program year.

4. Satisfactory (or better) progress report, from an employer or training provider who is providing training, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or other similar milestones

Documentation for this gain may vary based upon the nature of training services being provided but must be based on satisfactory or better progress reports from an employer or training provider. The report must verify substantive skill development achieved by the participant, such as a training report on milestones completed as the participant masters required job skills or completion of one year of an apprenticeship program. Increases in pay resulting from newly acquired skills or increased performance also may be used to document progress for this type of gain, based on pay stubs or similar wage records provided by the participant. It is important to note that “completion of one year of an apprenticeship” is just one example of a timeframe that may be established for achieving a satisfactory or better progress report toward a specific milestone. In addition, the one-year timeframe should not be taken as a required timeframe or the only way participants in an apprenticeship may achieve a measurable skill gain.

5. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams.

Documentation for this gain may include:

- passage of component exams in Registered Apprenticeship programs;

- employer-required knowledge-based exams;

- satisfactory attainment of an element of industry or occupational competency-based assessments; or

- other completion tests necessary to obtain credentials.

(f) Effectiveness in serving employers

The US Departments of Education and Labor (the Departments) are piloting three approaches to measuring the effectiveness of the core programs in serving employer.[26, 27]

1. Retention with the same employer. This approach addresses the programs' efforts to provide employers with skilled workers. Performance is measured based on the percentage of participants who exit the programs and are employed with the same employer during the second and fourth quarters after exit.

2. Repeat business customers. This approach addresses efforts to provide quality engagement and services to employers and sectors and establish productive relationships with employers and sectors over extended periods. Performance is measured based on the percentage of employers that use program services more than once during the last three reporting periods.

3. Employer penetration rate. This approach addresses efforts to provide quality engagement and services to all employers and sectors within a state and local economy. Performance is measured based on the percentage of employers using core program services out of all employers in the state.

Under this pilot program, the core programs in each state collectively choose two of the three approaches to measuring effectiveness. Nebraska's core programs selected approaches 1 and 2, retention with the same employer and repeat business customers. Performance on this indicator is measured only at the state level and expected levels of performance will be determined once the Departments have collected sufficient baseline data. As stated in TEGL 10-16 Change 2, WIOA Sec. 116(b)(2)(A)(i)(VI) requires the US Departments of Education and Labor (Departments) to establish a primary indicator of performance for effectiveness in serving employers. As planned, the Departments will define this indicator through rulemaking. The Departments implemented this indicator in the form of a pilot program to test the rigor and feasibility of three approaches, to solicit state input on suggested employer measures the state voluntarily develops and reports, and to subsequently set a standardized indicator.

(g) Methodologies and operational parameters for calculating primary indicators of performance

TEGL 10-16 Change 2 and TEGL 14-18 provide detailed information on methodologies and operational for calculating the six primary indicators or performance described above.

[26] Core programs refers to the Title I youth, adult, and dislocated worker programs, Title I Adult and Family Literacy Act Program, Title III Wagner-Peyser Employment Service, and Title IV vocational rehabilitation programs.
[27] TEGL 10-16 Change 2

Section II. Categories of enrollment and exit

There are two points to understand while reading the definitions for reportable individual and participant.[28]

1. All participants are reportable individuals but not all reportable individuals are participants.
2. An individual can be a:
    a. participant in multiple programs;
    b. reportable individual in multiple programs; or
    c. participant in one program and only a reportable individual in another program.

(a) Reportable individual

A reportable individual is an individual who has taken action that demonstrates an intent to use local adult, dislocated worker, or youth, Wagner-Peyser, or DWG program services and who meets specific reporting criteria of the applicable program, including when the individual:[29]

- provides identifying information;
- only uses the self-service system; or
- only receives information-only services or activities.

USDOL does not negotiate levels of performance or impose sanctions based on the outcomes of reportable individuals, because only participants are included in the performance indicators.[30] However, USDOL requires inclusion of certain information in states' quarterly performance reports and related WIOA performance reporting tools or program-specific performance reporting tools to track the number of reportable individuals served by the system.

The reportable individual category does not apply to JVSG or TAA.

(b) Participant

While the definition of participant is consistent across the core programs, there are slight differences to account for programmatic requirements. In general, for local adult, dislocated worker, and youth programs and Wagner-Peyser, a participant is a reportable individual who has received services other than self-service only or information-only services or activities after satisfying all applicable programmatic requirements for the provision of services. The following individuals are not participants of local adult, dislocated worker, and youth programs or Wagner-Peyser:[31]

- those who only use the self-service system; and

[28] TEGL 14-18
[29] 20 CFR § 677.150(b); TEGL 10-16, Change 1; TEGL 14-18 Attachment 6
[30] TEGL 10-16 Change 2; TEGL 14-18 Appendix I
[31] 20 CFR § 677.150(a)(3); TEGL 10-16 Change 2; TEGL 14-18

- those who receive information-only services or activities, which provide readily available information that does not require an assessment of the individual's skills, education, or career objectives by a staff member.

For JVSG, TAA, and DWG in general, a participant is an individual who has received grant-funded services after satisfying all applicable programmatic requirements for the provision of program services, such as eligibility determination.

(1) Local youth programs

For local youth programs, reportable individuals become participants when they have satisfied all of the following program requirements for the provision of services:[32]

- eligibility determination;
- an objective assessment;
- development of an individual service strategy; and
- received one or more of the 14 youth program elements.[33]

Refer to Table A in APPENDIX I for a list of the participant-level services that trigger a reportable individual's inclusion as a participant in local youth programs. It is important to note that ongoing provision of the services described in Table A results in ongoing inclusion of the individual as a youth program participant.

(2) Local adult and dislocated worker programs

For local adult and dislocated worker programs, reportable individuals become participants when they receive any: [34]

- training service or individualized career service; or
- basic career service that is neither self-service only nor information-only.

Refer to Table B in APPENDIX I for a list of the participant-level services that trigger a reportable individual's inclusion as a participant in local adult and dislocated worker programs. It is important to note that ongoing provision of the services described in Table B results in ongoing inclusion of the individual as an adult or dislocated worker program participant.

[32] TEGL 10-16 Change 2; TEGL 14-18
[33] The State's youth program policy includes a list of the 14 youth program elements and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[34] TEGL 10-16 Change 2; TEGL 14-18

(3) Wagner-Peyser

For Wagner-Peyser, reportable individuals become participants when they receive any:[35]

- individualized career service; or
- basic career service that is neither self-service only nor or an information-only service or activity.

Refer to Table B in APPENDIX I for a list of the participant-level services that trigger a reportable individual's inclusion as a participant in Wagner-Peyser. It is important to note that ongoing provision of the services described in Table B results in ongoing inclusion of the individual as a Wagner-Peyser participant.

(4) JVSG

JVSG defines a participant as an individual who has received a JVSG-funded service from a Disabled Veteran Outreach Program (DVOP) specialist, after satisfying all applicable programmatic requirements for the provision of services, such as an eligibility determination.[36]

(5) TAA

TAA defines a participant as an individual who has received benefits or services funded by the TAA program, after satisfying all applicable programmatic requirements for the provision of services, such as an eligibility determination.[37]

(6) DWG

DWG defines participant as a reportable individual who has:[38]

- received an employment or training service or disaster relief employment, funded in whole or in part with DWG funds authorized under WIOA Sec. 170(b) and described in 20 CFR § 687.180(a) for Employment Recovery DWGs or 20 CFR § 687.180(b) for Disaster Recovery DWGs; and
- satisfied all applicable programmatic requirements for the provision of services, including an eligibility determination.

Refer to Table C in APPENDIX I for a list of the participant-level services that trigger a reportable individual's inclusion as a participant in DWG. It is important to note that ongoing provision of the services described in Table C results in ongoing inclusion of the individual as a DWG participant.

[35] TEGL 10-16 Change 2; TEGL 14-18.
[36] TEGL 14-18 Attachment 4
[37] TEGL 14-18 Attachment 10
[38] TEGL 14-18 Attachment 6

(c) Period of participation[39]

For all performance indicators except measurable skill gains, a period of participation begins when an individual becomes a participant and ends on the participant's date of exit from the program.

For all performance indicators except measurable skill gains, states must count each participant's exit during the same program year as a separate period of participation for purposes of calculating levels of performance. In other words, a new period of participation is counted each time a participant enters and exits the program, even if more than one exit occurs during the same program year.

For the measurable skill gains indicator, a new period of participation is counted each time a participant enrolls, even if more than one enrollment occurs within the same program year. It is not necessary to wait until the participant exits the program to count a measurable skill gain because the measurable skill gains indicator is not an exit-based indicator. A measurable skill gain may be counted as soon as it is earned at any point during the program year in which it was earned.

(d) Co-enrollment

Co-enrolling participants in partner programs maximizes use of program funding, as well as the number of individuals served by Nebraska's one-stop delivery system. Co-enrolling participants also ensures participants have access to and receive the full spectrum of services available through the one-stop delivery system, including follow-up services. The subsections below outline state and Federal level co-enrollment requirements.

(1) State-level co-enrollment requirements

NDOL requires that co-enrollment of participants occur whenever eligibility permits. This co-enrollment requirement applies to:

- local adult, dislocated worker, and youth programs;
- Wagner-Peyser;
- JVSG;
- TAA; and
- DWG, whether administered at state or local levels.

All DWG and TAA participants must be, at a minimum, co-enrolled in a local dislocated worker program.

[39] TEGL 10-16 Change 2; TEGL 14-18

(2) Federal-level co-enrollment requirements

In addition to NDOL's co-enrollment requirements, there are Federal co-enrollment requirements.

- Local youth programs must co-enroll any in-school youth (ISY) in an adult or dislocated worker program in order for the ISY to use an Individual Training Account for occupational skills training provided by an Eligible Training Provider.[40]
- Individuals participating in Nebraska's RESEA program (e.g., NEres) must be co-enrolled in Wagner-Peyser.[41]
- Homeless Veterans Reintegration Programs (HVRP) must co-enroll all HVRP participants in Wagner-Peyser, JVSG, or a local adult, dislocated worker, or youth program.[42]

It should be noted that the Monitor Advocate System does not have a co-enrollment requirement, because the Monitor Advocate System is a system that uses performance data within Wagner-Peyser and does not operate as a separate program.[43]

(3) Partner programs

For the programs listed above in subsection (1), partner programs in which participants may be co-enrolled include, but are not limited to:

- local adult, dislocated worker, and youth programs;
- Adult Education and Family Literacy Act program;
- Wagner-Peyser;
- vocational rehabilitation programs provided by the:
    - Nebraska Commission for the Blind and Visually Impaired; and
    - Nebraska Vocational Rehabilitation Program;
- DWG;
- Indian and Native American (INA) employment and training programs;
- Job Corps;
- JVSG;
- National Farmworker Jobs Program provided by Proteus;

[40] TEGL 21-16
[41] UIPLs 8-18 and 7-19
[42] TEGLs 4-16 and 14-18
[43] TEGL 14-18

- Senior Community Service Employment Program;
- TAA;
- Unemployment Insurance; and
- employment and training programs provided by:
    - Supplemental Nutrition Assistance Program (SNAP); and
    - Temporary Assistance for Needy Families program (TANF);
- YouthBuild.

(e) Exit

As described below, exit from a program generally occurs when an individual has not received services for a specified period and has no additional services scheduled.[44] Exit requirements for reportable individuals and participants differ.

(1) Reportable individuals and exit

Reportable individuals do not exit, as defined in 20 CFR § 677.150(c), because reportable individuals are never considered participants.[45] However, a new period of self-service activity occurs when more than 90 consecutive calendar days have elapsed since the last self-service or information-only service or activity. This is necessary to prevent reportable individuals who have stopped receiving services from remaining in the system indefinitely. Therefore, for tracking purposes, the date of exit for a reportable individual is determined when all of the following criteria are met.

1. The individual does not become a participant.
2. The individual is served under a local adult, dislocated worker, or youth program or Wagner-Peyser through receipt of services that do not result in the individual becoming a participant.
3. 90 days have elapsed since the date the individual was identified as a reportable individual and the individual has not received additional self-service or information-only services or activities during the 90-day period.

The date of exit for reportable individuals is applied retroactively based on the last date of service.

(2) Participants and program exit

For participants in adult, dislocated worker, and youth programs, Wagner-Peyser, JVSG, TAA, and DWG, the date of program exit is the last date of service.[46] The date of program exit cannot be determined until 90 days have elapsed since the participant last received program services

[44] 20 CFR § 677.150(c); TEGL 10-16 Change 2
[45] TEGL 10-16 Change 2
[46] TEGL 10-16 Change 2; TEGL 14-18 Attachments 4 and 10

and there are no plans to provide the participant with future services. At this point, the date of program exit is applied retroactively based on the last date of service.

There are three additional factors to consider in relation to exit:

- supportive services;
- follow-up services; and
- common exit.

These factors are described in the subsections below.

(3) Supportive services and youth participant exit

Supportive services do not delay exit from local youth programs. Under youth programs, supportive services may be provided as a follow-up service[47] and may take place after exit without delaying the exit date.

(4) Supportive services and adult, dislocated worker, and DWG participant exit

Under adult, dislocated worker, and DWG programs, supportive services may be provided only when participants are participating in career or training services and unable to obtain supportive services through other programs that provide supportive services. In other words, individuals who have exited adult, dislocated worker, and DWG programs are not eligible for supportive services; so the provision of supportive services does not delay exit from these programs.

(5) Supportive services and Wagner-Peyser, JVSG, and TAA participant exit

Supportive services, as defined under 20 CFR Part 680 Subpart G and 20 CFR § 681.570, are not provided under Wagner-Peyser, JVSG, and TAA programs and do not trigger a change in the exit date or delay exit when supportive services are provided through adult, dislocated worker, youth, and DWG programs.

(6) Follow-up services and adult, dislocated worker, youth, and DWG participant exit

Follow-up services provided through adult, dislocated worker, youth, and DWG programs do not trigger a change in the exit date or delay exit.

(7) Follow-up services and Wagner-Peyser, JVSB, and TAA program participant exit

Follow-up services are not provided by Wagner-Peyser, JVSG, and TAA programs and do not trigger a change in the exit date or delay exit when provided through adult, dislocated worker, youth, and DWG programs.

(8) Common exit

Common exit occurs when a participant enrolled in one or more partner programs has not received services from any program in which the individual is enrolled for at least 90 days and no

[47] The State's youth program policy provides information on youth follow-up services and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

future services are planned.[48] A participant is exited from all co-enrolled programs only when all exit criteria are met for all co-enrolled programs. NDOL implemented a common-exit requirement that applies to all participants who are co-enrolled in:

- local adult, dislocated worker, and youth programs;
- Wagner-Peyser;
- JVSG;
- TAA; and
- DWG.

This common exit requirement does not apply to participants who are co-enrolled in other partner programs.

(f) Exclusion from participation

A participant may be excluded from performance calculations under limited circumstances.[49] Table 2 describes those circumstances in detail. Program staff are responsible for determining when one or more of those circumstances have occurred and must provide source documentation to the NDOL Performance Program Coordinator that supports a request to exclude a participant from performance. A participant cannot be excluded from participation after program exit. (Refer to Section II(e)(2) for information on program exit.)

Table 2. Circumstances permitting exclusion from participation

Circumstance	Explanation	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.	▪ local adult, dislocated worker, and youth programs ▪ Wagner-Peyser ▪ JVSG ▪ TAA ▪ 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.	▪ local adult, dislocated worker, and youth programs ▪ Wagner-Peyser ▪ JVSG ▪ TAA ▪ DWG
Death	The participant is deceased.	▪ local adult, dislocated worker, and youth programs ▪ Wagner-Peyser ▪ JVSG ▪ TAA ▪ DWG

[48] 20 CFR § 677.150(c)(3)(i); TEGL 10-16 Change 2; TEGL 14-18
[49] TEGL 10-16 Change 2; TEGL 14-18

Circumstance	Explanation	Applicable programs
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.	▪ local adult, dislocated worker, and youth programs ▪ Wagner-Peyser ▪ JVSG ▪ TAA ▪ 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.	▪ local youth programs

* Active duty[50] means full-time duty in the active military service of the United States. The term 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. The term does not include full-time National Guard duty.

Section III. Incumbent worker training and performance accountability[51]

Individuals receiving incumbent worker training are not considered participants for the purpose of inclusion in performance indicator calculations because of the unique eligibility requirements for incumbent worker training. Unlike other types of training, incumbent worker eligibility is determined at the employer level by the local board (i.e., whether the employer is eligible to have its employees receive incumbent worker training). There is no separate determination of the eligibility of any particular employee to receive incumbent worker training. Therefore, an incumbent worker does not have to meet eligibility requirements for services for local adult, dislocated worker, or youth programs. However, if the incumbent worker meets eligibility requirements, the individual may be (a) enrolled as a participant and receive services from a local adult, dislocated worker, or youth program or (b) a participant in a separate WIOA program. In both cases, those individuals' participation would be reported under the appropriate indicators of performance for the local adult, dislocated worker, or youth program in which they are enrolled.

Even though individuals receiving incumbent worker training are not participants for the purpose of performance indicator calculations, states and local areas are still required to report certain participant and performance data on all individuals who receive only incumbent worker training. The required elements for reporting on these individuals are limited to basic information and the elements needed to calculate incumbent worker training performance indicators for:

- employment in the second and fourth quarters after exit;
- median earnings in the second quarter after exit;
- credential attainment; and
- measurable skill gains.

[50] 10 USC § 101(d)(1)
[51] TEGLs 10-16 and 10-16 Change 2

For purposes of calculating these metrics, the exit date for an individual who has received only incumbent worker training will be the last date of training, as defined in the training contract with the employer.

NDOL and local boards may require reporting on other elements in order to collect additional information on incumbent workers, which should also be reported by NDOL if collected. All recipients of incumbent worker training, including incumbent worker training funded with statewide Rapid Response funds, must be reported in the USDOL-only PIRL (ETA Form 9172), regardless of whether the individuals become a participant in one or more WIOA programs. USDOL encourages the collection of incumbent worker Social Security Numbers (SSNs), as part of the training contract with the employer, so that wage records will be available for these individuals. If SSNs are not available, the local board may utilize supplemental wage information to verify the wages reported.

Section IV. Administrative requirements of performance accountability

(a) Reporting

(1) Adult, dislocated worker, and youth programs and Wagner-Peyser

(i) Quarterly statewide and local performance reports

NDOL must submit quarterly statewide and local performance reports (ETA Form 9173) for local adult, dislocated worker, and youth programs and Wagner-Peyser within 45 days of the end of each quarter.[52] The report covers program performance for the previous full quarter.

(ii) Annual statewide and local performance report

In addition to quarterly reports, NDOL must submit an annual statewide and local performance report (ETA Form 9169) for local adult, dislocated worker, and youth programs and Wagner-Peyser by October 1, or the first business day thereafter should that date fall on a weekend.[53] The report covers performance data from the four full previous quarters.[54] Failure to submit the report by the due date will result in a five percent reduction of the Governor's reserve authorized under WIOA Sec. 128.[55]

(iii) Annual statewide and local performance report narrative

NDOL must submit an annual statewide performance report narrative for local adult, dislocated worker, and youth programs and Wagner-Peyser by December 1, or the first business day thereafter should that date fall on a weekend.[56] The narrative complements the annual statewide performance report described above. The narrative must be no more than 25 pages, excluding

[52] US Department of Labor, Employment and Training Administration, "Reporting Timeline," https://www.dol.gov/agencies/eta/performance/reporting/timelines
[53] TEGL 3-17
[54] WIOA Sec. 116(d)(2); TEGL 3-17
[55] TEGL 3-17
[56] TEGL 5-18

appendices. States have flexibility regarding the contents of the narrative, as long as they address the requested items and stay within the 25-page limit.

The requested items for the annual statewide performance report narrative include information on:[57]

- waivers that the state has had in place for at least one program year;
- approaches the state has chosen for the effectiveness in serving employers performance indicator pilot;
- completed, current, or planned evaluations and related research projects; state efforts to provide data, survey responses, and timely site visits for Federal evaluations; and any continuous improvement strategies utilizing results from studies and evidence-based practices; and
- the state's approach to customer satisfaction.

In the report, states should also consider providing information on:

- progress made in achieving the state's strategic vision and goals, as described in the state's Combined State Plan;
- progress made in implementing sector strategies and career pathways;
- the state's performance accountability system;
- activities provided by state funds;
- DWG awarded to or within the state;
- technical assistance needs of the state workforce system;
- promising practices, lessons learned, and success stories that focus on serving employers, communities, and individuals with barriers to employment;
- challenges the state workforce system faces; and
- strategies and polices relating to pay-for-performance contracting.

NDOL must also submit the annual statewide performance report narrative to the Governor, Nebraska Legislature, and Nebraska Workforce Development Board by November 30.[58]

[57] TEGL 5-18 provides a detailed description of requested and suggested content for annual performance report narratives.
[58] Neb. Rev. Stat. § 48-3304

(iv) Annual ETP performance report

NDOL must submit an annual Eligible Training Provider (ETP) performance report (ETA Form 9171) by October 1, or the first business day thereafter should that date fall on a weekend.[59] The report must include the following information regarding each program on the Eligible Training Provider List:[60]

- total number of local adult, dislocated worker, and youth program participants who received training from an ETP, disaggregated by the type of entity that provided the training, during the most recent full program year and the three preceding program years;

- total number of local adult, dislocated worker, and youth program participants who exited from training from an ETP, disaggregated by the type of entity that provided the training, during the most recent full program year and the three preceding program years;

- average cost per participant for the local adult, dislocated worker, and youth program participants who received training from an ETP, disaggregated by the type of entity that provided the training, during the most recent full program year and the three preceding program years;

- total number of local adult, dislocated worker, and youth program participants who received training from an ETP, disaggregated by barriers to employment, race, ethnicity, sex, and age;

- total number of individuals exiting from the program of study (i.e., all students, not just local adult, dislocated worker, and youth program participants); and

- levels of performance achieved for all individuals engaging in the program of study (i.e., all students, not just local adult, dislocated worker, and youth program participants), specifically:[61]

    - percentage who are in unsubsidized employment during the second and fourth quarters after exit from the program of study;

    - median earnings of individuals who are in unsubsidized employment during the second quarter after exit from the program of study; and

    - percentage who obtain a recognized postsecondary credential, or a secondary school diploma (or recognized equivalent), during participation in or within one year after exit from the program of study.

In addition, NDOL is required to make available and publish the annual ETP performance reports for Nebraska's ETPs who provide training services pursuant to WIOA Sec. 122 of WIOA.[62]

[59] WIOA Sec. 116(d)(4) and (d)(6)(B); 20 CFR 677.260(a)(5); TEGL 3-18.
[60] 20 CFR §§ 677.160(c) and 677.230(a); TEGL 3-18
[61] Ibid.
[62] 20 CFR § 677.230(a) and (c)

(2) JVSG

JVSG is not required to submit an annual state report narrative. However, there are quarterly reporting requirements for JVSG. JVSG must submit a narrative report on a quarterly basis, the Manager's Report on Services to Veterans and Technical Performance Narrative (TPN).[63]

(3) MSFW

NDOL must submit an annual narrative report for its Monitor Advocate System through the Labor Exchange Agricultural Reporting System (LEARS) on services provided to MSFWs.[64]

(4) TAA

NDOL must submit quarterly performance reports (ETA Form 9173) for TAA programs within 45 days of the end of each quarter.[65] Each report covers program performance for the previous full quarter. Requirements relating to NDOL's the annual statewide performance report narrative, as described in Section IV(a)(1)(iii), do not apply to TAA.[66]

(5) DWG

NDOL's annual statewide performance report narrative for local adult, dislocated worker, and youth programs and Wagner-Peyser must include information on DWGs awarded to Nebraska at state or local levels.[67]

(b) Use of SSNs

In general, SSNs are collected in order to report on primary indicators of performance:[68]

- employment status in the second and fourth quarters after exit;
- median earnings in the second quarter after exit; and
- post-exit employment status for participants who attain secondary school diplomas or recognized equivalents.

SSNs are also collected for reporting on the effectiveness in serving employers indicator regarding Approach 1, retention with the same employer, which is described in Section I(f). Where a wage match is available, matching a participant's SSN against quarterly wage record information is the most efficient method for determining employment status and earnings for a program participant.

[63] TEGL 14-18 Attachment 4; VPL 1-15
[64] 20 CFR § 653. l08(s)
[65] US Department of Labor, Employment and Training Administration, "Reporting Timeline," https://www.dol.gov/agencies/eta/performance/reporting/timelines]
[66] TEGL 14-18 Attachment 10
[67] TEGL 5-18; TEGL 14-18 Attachment 6
[68] TEGL 14-18

Program services must not be withheld if an individual is unwilling or unable to disclose an SSN.[69] More specifically, program eligibility is not contingent on the provision of an SSN for any of the core programs.[70]

(c) Supplemental wage data

While the most efficient method for determining employment status and earnings for program participants is to obtain quarterly wage records for participants, wage records may not be available in all circumstances. Supplemental wage information may be used for the employment-related performance indicators only when wage records are not available or may not apply (e.g., for participants who are self-employed or are unwilling or unable to provide a social security number).[71] In such circumstances, the applicable program must gather supplemental wage information to determine employment and earnings status for performance reporting purposes. In addition, supplemental wage information must be well documented for monitoring and data validation purposes and is subject to records retention policies.[72] When it is determined that supplemental wage information is needed, acceptable forms of supplemental wage information, include, but are not limited to:[73]

- employment records from Federal and state sources, such as:
    - state departments of revenue or taxation; or
    - Railroad Retirement System;
- tax documents, payroll records, and employer records such as:
    - copies of quarterly tax payment forms to the internal revenue service, such as a form 941 (employer's quarterly tax return);
    - copies of pay stubs (minimum of two pay stubs required); or
    - signed letter or other information from employer on company letterhead attesting to an individual's employment status and earnings;
- other supplemental wage records:
    - income earned from commission in sales or other similar positions;
    - automated database systems or data matching with other partners with which data sharing agreements exist;

[69] Sec. 7(a)(1) of the Privacy Act of 1974 [5 USC 552a note]
[70] Core programs refers to Title I programs (youth, adult, and dislocated worker), Title I programs (Adult Education and Family Literacy Act), Title III (Wagner-Peyser Employment Service), and Title IV programs (vocational rehabilitation).
[71] TEGL 10-16 Change 2; TEGL 14-18
[72] The State's policy on records management provides information on record retention requirements and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[73] TEGL 26-16

- detailed case notes, verified by the employer and signed by the case manager, if appropriate to the program;
- administrative records of one-stop operating systems, such as current records of eligibility for programs with income-based eligibility, such as TANF and SNAP;
- self-employment worksheets signed and attested to by program participants; or
- follow-up survey from program participants (i.e., self-reported).

Program staff conducting supplemental wage information follow-up should be trained in the implementation of follow-up procedures, including:

- what to say to former participants or their employers to encourage their cooperation;
- ways to encourage voluntary and truthful disclosure;
- how to document the information received; and
- how to respond to questions related to the supplemental wage information follow-up process.[74]

Program staff should be thoroughly familiar with all follow-up procedures established for their respective program before beginning the follow-up process.

NDOL will provide technical assistance to programs regarding the collection of supplemental wage information.

Section V. Negotiating levels of performance for Title I and Title III programs

(a) Governing law, regulations, and guidance

TEGL 11-19 defines the process for negotiating levels of performance at the state level, as required under WIOA Sec. 116(b)(3)(A)(iv). TEGL 11-19 also defines the process for negotiating levels of performance at the local level, as required under WIOA Sec. 116(c).

(b) Definitions relating to performance negotiations

The following definitions apply to state-level and local-level performance negotiations for adult, dislocated worker, and youth programs and Wagner-Peyser.[75]

1. Expected levels of performance are the levels of performance for each primary indicator of performance described in Section I. Prior to negotiations, the state proposes its

[74] TEGL 14-18, Appendix VI
[75] TEGL 11-19. Administrators of JVSG, TAA, and DWG programs must refer to program-specific laws, regulations, and guidance regarding performance levels for their respective programs.

expected levels of performance in the initial submission of Nebraska's Combined State Plan and in the required two-year modification of the plan.[76]

2. Negotiated levels of performance are the levels of performance mutually agreed to by NDOL and USDOL for each program, based on the four factors described below in Section V(d)(2). The negotiated levels of performance must be incorporated into the Combined State Plan and two-year modification of the plan prior to approval of the plans.[77]

3. Adjusted levels of performance are levels of performance determined by adjusting the negotiated levels of performance at the end of a program year to reflect actual characteristics of participants served and actual economic conditions experienced using the statistical adjustment model.[78]

4. The statistical adjustment model is run before a program year and after the close of a program year to account for actual economic conditions and characteristics of participants served. The difference between projected levels of performance (estimated by USDOL) before and after a program year yield an adjustment factor. The adjustment factor is added to the negotiated level of performance to determine the adjusted level of performance.

5. Actual levels of performance are the outcomes reported by NDOL in the statewide performance report (ETA-9169) for each primary indicator of performance.[79] Actual levels of performance are compared to the adjusted levels of performance at the close of each program year to determine the state's performance success or failure.

6. Adjustment factor is the positive or negative difference that will be added to the negotiated level of performance to determine the adjusted level of performance. The adjustment factor is the difference between the estimated levels of performance predicted by the statistical adjustment model prior to the start of the program year and the levels of performance re-estimated by the statistical adjustment model after the close of the program year. This calculation yields a positive or negative difference, which will be used as the adjustment factor for the program year.

7. Individual indicator score is the proportion the actual level of performance represents of the adjusted level of performance for a single performance indicator for a single program. It is calculated by dividing the actual level of performance achieved by the adjusted level of performance.

8. Overall state program score is the average of the individual indicator scores for a single program across all performance indicators.

9. Overall state indicator score is the average of the individual indicator scores for a single performance indicator across all WIOA core programs.[80]

[76] WIOA Sec. 116(b)(3)(A)(iii)
[77] WIOA Sec. 116(b)(3)(A)(iv); TEGL 11-19
[78] WIOA Sec. 116(b)(3)(A)(vii)
[79] WIOA Sec. 116(d)(2)
[80] Core programs refers to Title I adult, youth, and dislocated worker programs; Title II adult education program; Title III Wagner-Peyser; and Title IV vocational rehabilitation programs.

10. Statistical adjustment model refers to an objective regression model developed by the US Departments of Education and Labor and used to expected levels of performance and adjusted levels of performance. Before the program year begins, the statistical adjustment model determines estimates that are used as a factor in the negotiations process. After the program year, the estimates derived from the statistical adjustment model are applied to the actual economic conditions and characteristics of participants served to determine the adjustment factor.[81] The statistical adjustment model also takes into account other factors that are determined to have an effect on predicting the state's outcomes.

    a. Characteristics of participants include, but are not limited to, indicators of poor work history, lack of work experience, lack of educational or occupational skills attainment, dislocation from high-wage and high-benefit employment, low levels of literacy or English proficiency, disability status, homelessness, ex-offender status, and dependency on public assistance.

    b. Economic conditions include differences in unemployment rates and job losses or gains in particular industries.

(c) Negotiations process overview

NDOL must reach agreement with USDOL on levels of performance for each primary indicator of performance for adult, dislocated worker, and youth programs and Wagner-Peyser.[82] The agreed-upon levels are the negotiated levels of performance. The negotiated levels of performance cover the first two program years of the Combined State Plan. NDOL must also reach agreement with USDOL on negotiated levels of performance for each of the primary indicators of performance for adult, dislocated worker, and youth programs and Wagner-Peyser for the third and fourth years of the plan. As mentioned above in Section V(b), negotiated levels of performance must be incorporated into the Combined State Plan and two-year modification of the plan prior to their approval.[83] It is important to note that the primary indicator for effectiveness in serving employers has not yet been defined. For this reason, the negotiations process described below does not include this indicator. NDOL will continue to report performance on this indicator, which is described above in Section I(f), until performance negotiation requirements for this indicator are defined by USDOL.

(d) State-level negotiations process for adult, dislocated worker, and youth programs and Wagner-Peyser

The state-level negotiations process for adult, dislocated worker, and youth programs and Wagner-Peyser occurs as described below in items 1 through 4.[84]

1. As stated above, NDOL must submit expected levels of performance in its Combined State Plan and in the two-year modification of that plan. Expected levels of performance for the first two years of a state plan must be submitted in the initial submission of the Combined State Plan and in the initial submission of the two-year modification of the plan for years three and four, as described in 20 CFR § 677.170(a). Expected levels of performance must be stated to the nearest tenth of a percent (XX.X%), or to the nearest whole dollar

[81] WIOA section 116(b)(3)(A)(viii)
[82] WIOA Sec. 116(b)(3)(A)(iv)
[83] WIOA Sec. 116(b)(3)(A)(iv); TEGL 11-19
[84] TEGL 11-19

for median earnings. In addition, the expected levels of performance proposed by NDOL must be published for public comment prior to plan submission in accordance with state laws and regulations.

2. After submission of the Combined State Plan and the two-year modification of the plan, NDOL must negotiate and reach agreement with USDOL on negotiated levels of performance for each primary indicator of performance for adult, dislocated worker, and youth programs and Wagner-Peyser.[85] The factors that will be taken into account during the negotiations process are described in detail below in Section V(d)(2).

3. USDOL will use the statistical adjustment model as a tool in the negotiations process to estimate the NDOL's levels of performance prior to the program year to help reach agreement on the negotiated levels of performance. The negotiation factors outlined in WIOA Sec. 116(b)(3)(A)(v) and the factors described below in Section V(d)(2) will be taken into account during this process.

4. Once negotiated levels of performance are agreed upon, NDOL must incorporate the negotiated levels of performance into the Combined State Plan and the two-year modification of that plan prior to approval of the plan and two-year modification.[86]

(1) Use of the statistical adjustment model

As required under WIOA Sec. 116(b)(3)(A)(viii), USDOL will use the statistical adjustment model to insure the impact of participant characteristics and economic conditions in the state are accounted for when determining negotiated levels of performance. The statistical adjustment model serves two major functions in performance negotiations and assessment of state performance.

1. First, the statistical adjustment model is one of four factors used to come agreement on negotiated levels of performance. It is used to account for economic conditions and characteristics of participants served in the state and local areas.[87]

2. Second, it is used at the close of a program year to:[88]

    a. adjust the negotiated levels of performance for the actual economic conditions experienced and actual characteristics of participants served; and

    b. develop adjusted levels of performance.

(2) Negotiation factors

While reaching agreement on the negotiated levels of performance, NDOL and USDOL must apply the factors listed below.[89]

[85] WIOA Sec. 116(b)(3)(A)(iv); TEGL 11-19
[86] WIOA Sec. 116(b)(3)(A)(iv); TEGL 11-19
[87] WIOA Sec. 116(b)(3)(A)(v)(II); TEGL 11-19
[88] WIOA Sec. 116(b)(3)(A)(vii); TEGL 11-19
[89] WIOA Sec. 116(b)(3)(A)(v); TEGL 11-19

1. Take into account how the levels involved compare with negotiated levels of performance established for other states.[90] USDOL will provide the most recent performance data for all states, including previous actual, negotiated, and adjusted levels of performance and will use this information throughout the negotiations process.

2. Ensure that the levels involved are adjusted using an objective statistical adjustment model provided by USDOL.[91] Before the negotiations process begins, USDOL will provide the estimated outcomes produced by the statistical adjustment model, including the coefficients and state-specific values for each variable. This information will include levels of performance, as estimated by USDOL, to be used to inform the negotiations process. NDOL and USDOL must negotiate using the levels of performance estimated by the model for each primary indicator of performance. The estimated levels of performance may not be altered for the purposes of negotiations, including any changes in participant characteristics or economic conditions anticipated by NDOL that would result in changes to the levels of performance predicted by the statistical model. Any changes in participant characteristics or economic conditions will be reflected in the model by using the actual participant characteristics and economic conditions after the close of the program year, and they will not be factored into the negotiations process.

3. Take into account the extent to which the levels involved promote continuous improvement in performance accountability measures by the state and ensure optimal return on the investment of Federal funds.[92] USDOL considers continuous improvement to be a critical factor in the negotiations process and will consider continuous improvement factors that ensure optimal return on investment of Federal funds. USDOL acknowledges that there are many ways to define continuous improvement in relation to state or national program circumstances. For example, continuous improvement may reflect:

    - increase from the levels of performance previously attained;
    - increases in percentile rankings of levels of performance either nationally or among similar states;
    - change in service strategy and delivery, including more progressive or innovative approaches;
    - change in the intensity or comprehensiveness with which customers are served; or
    - maintenance of previous performance for the top performing states.

    USDOL acknowledges that changes to service strategy or customers served do not always lead to increases in performance levels.

    States and local areas must adhere to the priority of service requirements of WIOA Title I programs, as established under WIOA.[93] Additionally, USDOL encourages all other WIOA title programs to serve more individuals with barriers to employment who may need more

[90] WIOA Sec. 116(b)(3)(A)(v)(I)
[91] WIOA Sec. 116(b)(3)(A)(v)(II); TEGL 11-19
[92] WIOA Sec. 116(b)(3)(A)(v)(III)
[93] WIOA Sec. 134(c)(3)(E) and TEGL 19-16 provide additional information regarding priority of service populations and service requirements.

intensive services to achieve a positive outcome. The effect of serving more of these customers will be accounted for in the adjusted levels of performance calculated after the program year.

4. Take into account the extent to which the levels involved will assist the state in meeting the performance goals established by the Secretary of Labor in accordance with the Government Performance and Results Act of 1993 (GPRA).[94] WIOA Sec. 116(b)(3)(A)(vi) requires that USDOL establish long-term goals for adjusted levels of performance for adult, dislocated worker, and youth programs and Wagner-Peyser through GPRA expectations. GPRA is a mechanism through which Congress and the US Office of Management and Budget evaluate the success of Federal programs, including those operated by states and local areas. During negotiations, USDOL will consider levels of performance that will assist USDOL in meeting its established GPRA goals.

(e) Local-level performance negotiations for adult, dislocated worker, and youth programs

In addition to negotiating state levels of performance with USDOL, NDOL must work with local workforce development areas to establish performance goals for local adult, dislocated worker, and youth programs. Specifically, the local board, the local area Chief Elected Official (CEO), and NDOL must:[95]

- negotiate and reach agreement on local levels of performance based on the NDOL's negotiated levels of performance;
- use the four factors described in Section V(d)(2) for local-level negotiations; and
- reach agreement on local levels of performance no later than September 30 of each year during which state negotiations occur (i.e., biennially), based on NDOL's negotiated levels of performance.

In addition, NDOL must:

- use the USDOL statistical adjustment model framework and develop a model that satisfies NDOL's needs for local-level for biennial performance negotiations;
- notify the USDOL Employment and Training Administration Regional Office that local area negotiations are complete, no later than September 30 of each year during which state negotiations occur (i.e., biennially); and
- use the USDOL statistical adjustment model framework and develop a model that satisfies NDOL's needs at the local level for the year-end adjustment of local levels of performance, in order to reflect actual economic conditions experienced in the local area and the characteristics of the actual individuals served.

TEGL 11-19 states that negotiated and adjusted levels of performance, as well as the established policies for local performance assessment, should be made available to local boards and the

[94] WIOA Sec. 116(b)(3)(A)(v)(IV)
[95] WIOA Sec. 116(b)(3)(A)(v)(IV); TEGL 11-19

USDOL Employment and Training Administration Regional Office prior to the start of the program year in which the policies will be applied.

Local-level performance negotiation processes established this policy begin with biennial negotiations for Program Years 2020 and 2021.

Section VI. Sanctions and corrective actions[96]

(a) Governing law, regulations, and guidance

TEGL 11-19 explains the two instances in which a state may be sanctioned for performance failure or failure to report, as required under WIOA Sec. 116(f). WIOA Sec. 116, its implementing regulations (20 CFR Part 677 Subpart B), and the TEGL govern how USDOL will determine when it is necessary to sanction the state. TEGL 11-19 also explains the corrective actions that must be taken when a local area fails to meet adjusted levels of performance, as required under WIOA Sec. 116(g). WIOA Sec. 116, its implementing regulations (20 CFR Part 677 Subpart D), the TEGL, and this policy govern how NDOL will determine when it is necessary to take corrective actions against a local area.

(b) Sanctions against the state

Two types of failure lead to sanctions:[97]

- failure to report; and
- failure to meet adjusted levels of performance.

A discussion of both failure types is provided below in subsections (1) and (2).

(1) Sanctions for failure to report[98]

USDOL implemented sanctions provisions for failure to report beginning with submission of the Program Year 2017 annual statewide performance report, which was due on October 1, 2018. Sanctions will be applied when NDOL fails to submit an annual statewide performance report to USDOL, as required under WIOA Sec. 116(d).[99] Consistent with 20 CFR § 677.185(a), NDOL will be considered as failing to submit an annual statewide performance report if NDOL:

- does not submit the report by 11:59p local time[100] on October 1; or
- submits the report by the date required for timely submission (October 1) but the report is incomplete.

In the event of failure to report on time or completely, the Governor's discretionary funds provided under WIOA Sec. 128(a) will be reduced by five percent of the maximum available allotment for

[96] 20 CFR § 677.190
[97] WIOA Sec. 116(f); TEGL 11-19
[98] TEGL 11-19
[99] WIOA Sec. 116(f)(1)(B); TEGL 11-19
[100] Local time means the State Capital's time zone [TEGL 11-19].

the succeeding program year.[101] To clarify, this sanction is equal to five percent of the maximum allotment percentage that could be reserved by the Governor for the succeeding program year, rather than a five-percentage point reduction from the percentage that the Governor elects to reserve.[102] This sanction will be enforced for each year during which the state fails to report on time or completely.

(i) Timeliness of reports

An annual statewide performance report is considered to be on time when NDOL submits the report by 11:59p local time on October 1.[103]

(ii) Completeness of reports

An annual statewide performance report is considered complete when NDOL:[104]

- attests the report is complete and accurate to the best of its knowledge;
- submits the report (ETA-9169) for Title I adult, dislocated worker, and youth programs and Title III Wagner-Peyser;
- reports all elements of the report as data are available, according to the reporting period for each indicator;
- makes available a mechanism of electronic access to local area performance reports for Title I adult, dislocated worker, and youth programs;
- makes available a mechanism of electronic access to the annual Eligible Training Provider (ETP) performance report for Title I adult, dislocated worker, and youth programs; and
- submits at least one annual statewide performance report that includes effectiveness in serving employers performance results reflecting all six of the core programs.[105]

If an annual statewide performance report submitted by NDOL does not meet all of the above requirements by the reporting deadline, the report will be considered incomplete.

(iii) Exceptional circumstances

Consistent with WIOA Sec. 116(f)(1)(B), sanctions will not be applied in cases where failure to report is due to exceptional circumstances outside NDOL's control, as determined by USDOL. USDOL defines exceptional circumstances in 20 CFR § 677.185(b).[106] Exceptional circumstances may include, but are not limited to:

- natural disasters;

[101] WIOA Sec. 116(f)(1)(B)
[102] 20 CFR § 677.195
[103] TEGL 11-19
[104] TEGL 11-19
[105] Core programs includes Title I adult, dislocated worker, and youth; Title II adult education, Title III Wagner-Peyser, and Title IV vocational rehabilitation programs.
[106] TEGL 11-19

- unexpected personnel transitions; and
- unexpected technology related issues.

When exceptional circumstances occur, NDOL may request an extension of the submission deadline, as described below in subsection (iv).

(iv) Extension requests

In the event of exceptional circumstances, NDOL must notify the Secretary of Labor in writing of the potential impact on NDOL's ability to submit an annual statewide performance report. If the Secretary is not notified, NDOL will be considered as having failed to report.[107]

When exceptional circumstances occur more than 30 calendar days before the established deadline, NDOL must submit an extension request to the Secretary no later than 30 calendar days prior to the established submission deadline.[108] The annual reporting deadline is October 1 of each year; therefore, extension requests must be submitted no later than September 1, or the next business day if September 1 falls on a holiday or weekend.

When exceptional circumstances occur within 30 calendar days of the established deadline, NDOL must submit an extension request to the Secretary of Labor as soon as possible but no later than the established annual reporting deadline (October 1).[109]

Extension requests should include a detailed account identifying the unexpected events preventing timely reporting that is sufficient for USDOL to make a determination on the request.

- All extension requests must include the names of and contact information for each responsible state designee or designated point of contact who will ensure that the extension deadline will be met.
- The request must include sufficient detail regarding the unexpected circumstances that will lead to late or incomplete reporting that may warrant an extension.
- The request must include NDOL's proposed extension period, which must be fitting of the circumstances causing the delay. Proposed reporting extensions should not exceed 30 calendar days after the established annual reporting deadline (October 1) and should be appropriate to and commensurate with the cause of the requested extension.
- When exceptional circumstances occur within 30 calendar days of the established deadline, the request must also include sufficient explanation as to why notification of the delay could not be provided 30 calendar days prior to the established annual reporting deadline (October 1).
- NDOL's request may include any other information it deems relevant to help explain the need for the extension.

[107] 20 CFR § 677.185(c); TEGL 11-19
[108] 20 CFR § 677.185(c)(1)
[109] 20 CFR § 677.185(c)(2)

The extension request will be reviewed by USDOL for completeness and thoroughness of the explanation of exceptional circumstances. USDOL may grant the extension request as submitted, grant the extension request with revisions, or reject the extension request.

(2) Sanctions for failure to meet adjusted levels of performance

NDOL's failure to meet adjusted levels of performance occurs when:[110]

- any single Individual Indicator Score for any single adult, dislocated worker, or youth program or Wagner-Peyser falls below 50 percent of the adjusted level of performance;
- the Overall State Program Score falls below 90 percent for a single program; or
- the Overall State Indicator Score falls below 90 percent for a single primary indicator of performance.

If NDOL fails to meet adjusted levels of performance for the primary indicators of performance for any year, technical assistance will be provided by the Secretary of Labor, including assistance in the development of a performance improvement plan.[111] If the same performance failure occurs for two consecutive program years, USDOL will apply sanctions.

(i) Determining state performance success or failure

USDOL determines NDOL's performance success or failure at the end of each program year. In order to make a determination of success or failure, the negotiated levels of performance for the program year are adjusted using the statistical adjustment model, which will factor in data on the actual economic conditions in the state and the actual characteristics of the populations served by the program during that year. This adjustment will be calculated as described above in the definitions of adjustment factor and adjusted levels of performance. This will determine the adjusted levels of performance for the program year against which NDOL's actual levels of performance will be evaluated through the calculation of the performance score. (Refer to TEGL 11-19 for detailed descriptions and examples of calculations.)

(ii) Phasing in sanctions for performance failure

USDOL used its transition authority under WIOA Sec. 503(a) to implement a phased-in approach for determining performance success or failure for each indicator or program, due to data availability.[112] Table 3 summarizes the first program years each performance indicator will be evaluated for performance success or failure, excluding the effectiveness in serving employers performance indicator, which is currently being piloted and will be established under subsequent guidance.

[110] 20 CFR § 677.190(d); TEGL 11-19
[111] 20 CFR § 677.190(b); TEGL 11-19
[112] 20 CFR § 677.190(c)

Table 3. Implementation of performance determination by program and indicator

Program	Indicators of performance	First program year (PY) for which performance success/failure can be determined
Title I adult, dislocated worker, and youth	• Employment 2nd quarter after exit • Median earnings 2nd quarter after exit • Measurable skill gains	PY 2020
Title I adult, dislocated worker, and youth	• Employment 4th quarter after exit • Credential attainment	PY 2022
Title III Wagner-Peyser	• Employment 2nd quarter after exit • Median earnings 2nd quarter after exit	PY 2020
Title III Wagner-Peyser	• Employment 4th quarter after exit	PY 2022

(c) Corrective action against local areas for failure to meet adjusted levels of performance

NDOL must use local performance goals for Title I adult, dislocated worker, and youth programs to determine when corrective action must be taken against a local area for failure to meet adjusted levels of performance.[113] In addition, NDOL is required to establish thresholds for local area failure to meet adjusted levels of performance before coming to agreement on local-area negotiated levels of performance. NDOL's established thresholds are described below in subsection (1).

(1) Determining local area performance success or failure

NDOL has established the following thresholds for determining a local area's failure to meet adjusted levels of performance.[114]

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

- Overall local-area single program score. For any single adult, dislocated worker, or youth program, failure to meet overall adjusted levels of performance for the program occurs when the overall local-area 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.

- Overall local-area single indicator score. For any single performance indicator across all local area adult, dislocated worker, and youth programs, failure to meet adjusted levels of performance for the indicator occurs when the overall local-area single indicator score falls below 90 percent of the adjusted levels of performance for that indicator during the previous two consecutive program years.

[113] 20 CFR § 677.220; TEGL 11-19
[114] 20 CFR § 677.190(d); TEGL 11-19

(2) Technical assistance following initial failure to meet local area adjusted levels of performance

NDOL must provide technical assistance when a local area fails to meet adjusted levels of performance, as described above in subsection (1). Technical assistance provided by NDOL may include:[115]

- 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 in improving performance.

Upon request to the Secretary of Labor, USDOL may also provide technical assistance.

(3) Corrective actions following consecutive failures to meet local area adjusted levels of performance

If a local area fails to meet adjusted levels of performance for the same individual local-area single indicator for the same Title I program for a third consecutive program year, NDOL must take corrective actions.[116] If NDOL takes corrective actions, NDOL should advise its Federal Project Officer of this action. Corrective actions must include the 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 [service] 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.

(4) Appeal

The local board and CEO for a local area subject to a reorganization plan under WIOA Sec. 116(g)(2)(A) may appeal to the Governor, not later than 30 days after receiving notice of the reorganization plan and request that the reorganization plan be rescinded or revised.[117] The Governor must make a final decision within 30 days after receipt of the appeal. The local board and CEO may appeal the final decision of the Governor to the Secretary of Labor (Secretary) no later than 30 days after receiving the decision from the Governor.

NOTE: The Governor's final decision on the appeal becomes effective at the time it is issued and remains in effect unless the Secretary rescinds or revises the reorganization plan pursuant to WIOA Sec. 116(g)(2)(C).

[115] TEGL 11-19
[116] Ibid.
[117] 20 CFR § 677.225

Any appeal of the Governor's final decision must be:

- appealed jointly by the local board and CEO to the Secretary, as required under 20 CFR § 683.650;
- submitted by certified mail, return receipt requested to :
    - Secretary of Labor, US Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210, Attention: ASET; and
- simultaneously submitted to:
    - Governor of Nebraska, 1445 K Street, Lincoln, Nebraska, 68508; and
    - Commissioner of Labor, Nebraska Department of Labor, 550 South 16th Street, Lincoln, NE 68508.

Upon receipt of the appeal from the local board and CEO, the Secretary must make a final decision within 30 days. In making this determination, the Secretary may consider any comments submitted by the Governor in response to the appeal.

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.

APPENDIX I. Participation level services charts

Table A. Participation-level services chart for Title I youth programs[118]

Service type (WIOA Sec.129(c)(2))	Service triggers inclusion as a participant[1]	Category of Service[2]
Tutoring, study skills training, dropout prevention	Yes	Career Service
Alternative secondary school services	Yes	Career Service
Paid and unpaid work experience	Yes	Career Service
Occupational skills training	Yes	Training
Education offered concurrently with workforce preparation	Yes	Career Service
Leadership development	Yes	Career Service
Supportive Services	Yes	Career Service
Adult mentoring	Yes	Career Service
Follow-up services	No	Career Service
Comprehensive guidance and counseling	Yes	Career Service
Financial literacy education	Yes	Career Service
Entrepreneurial skills training	Yes	Career Service
Services that provide labor market information	Yes	Career Service
Postsecondary preparation and transition activities	Yes	Career Service

[1] All youth program services, except follow-up services, trigger participation following eligibility determination, objective assessment, and completion of the individual service strategy. Additionally, these services do not indicate whether an individual is a participant, but rather which services trigger an individual to become a participant. The ongoing provision of services results in ongoing inclusion as a participant.

[2] Please note that the categorization of career services and training services for the youth program differs from the adult and dislocated worker programs.

Table B. Participation-level services chart for Title I Adult and Dislocated Worker programs and Title III Wagner-Peyser Employment Service[119]

Service type (WIOA Sec. 134(c))	Service triggers inclusion as a participant[1]	Category of service
Eligibility Determination	No	Basic Career Service
Outreach, Intake, Orientation	No	Basic Career Service
Initial assessment of skill levels & supportive service needs	Yes	Basic Career Service
Job search assistance (Self-directed)	No	Basic Career Service
Job search assistance (Staff-assisted)	Yes	Basic Career Service
Placement assistance (includes “Referred to Employment”) (Staff-assisted)	Yes	Basic Career Service
Career Counseling (includes “Staff-assisted career guidance”)	Yes	Basic Career Service
Providing info on in-demand sectors, occupations, or nontraditional employment	No	Basic Career Service

[118] TEGL 14-18 Appendix III

[119] Ibid.

Service type (WIOA Sec. 134(c))	Service triggers inclusion as a participant[1]	Category of service
Provision of referrals and associated coordination of activities with other programs and services	No	Basic Career Service
Provision of workforce and labor market employment statistics information	No	Basic Career Service
Provision of info on job vacancies	No	Basic Career Service
Provision of info on job skills necessary to fill vacancies	No	Basic Career Service
Provision of info on local demand occupations, with earnings, skill requirements, and opportunities for advancement for those jobs	No	Basic Career Service
Provision of performance and program cost info for providers of education and training	No	Basic Career Service
Provision of info on local performance	No	Basic Career Service
Provision of info on availability of supportive services or assistance	No	Basic Career Service
Referral to supportive services	No	Basic Career Service
Provision of information and meaningful assistance filing for UI	Yes	Basic Career Service
Assistance establishing eligibility for financial aid	Yes	Basic Career Service
Comprehensive and specialized assessments	Yes	Individualized Career Service
Development of IEP	Yes	Individualized Career Service
Group Counseling	Yes	Individualized Career Service
Individual Counseling	Yes	Individualized Career Service
Career Planning	Yes	Individualized Career Service
Short-term prevocational services	Yes	Individualized Career Service
Internships and work experiences (including transitional jobs)	Yes	Individualized Career Service
Workforce preparation activities	Yes	Individualized Career Service
Financial literacy services	Yes	Individualized Career Service
Out-of-area job search assistance and relocation assistance	Yes	Individualized Career Service
English-language acquisition and integrated education and training programs	Yes	Individualized Career Service
Follow up services	NA (must be a participant first to receive)	Follow up Service
Training services under Sec. 134(c)(3)(D) with exception of Sec. 134(c)(3)(D)(iii) (incumbent worker training)	Yes	Training
Incumbent Worker Training	No[2]	Training

[1] This this chart does not include all available services that may be provided, but rather those services specifically authorized under WIOA Sec. 134(c)(2). Additionally, these services do not indicate whether an individual is a participant, but rather which services trigger an individual to become a participant. The ongoing provision of services results in ongoing inclusion as a participant.

[2] Although Incumbent Worker Training is not a self-service or information-only service, individuals are not required to meet eligibility requirements for the Adult or Dislocated Worker programs to receive Incumbent Worker Training.

Table C. Participation-level services chart for DWG[120]

Service Type (WIOA Secs. 134(c) and 170(d))	Does this service trigger inclusion as a participant?	Category of service
Eligibility Determination	No	Basic Career Service
Outreach, Intake, Orientation	No	Basic Career Service
Initial assessment of skill level & other service needs	Yes	Basic Career Service
Job search assistance (Self-directed)	No	Basic Career Service
Job search assistance (Staff-assisted)	Yes	Basic Career Service
Placement assistance (includes "Referred to Employment") (Staff-assisted)	Yes	Basic Career Service
Career Counseling (includes "Staff-assisted career guidance")	Yes	Basic Career Service
Providing info on in-demand sectors, occupations, or nontraditional employment	No	Basic Career Service
Provision of referrals and associated coordination of activities with other programs and services	Yes	Basic Career Service
Provision of workforce and labor market employment statistics information	No	Basic Career Service
Provision of info on job vacancies	No	Basic Career Service
Provision of info on job skills necessary to fill vacancies	No	Basic Career Service
Provision of info on local demand occupations, with earnings, skill requirements, and opportunities for advancement for those jobs	No	Basic Career Service
Provision of performance and program cost info for providers of education and training	No	Basic Career Service
Provision of info on local performance	No	Basic Career Service
Provision of info on availability of supportive services or assistance	No	Basic Career Service
Referral to supportive services	Yes	Basic Career Service
Provision of information and meaningful assistance filing for UI	Yes	Basic Career Service
Assistance establishing eligibility for financial aid	Yes	Basic Career Service
Comprehensive and specialized assessments	Yes	Individualized Career Service
Development of IEP	Yes	Individualized Career Service
Group Counseling	Yes	Individualized Career Service
Individual Counseling	Yes	Individualized Career Service
Career Planning	Yes	Individualized Career Service
Short-term prevocational services	Yes	Individualized Career Service
Internships and work experiences (including transitional jobs)	Yes	Individualized Career Service
Workforce preparation activities	Yes	Individualized Career Service
Financial literacy services	Yes	Individualized Career Service
Out-of-area job search assistance and relocation assistance	Yes	Individualized Career Service

[120] The DWG Participation Level Services Chart aligns with WIOA Title I Dislocated Worker program definitions.

Service Type (WIOA Secs. 134(c) and 170(d))	Does this service trigger inclusion as a participant?	Category of service
English-language acquisition and integrated education and training programs	Yes	Individualized Career Service
Training services under WIOA Sec. 134(c)(3)(D) with exception of section 134(c)(3)(D)(iii) (incumbent worker training)	Yes	Training
Received Disaster Relief Employment on projects as defined in WIOA Sec. 170(d)(1)(A) (Disaster Recovery DWG only)	Yes	Disaster Relief Employment
Safety orientation, safety training, equipment training (for Disaster Relief Employment under Disaster Recovery DWG only)	Yes	Disaster Relief Employment
Supportive Services authorized in WIOA Sec. 134(d)(2) and defined in 20 CFR 680.900	No	Supportive Services

APPENDIX II. Statistical adjustment model explanatory variables[121]

Table A. Explanatory variables on participant characteristics

Variable description	Adult	Dislocated worker	Youth	Wagner-Peyser
Female	X	X	X	X
14<=Age<=15	NA	NA	X	NA
16<=Age<=17	NA	NA	X	NA
Age=18	NA	NA	X	NA
19<=Age<=20	NA	NA	X	NA
26<=Age<=35	X	X	NA	X
36<=Age<=45	X	X	NA	X
46<=Age<=55	X	X	NA	X
56<=Age<=65	X	X	NA	X
66<=Age	X	X	NA	X
Hispanic ethnicity	X	X	X	X
Race: Asian (not Hispanic)	X	X	X	X
Race: Black (not Hispanic)	X	X	X	X
Race: Hawaiian/Pacific Islander (not Hispanic)	X	X	X	X
Race: American Indian or Native Alaskan (not Hispanic)	X	X	X	X
Race: More than one (not Hispanic)	X	X	X	X
Highest grade completed: Less than High School graduate	X	X	X	X
Highest grade completed: High school equivalency	X	X	X	X
Highest grade completed: Some college	X	X	X	X
Highest grade completed: Certificate or Other Post-Secondary Degree	X	X	X	X
Highest grade completed: Associate degree	X	X	NA	X
Highest grade completed: Bachelor degree	X	X	NA	X
Employed at participation	X	X	X	NA
Individual with a disability	X	X	X	NA
Veteran	X	X	NA	NA
Had earnings in 2nd and 3rd preprogram quarters	X	X	NA	X
Had earnings in 3rd preprogram quarter	X	X	NA	X
Had earnings in 2nd preprogram quarter	X	X	NA	X
Received services financially assisted under the Wagner-Peyser Act	X	X	X	NA
Limited English-language proficiency	X	X	X	NA
Single parent	X	X	NA	NA
Low income	X	X	X	NA
TANF recipient	X	X	X	NA
Other public assistance recipient	X	X	X	NA
Homeless	X	X	X	NA
Offender	X	X	X	NA
Unemployment insurance claimant, non-exhaustee	X	X	X	NA
Unemployment insurance claimant, exhaustee	X	X	X	NA
Received supportive services	X	X	NA	NA
Received needs-related payments	X	X	NA	NA

[121] TEGL 26-15 Attachment II

Variable description	Adult	Dislocated worker	Youth	Wagner-Peyser
Received intensive services	X	X	NA	NA
Received training services	X	X	NA	NA
Established Individual Training Account (ITA)	X	X	NA	NA
Pell grant recipient	X	X	X	NA
Received pre-vocational activity services	X	X	NA	NA
Pregnant or parenting youth	NA	NA	X	NA
Youth who needs additional assistance	NA	NA	X	NA
Youth enrolled in education at or during program participation	NA	NA	X	NA
Youth enrolled in education at exit	NA	NA	X	NA
Youth enrolled in education at participation	NA	NA	X	NA
Youth with basic literacy skills deficiency (at or below 8th grade)	NA	NA	X	NA
Youth that is or was in foster care	NA	NA	X	NA
Youth that received educational achievement services	NA	NA	X	NA
Youth that received employment opportunities	NA	NA	X	NA
Youth participated in an alternative school	NA	NA	X	NA
Average educational functioning level for Youth participants	NA	NA	X	NA
Average standardized pre-test score	NA	NA	X	NA
Average standardized post-test score	NA	NA	X	NA

Table B. Explanatory variables on economic conditions

Variable	Definition
UnempRate	Not seasonally adjusted quarterly unemployment rate
NatResEmp	Percentage of total employment in NAICS 1133-Logging, and Sector 21-Mining
ConstEmp	Percentage of total employment in Sector 23-Construction
ManfEmp	Percentage of total employment in Sectors 31, 32, 33-Manufacturing
TechEmp	Percentage of total employment in Sector 51-Information, Sector 52-Finance and Insurance, Sector 53-Real Estate and Rental and Leasing, Sector 54-Professional, Scientific, and Technical Services, Sector 55-Management of Companies and Enterprises, and Sector 56-Administrative and Waste Services
EdHealthEmp	Percentage of total employment in Sector 61-Eductaional Services, and Sector 62-Health Care and Social Assistance
LeisHospEmp	Percentage of total employment in Sector 71-Arts, Entertainment, and Recreation, and Sector 71-Accommodations and Food Services
OtherServEmp	Percentage of total employment in Sector 81-Other Services
PublicAdminEmp	Percentage of total employment in Federal, State, and Local Government

State 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
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Policy category
Adult, Dislocated Worker, and Youth

Effective
May 3, 2023

Supersedes
On-the-job Training (OJT), Change 2
(effective April 10, 2019)

On-the-job Training (OJT), Change 3

REFERENCE

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

BACKGROUND

Under WIOA, work-based training is employer driven with the goal of unsubsidized employment after training for WIOA Title I (youth, adult, and dislocated worker) program participants. On-the-job training (OJT) is one of several types of work-based training. OJT is provided through contracts with employers or sponsors of Registered Apprenticeship programs.[1]

CHANGES

Under this Change 4, paragraph 1 of Section I(c)(1) has been revised to clarify requirements relating to employed worker eligibility for OJT. In addition, footnotes have been revised for clarity and links have been updated, where necessary.

[1] 20 CFR § 680.700(a)

ACTION

This policy supersedes and cancels the State's On-the-job Training (OJT) policy, Change 2 (effective April 10, 2019). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Each local board must:

- establish and document, in its local plan or local policy on OJT, methods for determining OJT duration as described in Section I(a)(3);
- establish and document, in its local plan or local policy on OJT, local area criteria and procedures for determining that an eligible employed worker is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment as described in Section I(c)(1)(i);
- provide for continual oversight and monitoring to make certain that Title I funds are utilized to provide participants with the OJT necessary to successfully retain employment as described in Section I(c)(2); and
- document the factors used when deciding to increase the employer-reimbursement rate above 50 percent (but not more than 75 percent)[2] as described in Section II(a)(1).

POLICY

This policy establishes requirements for OJT, including training, employer, and contract requirements; permitted and prohibited uses of Title I funds for OJT; and appeal and grievance procedures relating to OJT.

This policy has three sections and two appendices.

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[2] 20 CFR § 680.730(b); TEGL 19-16

Section I. Requirements for OJT

OJT is provided under contracts with employers or sponsors of Registered Apprenticeship programs, operating in the public, private nonprofit, or private sectors. During OJT, occupational skills training is provided for participants according to the terms and conditions and training plans defined in OJT contracts. The employer is reimbursed for a portion of the participants wages to compensate for the extraordinary costs of providing training and supervision related to the OJT. Except as described in Section I(c)(1), OJT is intended for unemployed participants as a method for providing training necessary to successfully retain employment. In its design of local OJT programs, local boards are strongly encouraged to refer to and use the *Strategies for Implementing OJT Simply and Effectively* resource guide developed by the US Department of Labor Employment and Training Administration.[3]

(a) Training requirements

(1) In-demand industry sectors and occupations

OJT must be directly linked:[4]

- to an in-demand industry sector or occupation in the local area, planning region, or in another area to which the participant is willing to relocate; or
- upon approval of the local board, to an occupation determined by the local board to be in a sector of the economy that has a high potential for sustained demand or growth in the local area.

(2) Wages, benefits, and working conditions[5]

Participants in OJT must be compensated at the same wage rates, including periodic increases, as trainees or employees who:

- are similarly situated in similar occupations by the same employer; and
- have similar training, experience, and skills.

In addition, OJT wage rates must comply with all applicable Federal and state laws, including laws relating to minimum hourly wages; and participants in OJT must be provided benefits and working conditions comparable to those of other trainees or employees working a similar length of time and doing the same type of work for the employer.

(3) OJT duration[6]

Each local board must establish and document, in its local plan or local policy on OJT, methods for determining OJT duration. The duration of OJT must be limited to the period of time required

[3] Accessible at https://www.workforcegps.org/events/2016/05/02/13/26/Strategies_for_Implementing_OJT-Simply_and_Effectively.
[4] WIOA Sec. 134(c)(3)(G)(iii)
[5] WIOA Secs. 181(a)(1) and 181(b)(5); 29 USC § 206(a)(1); 20 CFR § 683.275; Neb. Rev. Stat. §§ 48-1201 to 48-1209.01
[6] 20 CFR § 680.700(c)

for the participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the:

- skills required for the occupation;
- academic and occupational skill level of the participant, which must be based on a skills-gap assessment;
- prior work experience of the participant; and
- participant's individual employment plan (IEP) or individual service strategy (ISS), as applicable.

(4) Training plan[7]

An OJT training plan must be (a) established for each participant placed in OJT and (b) based on the skills to be acquired during OJT. In addition, each OJT training plan must be unique and tailored to the specific training needs of the participant. There is no need for detailed descriptions of the training methods to be used. The training plan should focus on the skills and competencies to be attained, not the manner in which skills will be developed or the individual tasks to be performed.

(b) Employer requirements

(1) Pre-award (pre-OJT contract) review[8]

Prior to entering into an OJT contract with an employer (a) local area staff must conduct a pre-award review and (b) the employer must successfully complete the pre-award review. The purpose of the pre-award review is to determine whether the employer is qualified and capable of providing OJT that complies with the requirements of an OJT contract, this policy, and the applicable provisions of WIOA and its implementing rules, regulations, and guidance. The pre-award review must be conducted and documented as described in APPENDIX II.

(2) Records retention[9]

Each employer providing OJT must maintain records relating to the participant and the OJT for a period of no less than three years from the close of the applicable program year, or longer if any litigation or audit has begun or any claim is instituted which involves these records. In that case, the employer must retain the records for a period of no less than three years from the conclusion or resolution of the litigation, audit findings, or claim. The employer must allow access to those records for authorized entities, including local area staff performing oversight and monitoring activities described in Section I(c)(2).

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[7] For an example of an effective training plan, refer to Strategies for Implementing OJT Simply and Effectively, which is accessible at https://www.workforcegps.org/events/2016/05/02/13/26/Strategies_for_Implementing_OJT-Simply_and_Effectively.

[8] 20 CFR § 683.260(b)

[9] The State's policy on records management provides information on records retention requirements and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

(3) Employer performance

Employers providing OJT are not subject to the eligibility and performance reporting requirements established by NDOL for eligible training providers and are not included on Nebraska's Eligible Training Provider List.[10]

(4) Ineligible employers[11]

1. If it is determined during a pre-award review that an employer's business, or any part of its business, has relocated and employees at the employer's other location(s) were laid off as a result of the relocation, the employer is not eligible to receive Title I funds for the provision of OJT until the employer has been in operation at its current location at least 120 calendar days.

2. Any employer that does not agree to an OJT contract that includes all of the elements described in Table 1 of Section I(c) is not eligible to receive Title I funds for the provision of OJT.

3. Local boards must not enter into an OJT contract with an employer that has:

    a. failed to successfully complete the pre-award review procedures described in APPENDIX II; or

    b. exhibited a pattern of failing to provide OJT participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(c) Contract requirements[12]

OJT contracts must, at a minimum, address the elements described in Table 1 and be procured in accordance with all Federal, state, and local procurement requirements and policies.

Table 1. Required OJT contract elements

Element	Description
OJT occupation	The occupation for which OJT will be provided must be described and must comply with the requirements of Section I(a).
OJT wage, benefits, and working conditions	The OJT wage, benefits, and working conditions must be defined and must comply with the requirements of Section I(a)(2).
OJT duration	The duration of the OJT must be defined and must comply with the requirements of Section I(a)(3).
Training plan	A training plan, as described in Section I(a)(4), must be included and must consist of: • comprehensive list of the occupational skills the participant will acquire during OJT, which must be directly linked to the OJT occupation; and • if classroom training is part of the OJT, a clear description of the classroom training to be provided, which must be directly linked to the OJT occupation.

[10] 20 CFR § 680.530(a)
[11] WIOA Secs. 181(d) and 194(4); 20 CFR §§ 680.700(b) and 683.260
[12] 20 CFR §§ 680.700 and 680.710 and Strategies for Implementing OJT Simply and Effectively (accessible at https://www.workforcegps.org/events/2016/05/02/13/26/Strategies_for_Implementing_OJT-Simply_and_Effectively).

Element	Description
Recordkeeping and record retention	Provisions describing the employer's responsibilities with regard to recordkeeping and maintenance must be included and must comply with the requirements of Section I(b)(2).
Justification for OJT for employed participant	If the OJT participant is an eligible employed worker, the contract must include a justification of the participant's need for OJT, which must comply with the requirements of Section I(c)(1).
Employer reimbursement	Employer reimbursement must be defined and must comply with the requirements of Section II(a), including subsection (1).

Recontracting with an employer is allowable and desirable when the employer has demonstrated a high success rate with regard to successful completion of OJT by participants and retention of those participants.

(1) Contracts for employed participants

While OJT is intended for unemployed participants, OJT contracts may be established for eligible employed workers when all of the following requirements are met:[13]

1. the employed worker is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment;[14]

2. requirements for a pre-award review (Section I(b)(1)) and OJT contract requirements (Section I(c)) are met; and

3. the OJT relates to one or more of the following factors:

    a. introduction of new technologies;

    b. introduction to new production or service procedures;

    c. upgrading to a new job that requires additional skills;

    d. workplace literacy; or

    e. other appropriate purposes identified by the local board.

(i) Determining self-sufficient wages

Determining that an eligible employed worker is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment must be based on criteria and procedures established under the local board's policy on OJT.

(2) Oversight and monitoring

The local board must provide for oversight and continual monitoring[15] of OJT contracts to ensure that Title I funds provided through OJT contracts are utilized to provide participants with the

[13] 20 CFR § 680.710
[14] Refer to Section I(c)(1)(i) regarding determining self-sufficient wage.
[15] 20 CFR § 683.410(a)

training necessary to successfully retain employment. At a minimum, oversight must be based on the requirements of the OJT contract, this policy, and applicable provisions of WIOA and its implementing rules and regulations and must include monitoring of:

- participant progress;
- working conditions;
- compensation made and benefits provided to the participant;
- invoicing by and reimbursement to the employer; and
- recordkeeping and record retention by the employer, including records describing wages, benefits, time and attendance records, and other personnel records generated and maintained by the employer for other trainees or employees.

Section II. Use of OJT funds

(a) Payments to employers[16]

Reimbursement of a portion of participant wages to employers providing OJT constitutes compensation for the extraordinary costs associated with training the participants and potentially lower productivity of the participant while in OJT. (Employers are not required to document the extraordinary costs.) Employers may be reimbursed up to 50 percent of the wages paid to participant during OJT. The 50 percent employer-reimbursement rate may be increased to 75 percent by the local board as described in Section II(a)(1).

Co-enrollment may assist in making additional funds available for OJT.[17] For example, Title I allows up to 75 percent reimbursement to employers for OJT, while the Trade Adjustment Assistance (TAA) program allows reimbursement up to 50 percent. For OJT approved training for a co-enrolled TAA participant, the TAA program may reimburse employers up to 50 percent, and Title I may reimburse employers up to an additional 25 percent to bring the total reimbursement to employers up to 75 percent to align TAA program benefits with Title I program benefits.

(1) Increased employer-reimbursement rate[18]

Local boards may increase the employer percentage reimbursement rate to an amount of up to 75 percent of the wage rate of a participant for OJT if local boards approve the increase and take into account the:

1. characteristics of participants taking into consideration whether they are individuals with a barrier to employments;[19]

[16] 20 CFR § 680.720
[17] TEGL 19-16
[18] WIOA Sec. 134(c)(3)(H); 20 CFR § 680.730; TEGL 19-16
[19] The term individual with a barrier to employment is defined in WIOA Sec. 3(24) and in APPENDIX I.

2. size of the employer, with an emphasis on small businesses;

3. quality of employer-provided training and advancement opportunities (e.g., whether the OJT will lead to an industry-recognized credential); and

4. other factors local boards may determine appropriate, including the:

    a. number of participants involved in the OJT;

    b. wage and benefit levels of the participants, at the beginning of OJT and after completion; and

    c. relative benefit of the training to the competitiveness of participants.

Local boards must document factors used when deciding to increase the employer-reimbursement rate.

(b) OJT and Registered Apprenticeship programs[20]

OJT funds may be use for the OJT portion of Registered Apprenticeship programs (also known as related technical instruction). OJT contracts may be entered into with sponsors of Registered Apprenticeship programs, provided that employers meet the requirements established in Section I(b). Depending on the length of the Registered Apprenticeship programs and requirements or limitations of local board policies on OJT, OJT funds may be used for some or all OJT required under Registered Apprenticeship programs.

(c) OJT and ITA funds[21]

OJT funds and Individual Training Account (ITA) funds may be used in combination when placing participants into OJT, including training services provided under pre-apprenticeship programs and Registered Apprenticeship programs.

(d) Prohibited uses[22]

Funds provided for OJT under Title I must not be used for any business or part of a business that has relocated until 120 calendar days after the date the business commences operations at its new location. This prohibition on use of OJT funds applies when the relocation of the business, or part of the business, results in a loss of employment for any employee of the business at the original location; provided that the original location is within the United States.[23] If the Secretary of the US Department of Labor (Secretary) determines that a violation of this prohibition has occurred, the Secretary must require repayment to the United States an amount equal to the amount expended in violation of the prohibition.

[20] 20 CFR § 680.740; TEGL 19-16
[21] 20 CFR §§ 680.320 and 680.750
[22] WIOA Secs. 181(d)(2) – (3) and 194(4); 20 CFR § 683.260
[23] Refer to Section I(b)(4) for additional information on this prohibition.

Section III. Appeal and grievance procedures

(a) Denial of employer eligibility to provide OJT

An employer that has been denied eligibility as an OJT provider may file a complaint through the local board's established grievance procedures. An appeal may be made to the State according to the procedures described in the State's policy on grievances and complaints if the complainant:[24]

- does not receive a determination on a complaint filed at the local level within 60 calendar days of filing; or
- is dissatisfied with the local-level determination.

(b) Displacement of regular employees and participants

An OJT participant must not displace any current employee of the employer providing OJT. Displacement includes any partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits. Regular employees and OJT participants alleging such a displacement may file a complaint through the local board's established grievance procedures.

An appeal may be made to the State according to the procedures described in the State's policy on grievances and complaints if the complainant:

- does not receive a determination on a complaint filed at the local level within 60 calendar days of filing; or
- is dissatisfied with the local-level determination.

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.

[24] 20 CFR §§ 683.270 and 683.600

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. displaced homemaker

The term displaced homemaker[25] means an individual who has been providing unpaid services to family members in the home and who:

- (a) has been dependent on the income of another family member but is no longer supported by that income or (b) is the dependent spouse of a member of the Armed Forces on active duty (as defined in Section 101(d)(1) of Title 10, United States Code) and whose family income is significantly reduced because of:
    - a deployment (as defined in Section 991(b) of Title 10, United States Code, or pursuant to paragraph (4) of such section);
    - a call or order to active duty pursuant to a provision of law referred to in Section 101(a)(13)(B) of Title 10, United States Code;
    - a permanent change of station; or
    - the service-connected (as defined in Section 101(16) of Title 38, United States Code) death or disability of the member; and
- (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Refer to the following States policies for additional information on displaced homemakers:

- Priority of Service; and
- Program Eligibility for Adults, Dislocated Workers, and Youth.

2. individual with a barrier to employment

The term individual with a barrier to employment[26] means a member of one or more of the following populations:

(a) displaced homemakers;

(b) low-income individuals;

[25] WIOA Sec. 3(16)
[26] WIOA Sec. 3(24)

(c) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in WIOA Sec. 166;

(d) individuals with disabilities, including youth who are individuals with disabilities;

(e) older individuals;

(f) ex-offenders;

(g) homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(h) youth who are in or have aged out of the foster care system;

(i) individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;

(j) eligible migrant and seasonal farmworkers, as defined in WIOA Sec. 167(i);

(k) individuals within two years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (42 USC 601 et seq.);

(l) single parents (including single pregnant women);

(m) long-term unemployed individuals; and

(n) such other groups as the Governor determines to have barriers to employment.

3. on-the-job training

The term on-the-job training[27] (OJT) means training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- provides knowledge or skills essential to the full and adequate performance of the job;
- is made available through a program that provides reimbursement to the employer of up to 50 percent of the participant's wage rate for the extraordinary costs of providing the training and additional supervision related to the training; and
- is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the participant's IEP or ISS, as appropriate.

[27] WIOA Sec. 3(44)

4. pass-through entity

   The term pass-through entity means a non-Federal entity, like a local board, that provides a subaward to a subrecipient, like an employer providing OJT, to carry out some or all of the activities permitted or required under a Federal program.[28]

5. pre-apprenticeship program

   A pre-apprenticeship program[29] is a program designed to prepare individuals to enter and succeed in a Registered Apprenticeship program. A pre-apprenticeship program should include the following elements:

   - training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved;
   - access to educational and career counseling and other supportive services, directly or indirectly;
   - hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
   - opportunities to attain at least one industry-recognized credential; and
   - a partnership with one or more Registered Apprenticeship programs that assist in placing individuals who complete the pre-apprenticeship program in a Registered Apprenticeship program.

6. Registered Apprenticeship program

   A Registered Apprenticeship program is an apprenticeship program that is registered with the US Department of Labor Office of Apprenticeship.

7. subaward

   The term subaward[30] means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out some or all of the activities permitted or required under a Federal award received by the pass-through entity. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

[28] 2 CFR § 200.74
[29] 20 CFR § 681.480. TEN 13-12 provides additional information on quality pre-apprenticeship programs and is accessible at https://www.dol.gov/agencies/eta/advisories/training-and-employment-notice-no-13-12.
[30] 2 CFR § 200.92

8. subrecipient

   The term subrecipient[31] means a non-Federal entity that receives a subaward from a pass-through entity to carry out some or all of the activities permitted or required under a Federal program (e.g., Title I youth, adult, and dislocated worker programs). The term subrecipient also refers to any entity to which a local board provides a subaward for the administration of some or all of the requirements of the subaward provided to the local board by NDOL for administration of Title I youth, adult, and dislocated worker activities. The term subrecipient does not include an individual that is a participant in the program.

[31] 2 CFR § 200.93

APPENDIX II. Pre-award review procedures

Local area staff must conduct a pre-award review to determine an employer's eligibility to provide OJT prior to entering into an OJT contract with the employer. The pre-award review must be documented using the Employer Assurances and Certifications for On-the-Job Training form provided as part of this appendix.

The pre-award requirements described in this appendix must be completed and documented jointly by local area staff and the employer.[32] If the employer has signed an Employer Assurances and Certifications for On-the-Job Training form and an OJT contract within the preceding six months, the employer is not required to execute a new Employer Assurances and Certifications for On-the-Job Training form in order to enter into a new OJT contract for placement of another participant.

1. The pre-award review must include:

    a. verification of the employer's period of operation at its current location:

        i. if at its current location less than 120 calendar days proceed as described below in item 2;

    b. review and discussion of the Employer Assurances and Certifications for On-the-Job Training form by local area staff with the employer, either in person or by phone; and

    c. completion of the Employer Assurances and Certifications for On-the-Job Training form, including the employer's signature.

2. If the employer has relocated from another area in the United States, local area staff must verify that employees at the employer's other location(s) have not been laid off as a result of the relocation.[33] To perform this verification, local area staff must complete steps 2.a. and 2.b.

    a. Collect from the employer the:[34]

        i. names under which the employer does or has done business, including predecessors and successors in interest;[35]

        ii. information confirming whether WIOA Title I assistance is sought in connection with past or impending job losses at other facilities owned or operated by the employer, including predecessor and successors in interest; and

        iii. name, title, and address of the company official certifying the accuracy of collected information.

[32] 20 CFR § 683.260(b)
[33] WIOA Sec. 181(d)(2). Refer to Sections I(b)(4) and II(d) of the policy for information on this restriction.
[34] 20 CFR § 683.260(b)
[35] The phrase predecessors and successors in interest refers to previous and current persons or entities who held or hold rights or interests in the employer's business.

b. Consult with the Program Coordinator for NDOL's Rapid Response Program to determine and document whether WARN notices relating to the employer have been filed.[36]

Local area staff may also consult with labor organizations and others in the local area(s) from which the business relocated.[37]

As stated in Section I(b)(4) of the policy, if the employer's business, or any part of its business, has relocated and employees at the employer's other location(s) were laid off as a result of the relocation, the employer is not eligible to receive WIOA Title I funds for the provision of OJT until the employer has been in operation at its current location at least 120 calendar days.

3. The completed and signed Employer Assurances and Certifications for On-the-Job Training form must be incorporated into and made part of the OJT contract.

[36] 20 CFR § 683.260(b)
[37] Ibid.

Employer Assurances and Certifications for On-the-job Training

The assurances and certifications in this document detail specific requirements regarding on-the-job training (OJT) under the Workforce Innovation and Opportunity Act of 2014 that apply to <insert employer/business name> (Employer) as a provider of OJT. The assurances and certifications herein do not limit in any way the responsibilities of Employer. Employer is subject to all applicable Federal and state laws, rules, regulations, policies, and procedures with regard to the provision of OJT to an individual participating in the OJT. By signing this document, Employer assures and certifies, as applicable, that Employer will abide by the requirements, limitations, and restrictions described herein, in addition to all applicable Federal and state laws, rules, regulations, policies, and procedures.

Assurances

1. Employer assures that during OJT:

    a. an individual participating in OJT will be compensated at the same rates, including periodic increases, as other trainees or employees who are similarly situated in similar occupations by Employer and who have similar training, experience, and skills;

    b. the compensation rate for an individual participating in OJT will comply with all applicable Federal and state laws and not be less than the higher of the Federal minimum wage rate, state minimum wage, or local minimum wage; and

    c. an individual participating in OJT will be provided benefits and working conditions comparable to those of other trainees or employees working a similar length of time and doing the same type of work for Employer.

2. Employer assures that:

    a. an individual participating in OJT is not displacing (including partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee of the employer as of the date of the individual's participation in OJT;

    b. the placement of an individual participating in OJT is not impairing existing contracts for services or collective bargaining agreements, or, if the placement is inconsistent with a collective bargaining agreement, the appropriate labor organization and Employer have provided written agreement with the placement before the placement begins;

    c. no other employee of Employer is on layoff from the same or any substantially equivalent job;

    d. Employer has not terminated the employment of any regular, unsubsidized employee or otherwise caused an involuntary reduction in its workforce with the intention of filling the vacancy with the participant;

    e. Employer has not created a position for the participant within a promotional line that infringes in any way on the promotional opportunities of current employees (as of the individual's date of participation in OJT); and

    f. regular employees and individuals participating in OJT who are alleging displacement are informed of their right to file a complaint according to the grievance procedures described in the State's current policy on OJT.

3. Employer assures that it will abide by all applicable Federal and state health and safety standards and that workers' compensation coverage will be provided for an individual participating in OJT as required under the Nebraska Workers' Compensation Act (Neb. Rev. Stat. §§ 48-101 through 48-1,118).

4. Employer assures that it will not discriminate against any individual participating in OJT on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship or status as a lawfully admitted immigrant authorized to work in the United States.

5. Employer assures that Employer will not discriminate against any individual participating in OJT with respect to the terms and conditions affecting, or rights provided to, the individual solely because of the individual's status as an OJT participant.

6. Employer assures that no individual participating in OJT will carry out the construction, operation, or maintenance of any part of any facility that is or will be used for religious instruction or as a place for religious worship.

7. Employer assures that no funds provided under an OJT contract will be used to encourage or induce the relocation of a business, or part of a business, that results in a loss of employment for any employee at the original location of the business.

8. Employer assures that no individual in a decision-making capacity within Employer's business, including any member of the Nebraska Workforce Development Board or a local workforce development board, will engage in any activity that creates a conflict of interest with regard to any OJT, including participation in (i) the selection, award, or administration of an OJT contract; and (ii) decisions relating to any matter which would provide any direct financial benefit to that individual or that individual's immediate family.

9. Employer assures that no funds provided to Employer for OJT will be used to directly or indirectly assist, promote or deter union organizing.

10. Employer assures that it will not charge any individual, including an individual participating in OJT, a fee for referral or placement of an individual in OJT.

11. Employer assures that it will not require or permit an individual participating in OJT to engage in any political activities as part of or during OJT.

12. Employer assures that, after an individual's completion of OJT, Employer intends to (i) retain the individual in the occupation for which the individual was trained and (ii) continue to compensate the individual at the hourly wage rate specified in the OJT contract or at a higher rate. Employer's retention of the individual is subject to Employer's right to terminate the individual for normal business or personnel reasons. However, "normal business or personnel reasons" does not include termination of the individual in order to enter into another OJT contract to train a new individual through OJT.

Certifications

13. Employer certifies that neither it, nor any of its principals, is (i) debarred, suspended, excluded, or declared ineligible by any Federal department or agency with regard to use of Federal funds; or (ii) proposed for debarment, suspension, exclusion, or ineligibility by any Federal department or agency with regard to use of Federal funds; or (iii) voluntarily excluded with regard to use of Federal funds.

14. Employer certifies that it complies with all Federal, state, and local laws regarding taxation and licensing, including the Nebraska Employment Security Law.

15. Employer certifies that it complies with the requirements of the Davis-Bacon Act, with regard to compensation of any individual including an individual participating in OJT, who is working as a laborer and/or mechanic in any construction, alteration or repair (including painting and decorating) of public buildings or works. Employer further certifies that all such individuals will be compensated in compliance with the Davis-Bacon Act.

16. Employer certifies that it has registered with and is using a Federal immigration verification system, as required under Neb. Rev. Stat. § 4-114, to determine the work eligibility status of all new employees physically performing services within the State of Nebraska.

Signature of authorized signatory for Employer Date

Printed name of authorized signatory for Employer

Employer's business name, complete address, and phone number

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Accessibility

This report is provided in accessible format (i.e., machine-readable). If you require assistance or experience accessibility issues, please contact Deb Andersen at deb.andersen@nebraska.gov.

I. Introduction

This WIOA annual statewide performance report narrative provides information requested under Training and Employment Guidance Letter (TEGL) 5-18, including Nebraska's progress towards meeting goals described in the 2020 Combined State Plan for Nebraska's Workforce System as they relate to Nebraska's WIOA Title I adult, dislocated worker, and youth programs and Title III Wagner-Peyser Employment Service.

II. Federally required Information

(a) Waivers

During Program Year 2021 (July 1, 2021 – June 30, 2022), Nebraska did not have waivers in place.

(b) Effectiveness in serving employers

For the *Effectiveness in Serving Employers* performance-indicator pilot program, Nebraska's core partners chose Approach 1 (retention with the same employer) and Approach 2 (repeat business customers). Nebraska is not piloting state-established measures of effectiveness in serving employers and has not established any other metrics to assess employer engagement.

(c) Evaluation and research

WIOA Title I evaluations were not completed during Program Year 2021. However, the Nebraska Department of Labor is currently in the design phase of a multiyear mixed-methods evaluation of its Statewide Rapid Response program. Specifically, the evaluation will seek to determine the level of impact that Rapid Response event attendance has on the performance outcomes of WIOA Title I dislocated worker participants. Evaluation findings will be utilized to make strategic program improvements and expand identified best practices. This Statewide Rapid Response evaluation directly intersects with the WIOA Title I dislocated worker programs in all three local workforce development areas in Nebraska, including their respective local boards and Title I service providers.

Regarding efforts to provide data, survey responses, and timely site visits in relation to Federal evaluations, Federal evaluations involving the State of Nebraska were not performed during Program Year 2021. The Nebraska Department of Labor, though, became a member and active participant in the US Department of Labor Region V Evaluation Team. Nebraska's participation has increased our technical evaluation knowledge and better prepares us to collaborate with the Department during future Federal evaluations.

(d) Customer satisfaction outreach results for Program Year 2021

During past Program Years, the State delegated responsibility for assessing customer satisfaction to local workforce development areas, as each local area should be best positioned to develop and implement appropriate methods for assessing customer satisfaction among Title I program participants and local area employers. Each local area has provided summary information regarding its customer satisfaction outreach efforts during Program Year 2021 for their respective Title I adult, dislocated worker, and youth participant and employer populations. Based on the content of the local area customer satisfaction outreach summaries for Program Year 2021 provided by each local area (Appendix I, Appendix II, and Appendix III) and the State's inability to assess generalizability and representativeness of local area customer satisfaction outreach results, the State will provide mandatory technical assistance to all local areas concerning:

- mandatory one-stop center certification criteria involving customer satisfaction outreach results for continuous improvement purposes, as required under the State's current *One-stop Center Assessment and One-Stop Center Certification* policy, including requirements that customer satisfaction outreach data can be disaggregated by service, program, and customer category (including individuals with disabilities) for evaluation purposes;

- development of effective and reliable customer satisfaction outreach methods and tools, including survey construction;
- the significance of random sampling by program participant and employer populations compared to generalized, targeted, and convenience sampling; and
- the significance of generalizability and representativeness of customer satisfaction outreach results for participant and employer populations.

(e) Progress on the Combined State Plan goals

In Section II.b.2. of the 2020 Combined State Plan for Nebraska's Workforce System, plan partners identified two goals for preparing an educated and skilled workforce that meets the needs of employers: (1) selecting and prioritizing development career pathways for three or more in-demand industry sectors and (2) aligning the State's workforce development system. To support the plan partners in their execution of the goals in Section II.b.2. of the State Plan, the Policy and Oversight Subcommittee of the Nebraska Workforce Development Board (State Board) established two workgroups: Career Pathways Workgroup and Alignment Workgroup.

(1) Career Pathways Workgroup

The career pathways workgroup identified four tasks leading to the selection and prioritization of development of career pathways.

Task 1. Selecting and prioritizing development of career pathways for three or more in-demand industry sectors

During Program Year 2020, the Career Pathways Workgroup identified five industry sectors that are in-demand across all of Nebraska's local workforce development areas and is prioritizing these industry sectors for career pathways development:

1. health care/medical;
2. manufacturing;
3. accommodation and food services;
4. transportation, distribution, and logistics (heavy and tractor-trailer trucking, transportation, and warehousing); and
5. construction.

Task 2. Identify three or more barriers to job seeker/worker participation in career pathways

During Program Years 2020 and 2021, the Career Pathways Workgroup identified seven critical barriers to job seeker/worker participation in career pathways. Workgroup members felt that the list of barriers originally identified in the State Plan overlapped considerably. For that reason, the workgroup combined the barriers identified in the 2020 State Plan and modified that barrier list. Below is the Workgroup's list of the seven critical barriers, with an operationalization statement for each.

1. *Childcare*. The financial burden for maintaining adequate childcare impedes continuous employment and may also include an inability to find adequate childcare or disruptions in service that adversely impact single parents at a high rate.
2. *Criminal history*. Exclusionary employment policies and practices create structural barriers for ex-offenders and prevent them from entering or reentering the workforce.
3. *Low income*. Limited income precludes job seekers/workers from obtaining necessary occupational skills training and credentials and accessing transportation resources necessary for employment in in-demand industry sectors in local and regional labor markets.
4. *Disability/health*. Unfavorable institutional barriers arise from misperceptions of increased business costs, lack of worker qualifications, or performance issues due to job seeker/worker disabilities or health issues.
5. *Cultural differences*. Cultural differences compete with norms, values, and beliefs, which may extend to language barriers for individuals lacking English language proficiency.

6. *Literacy skills, basic credentials, occupational credentials*. Barriers are created when individuals lack adequate literacy skills, basic credentials (i.e., GED or high school diploma), and occupational credentials required to perform minimum job requirements or essential employment functions.
7. *Aging-out of foster care*. Youth who have aged-out of foster care and lack adequate housing, transportation, education, or training necessary to enter the workforce experience significant barriers.

Task 3. Identify five or more critical barriers to employer participation in career pathways

During Program Year 2021, the Workgroup developed a plan for engaging business and industry representatives from the priority industry sectors identified under Task 1 in relation to identifying at least five critical barriers to employer participation in career pathways. The engagement plan includes three phases.

1. *Outreach and recruitment of business and industry sector representatives*. The Career Pathways Workgroup, in collaboration with the State Board Strategy and Innovation Subcommittee and local area representatives, will conduct outreach to and recruit business and industry representatives from the priority industry sectors identified under Task 1, including sponsors of Registered Apprenticeship programs and regional and local industry sector partnerships to obtain feedback described below in item 2.
2. *Engagement and collaboration with business and industry sector representatives of the priority industry sectors*. The Workgroup will convene the recruited representatives to obtain the feedback on:
    a. the seven critical barriers identified under Task 2 and identify the top five critical barriers for each of the five priority in-demand industry sectors regarding employer participation in career pathways; and
    b. employer needs for addressing the identified top five critical barriers to participation in career pathways among job seekers and workers, including Veterans and individuals with barriers to employment.
3. *Engagement and collaboration with workforce system partners, programs, and initiatives*. The Workgroup will engage and collaborate with the following entities to ensure a thorough evaluation of methods for addressing the top five critical barriers for each of the five priority in-demand industry sectors regarding career-pathways participation among job seekers, workers, and employers, as described above in item 2:
    a. State Plan partners;
    b. the State Board Strategy and Innovation Subcommittee;
    c. initiatives and partnerships described in Section II(k)(1)(C) and Section II(k)(1)(D);
    d. local boards and local area administrative entities;
    e. required and additional one-stop partners; and
    f. training providers.

Task 4. Determine methods for addressing the top five identified critical barriers to participation in career pathways experienced by job seekers, workers, and employers

Through collaboration with State Board, regional and local employers, industry sector partnerships, and other workforce system stakeholders, State Plan partners will determine methods during for addressing the top five identified critical barriers to participation in career pathways experienced by job seekers, workers, and employers, including:

- career services, youth program services, and supportive services that resolve the identified critical barriers experienced by job seekers and workers;
- work-based training opportunities that resolve the identified critical barriers experienced by employers, such as Registered Apprenticeship programs, pre-apprenticeship programs, on-the-job training, and internships; and

- coordination of services by and among the entities identified above under item 3 of Task 3 that minimize the effects of the top five identified critical barriers to participation in career pathways experienced job seekers, workers, and employers.

(2) Alignment Workgroup

The Alignment Workgroup is focusing on seven strategies for alignment of the State's workforce development system:

1. common intake system;
2. development and implementation of state-level cross training and technical assistance;
3. development and dissemination of online resources and information to support fully integrated customer service;
4. furthering efforts of the State's public sector partnership;
5. coordination of workforce development activities statewide, as well as regionally and locally;
6. identification of solutions for technology integration; and
7. development of policies that support program and technology alignment.

During Program Year 2020, the Alignment Workgroup elected to focus its initial efforts on what was Nebraska's common intake system (rolled out during Program Year 2019). That system was not utilized by partners as expected, as it did not interface with one-stop partner management information systems and was, therefore, of little benefit regarding the elimination of duplicated effort for one-stop delivery system program staff during intake. During Program Year 2021, the Workgroup continued its examination of alternatives, some as simple as utilization of paper referral forms and as advanced as commonly available technology capturing eligibility information. The Workgroup studied the common intake process implemented by the State of Tennessee, a low-tech paper-based process. The Workgroup also evaluated utilization of the NEworks[1] "eligibility explorer" function. The Workgroup determined that neither approach was suitable as an alternative to the State's defunct common intake system. The Workgroup identified a potentially suitable alternative, a share file platform which is being evaluated by the State to determine security and privacy characteristics.

In addition to the common-intake system initiative, the Workgroup developed a state-level cross training and technical assistance program during Program Year 2021 and implemented the initiative during Program Year 2022, holding the first session in July 2022 with approximately 90 attendees. All cross-training sessions have been and will be recorded and posted on the Nebraska Department of Labor YouTube channel for use as training resources for future one-stop partner program staff.

(f) Sector strategies and career pathways

(1) Greater Lincoln Workforce Development Area

Overview

During Program Year 2021, the Greater Lincoln Workforce Development Board worked with employers to develop industry sector strategies that support career pathways within the Greater Lincoln Workforce Development Area. These sector strategies help barriered individuals enter the labor market and obtain a pathway for career advancement. Through use of Greater Lincoln customized and incumbent worker training funds, employers listed in Table 1 received matching funds during Program Year 2021 from the Greater Lincoln Workforce Development Board in support of industry sector strategies and career pathway participation.

[1] NEworks is the State Workforce Agency's management system of record for Title I and Title III programs, as well as TAA, JVSG, and DWG programs.

Table 1. Greater Lincoln PY21 customized training and incumbent worker subawards

Employer	Award amount $	Expended $	Activity	Participants served #	Cost per participant $
Educare of Lincoln	20,600.00	11,767.17	Customized training	2	5,883.58
Lincoln Manufacturing Council	20,700.00	11,220.90	Customized training	61	183.94
Kawasaki Motors	18,000.00	18,000.00	Incumbent worker training	19	947.37
Kawasaki Motors	6,000.00	6,000.00	Incumbent worker training	13	461.54
Tabitha Health Care Services	29,012.74	26,827.84	Customized and incumbent worker training	24	1,117.83
Nelnet Diversified Solutions	62,000.00	62,000.00	Incumbent worker	22	2,818.18
Total	172,967.74	152,470.91	---	146	---

Career pathways were developed for these employers and in coordination and support from the following entities operating in the Greater Lincoln Workforce Development Area:

- Five Nines;
- Kawasaki Motors;
- Lincoln Literacy Council;
- Lincoln Manufacturing Council;
- Lincoln Partnership for Economic Development;
- City of Lincoln Economic Development;
- Nebraska Department of Labor;
- Southeast Community College;
- Strategic Initiatives Committee; and
- Tabitha Health Care Services.

Summary of Initiatives

Educare of Lincoln

Educare onboarded and trained new employees who lacked experience in childcare or education. This training equipped the new employees with the fundamental skills necessary to provide high-quality early childhood education services. This industry sector is in-demand in Greater Lincoln and projected to continue growing at a rate of 13 percent.[2] Training included CPR, identification of abuse, safe sleep, reflective supervision, access to a national network of other Educare professionals, and daily coaching. The training resulted in each individual achieving a *Child Development Associate* credential.

Kawasaki Motors Manufacturing Corporation

Kawasaki Motors Manufacturing Corporation (KMM) provided a 10-week English Language Learner (ELL) curriculum, facilitated by Lincoln Literacy Council (LL). The curriculum was designed by KMM and LL around manufacturing and KMM-specific vocabulary to provide ELLs with minimum English competency in the context of KMM-specific and general manufacturing concepts. The pilot group exceeded benchmark goals. Because of the success of this program, the Greater Lincoln AJC has partnered with LL to provide the same type services to two other manufacturing employers during Program Year 2022. Greater Lincoln funded the classroom training provided by LL, and KMM funded participant overtime wages and other program costs, such as classroom and presentation media. As a result of this program, two KMM employees/Title I participants have already been promoted.

[2] Nebraska Department of Labor, Education, & Economic Development, "H3. High Wage. High Demand. High Skill., Childcare Workers," http://h3.ne.gov/searchResultsDetail.xhtml?soccode=399011 [accessed November 30, 2022];

Lincoln Manufacturing Council

The Lincoln Manufacturing Council (LMC) held seven *Manufacturing Tech Certification* classes between July 2021 and June 2022. This training provided unique opportunities for those with no prior experience in the manufacturing industry. Manufacturing is in-demand in Greater Lincoln and is projected to continue growing at a rate of 10 percent.[3] Participants received the training needed to step into new manufacturing careers that offer excellent pay and benefits. Sixty-one individuals completed the coursework and earned their *Manufacturing Tech Certification*. LMC provided childcare and meals during class, as well as stipends to offset the opportunity cost and incentivize program completers to apply for manufacturing positions. Classes were hosted by Mount Zion Baptist Church, Educare of Lincoln, Community Action Partnership of Lancaster and Saunders Counties, Lincoln Public Schools (Lincoln Northeast High School and Lincoln North Star High School), Cornhusker State Industries, and the Community Correctional Center of Lincoln. During classes, AJC staff presented information on job search techniques. Greater Lincoln funded approximately half of this project and employers that make up LMC paid for the remaining portion.

Nelnet Diversified Solutions

During Program Year 2021, Nelnet Diversified Solutions acquired a company, which came with a team of 22 legacy software engineers. Nelnet's goal was to retain those engineers, as they had many years of industry and enterprise experience that would benefit Nelnet in the long term; however, they lacked the necessary modern skills to be successful and competitive at Nelnet. To avoid layoff of these 22 employees, Nelnet worked with the AJC to upskill the legacy staff through training provided by *Doane University* and *Don't Panic Labs*. Skills learned during training included skills associated with C#, .NET, typescript, angular developer, and modern architectural patterns. Training occurred over 14 weeks, and Nelnet paid the employees while they attended the training. The cost of training was funded by Greater Lincoln. Following conclusion of training, the legacy staff were retained by Nelnet as modern development software engineers and placed on new or existing Nelnet teams. Their new skills propel each legacy staff member's career forward. In Nebraska, software developers have a bright career outlook with an average annual wage of $101,810.[4]

Tabitha Health Care Services

Tabitha Health Care Services wanted to directly address health care workforce shortages and provide a gateway for lifelong careers in health care by building a pipeline of candidates for in-demand Certified Nursing Assistant (CNA) roles and upskilling current employees who did not possess a CNA license but were working under a waiver that was in effect during the COVID pandemic. To accomplish this, Tabitha partnered with the Greater Lincoln AJC to provide the necessary CNA training. Greater Lincoln funded part of the training costs. Twenty-four participants completed the six- to eight-week CNA licensure training course. As a result, 80 percent are currently employed at Tabitha. The CNA occupation is in demand in Greater Lincoln and projected to continue growing at a rate of 18 percent.[5]

(2) Greater Nebraska Workforce Development Area

Data-driven initiatives

During Program Year 2021, the Greater Nebraska Workforce Development Area developed and began distributing an industry sector survey to employers that have either received a service from a business

[3] Nebraska Department of Labor, Office of Labor Market Information, "Industry Employment Projections Download Center, Lincoln Metropolitan Statical Area," https://neworks.nebraska.gov/admin/gsipub/htmlarea/uploads/Lincoln%20LTIP.xlsx [accessed November 30, 2022]
[4] O*NET OnLine, US Department of Labor, "Local wages 15-1252.00 – Software Developers," https://www.onetonline.org/link/localwages/15-1252.00?zip=68502 [accessed November 30, 2022]
[5] Nebraska Department of Labor, Education, & Economic Development, "H3. High Wage. High Demand. High Skill., Nursing Assistants," http://h3.ne.gov/searchResultsDetail.xhtml?soccode=311014 [accessed November 30, 2022]

services representative (BSR) within the previous quarter or recently created a recruiting account in NEworks (Nebraska's management information system of record). The industry sector survey was designed to capture data that identifies gaps in education, training, and workforce development services, as well as current recruitment and retention trends across multiple in-demand industry sectors. The survey specifically focuses on employer familiarity with workforce development programs and services and provides an opportunity for industry leaders to express their interest in participating in a variety of training and hiring incentive programs. Employers are able to identify multiple program interests, which allows for identification of multiple career pathway entry points. This data collection model allows for identification of key training needs of the local area labor force.

Based on survey data, the Greater Nebraska BSR team focuses heavily on identifying industry sectors for engagement and full involvement of businesses in the development of education and training models to ensure Greater Nebraska is offering pathways for specific skills, education, and credentials required for occupational specialties. Efforts to build cross-agency partnerships and ensure Greater Nebraska's regional Career and Technical Education partners are brought to the table in order to verify existing postsecondary programs that provide opportunities for the attainment of industry-recognized credentials that are key to the success of pathways developed through this process.

Using the collected survey data, BSRs are able to leverage several training programs offered by the Nebraska Department of Labor, in coordination with WIOA core partner programs and other one-stop partner programs. In addition, utilization of the survey data allowed Greater Nebraska to begin development of industry sector initiatives focused on removing barriers to participation in career pathways among industry sectors across the Greater Nebraska Workforce Development Area. In support of this project, Greater Nebraska regional field staff were able to customize delivery of career services, based on local-area specific economic conditions, as well as particular needs of job seekers, workers, and employers, through efficient economic and social targeting.

This data-driven initiative helped Greater Nebraska to better design and administer regional and local career pathway initiatives. Examples of the success of this initiative are provided below.

Grand Island AJC outreach and career pathways efforts

BOLD GOAL Career Pathway Project

The Community IMPACT Network, which includes the Central Region Workforce Development Partners, developed a career pathway plan as a strategy to assist with the BOLD GOAL of reducing poverty in Adams, Clay, Nuckolls, and Webster Counties by 30 percent by 2030. This career pathway plan is supported by services provided through WIOA Title I adult, dislocated worker, and youth programs, SNAP Next Step Employment & Training, Title III Wagner-Peyser Employment Service, and Title IV vocational rehabilitation programs. Additional organizations supporting this plan include the Central Navigation Program, United Way, and social service organizations.

Three employers participated in the career pathway plan pilot project:

- Cooperative Producers, Inc. (agricultural sector): seeking grain and agronomy operators, applicators, and retail clerks;
- Thermo King Trane Technologies (manufacturing sector): seeking assemblers, material handlers, machine operators, and welders; and
- Mary Lanning Hospital (health care sector): seeking more than 40 nursing candidates, 12 housekeeping staff, and food service workers.

People who have been living in poverty in Greater Nebraska may lack the necessary support systems to keep and advance in employment. Currently there are systems in place to "manage" poverty in Greater Nebraska communities instead of alleviating it. When an individual has the opportunity to become employed, earn a living wage and a benefit package that allows them to sustainably support their family, and establish a support system if they experience "bumps in the road", they are more likely to end their reliance on public assistance. Further, employers benefit from higher retention rates when they invest in

their employees. For these reasons, each employer in the pilot project has on-site training programs to assist new hires and commit to:

- adapting their employment pathway to accommodate two to eight people;
- providing information on requirements, hard and soft skills, benefits, and constraints relevant to open positions;
- providing support with the employment application process;
- participating in a training process for succeeding in hiring and retaining people who are on or have been on public assistance;
- having human resources staff work with Central Navigation or social service organization representatives to resolve attendance issues as they arise;
- adjusting workplace culture to support employees in or coming from difficult life circumstances; and
- providing a pathway for advancement for the targeted employees.

The employers invested time in training sessions to learn about succeeding in hiring and retaining people who are on or have been on public assistance programs. Depending on barriers participants were experiencing when they entered the pilot program, the employers worked with social service organizations that provide crisis intervention services, stabilization services, job readiness skills training, etc. In addition, the employers invested time and training to assist participants and eventually invested in new employee advancement within their companies.

The three employers participating the Bold Goal Career Pathways Project are established employers in the Hastings area. As the project evolves, Greater Nebraska staff will have opportunities to discuss additional workforce incentives with each employer. To date, Mary Lanning Health care and Thermo King are utilizing WIOA Title I on-the-job training (OJT) during their participation in the project. (Mary Lanning began taking advantage of OJT prior to the BOLD Goal project; and Thermo King began using OJT during the project.)

<u>Chief Industries</u>

Greater Nebraska region: Central
Industry sector: Manufacturing
Occupations targeted:

- general production
- machine operators
- facility maintenance
- welders
- CDL Operators

Barriers Chief Industries is facing and solutions offered by the workforce system:

- Lack of qualified workers applying for employment under the targeted occupations:
  - The Grand Island AJC assisted with recruitment through identification of qualified candidates based on resumes and skillsets in published NEworks. Potential candidates were contacted and provided with information about employment opportunities to determine interest.
  - Chief Industries was connected with the youth talent pipeline through the Career Pathways Institute, which was developed through a partnership between Nebraska Department of Labor, Grand Island Senior High, and Central Community College.
- Employee performance and attendance:
  - Greater Nebraska staff provided individuals starting in Chief Industries careers with pre- and post-hire etiquette techniques through career counseling.
  - OJT services were leveraged, as appropriate, to assist with enhancing initial and progressive performance and attendance.
- Limited English Proficiency (LEP):
  - Greater Nebraska staff evaluated applicants interested in occupations with Chief Industries, identifying those with language barriers that prevented them from participating in career pathways in the past.
  - Greater Nebraska staff identified opportunities for partnership with the Title II Adult Basic Education ESL program offered by Central Community College and the Grand Island Literacy

Council to accommodate the needs of LEP job seekers and increase their English language proficiency and enable them to participate in and advance within the manufacturing industry sector.

Investments in labor force made by Chief Industries for new hires and existing workers:

- partnering with the Career Pathways Institute on youth Registered Apprenticeship programs
- partnering with Central Community Collee on Registered Apprenticeship programs
- Northwest High School allocation of funds for training and tuition to assist students in attaining industry recognized welding certification, in collaboration with courses provided at Central Community College
- education reimbursement program for current employees providing an opportunity to enhance their skills and assist with climbing the career ladder

Workforce system programs leveraged:

- Registered Apprenticeship
- occupational skills training
- OJT
- customized training
- Work Opportunity Tax Credit
- State-funded Worker Training Program

Beatrice AJC outreach and career pathway efforts

The Beatrice AJC has focused on outreach and career pathway efforts, with emphasis placed on educating employers on services offered by all Title I programs and services offered by other one-stop delivery system partner programs. With Nebraska's low unemployment rate, employers have become frustrated by the lack and quality of applicants. As the Beatrice Business Services Representative (BSR) discussed recruitment strategies with employers, one-stop delivery system services came into play. Whether they were Registered Apprenticeship programs, OJT, Work Opportunity Tax Credit, Fidelity Bonding, or any other programs, employers were looking at available long-term solutions. Below are three of many Program Year 2021 solutions.

Lammel Plumbing

The Beatrice BSR began discussions during Program Year 2021 with Lammel Plumbing regarding establishment of a Registered Apprenticeship program. Lammel was then and is still facing the effects of "graying" of its staff and realized it must make an investment in its hiring/employment practices in order to recruit and retain workers. The Beatrice WIOA Title I youth program representative and Beatrice BSR met with Lammel and discussed OJT services and development of a Registered Apprenticeship program. During the development process for Lammel's planned Registered Apprenticeship program, Lammel was faced with two dilemmas: (1) allowing work time for some of the related-technical instruction components and (2) the fact that the local community college does not offer all required courses relating to the mandatory related-technical instruction components for a Registered Apprenticeship program. Following discussions with Nebraska Department of Labor Apprenticeship Program Coordinator, online curricula was identified that would address Lammel's concerns regarding certain related-technical instruction components of the planned Registered Apprenticeship program.

Endicott Clay Products

Endicott Clay Products contacted the Beatrice AJC regarding possible grants or assistance with paying for apprentice training, as it had an incumbent worker interested in participating in an apprenticeship program to become an electrician. Endicott Clay was not familiar with Registered Apprenticeship and requested information. The Beatrice LVER and BSR worked together to provide information and met with an Endicott Clay human resources representative to connect the representative with the Nebraska Department of Labor Apprenticeship Program Coordinator to begin the process of setting up a Registered Apprenticeship program.

Capps Manufacturing

Capps Manufacturing has been frustrated with the lack and quality of applicants. As part of a consultation, the Beatrice BSR discussed Capps' positions, wages, benefits, etc.; labor market information was provided; local wage rates were reviewed; and OJT services were discussed. In addition, the BSR recommended consideration of second-chance applicants, as well as Fidelity Bonding and the Work Opportunity Tax Credit program. Capps is now set up as an OJT employer and will consider second-chance applicants.

Columbus one-stop center outreach and career pathways efforts

Columbus one-stop center staff have been concentrating on alternative workforce solutions for regional employers, as applicant pools have been and remain dangerously low. Outreach efforts to employers have resulted in productive, yet sometimes difficult, conversations regarding strict hiring practices, inflexible schedules, and attendance policies, all of which impact turnover and long-term unfilled positions. Career pathways discussions ignited outside-the-box rethinking of existing employment practices, particularly in relation to entry level manufacturing positions and programs offered by the Nebraska Department of Labor and the US Department of Labor, including Worker Training Grants,[6] Registered Apprenticeship, Fidelity Bonding, Work Opportunity Tax Credit, and WIOA Title I OJT services.

Cameco

The Columbus BSR worked with Cameco, a world leader in automotive seating, to begin developing a career pathways program. Three career-level categories having entry level/average/advanced wages were identified. Available training programs at the local community college were discussed, in addition to advanced training programs resulting in four-year degrees. These career pathways would not only inform current employees about industry advancement opportunities but would also help high school graduates entering the workforce understand the available career pathway at Cameco.

Manufacture Mondays

The *Manufacturing Mondays* initiative was developed by and implemented at the Columbus one-stop center. *Manufacturing Mondays* focuses promotes small- to mid-sized manufacturers in the Columbus areas, as they are less well known than the fortune 500 hundred industries in the Columbus area. On *Manufacturing Mondays*, local manufacturing employers are hosted at the one-stop center and provided with an opportunity to promote their respective career pathway opportunities to job seekers and workers, including promotion of job openings, wages, benefits, and company culture. The response to this initiative from targeted businesses has been very favorable.

(3) Greater Omaha Workforce Development Area

Better Business Workshops

To provide better resources to business, Greater Omaha implemented a series of Better Business Workshops, aimed specifically at highlighting important programs and information that may be useful to businesses to grow and succeed in this challenging economy. During Program Year 2021, the following Better Business Workshops were held:

- Customized Training Programs, with presenters from Bellevue University and Metropolitan Community College (July 15, 2021);
- Staying in Compliance with Worker Rights, with a presenter from the Nebraska Department of Labor (August 19, 2021);
- Worker Training Grants and Upskilling your Existing Workforce (September 16, 2021);

[6] Additional information on Worker Training Grants is accessible at https://dol.nebraska.gov/ReemploymentServices/EmployerResources/WorkerTrainingProgram.

- SourceLink Nebraska: Resources for Businesses and Entrepreneurs (October 21, 2021);
- Why Work Ready Communities? (November 18, 2021);
- Outlook[7] Enrichment & Outlook Business Solutions: Opening Your Business to People with Disabilities (February 17, 2022);
- Staying in Compliance with Worker's Rights, with the Nebraska Department of Labor (March 17, 2022);
- SourceLink Nebraska:[8] Connections to Nebraska Entrepreneurial and Business Development Resources (April 21, 2022); and
- Prosper Workforce Services:[9] Understanding Neurodiversity in the Workforce (June 16, 2022).

Industry listening sessions

During Program Year 2021, Greater Omaha launched a series of industry listening sessions to engage business leaders. The interactive 90-minute sessions were conducted virtually, featuring the health care industry sector (June 2021), construction industry sector (July 2021), manufacturing industry sector (July 2021), and transportation, distribution, and logistics industry sector (October 2021). During these sessions, Greater Omaha worked with industry leaders to identify opportunities to better partner with the business community by increasing understanding of hiring needs and current efforts to recruit a diverse and skilled workforce.

Community-based sector partnerships

Greater Omaha participates in the following community-based sector partnerships and events within the Omaha metropolitan area:

- Omaha Chamber of Commerce Manufacturing Coalition;
- Nebraska State Chamber Manufacturing events;
- Nebraska Tech Collaborative;
- advisory councils for Metropolitan Community College; and
- advisory councils for secondary institutions.

Collaboration with local Chambers of Commerce

During Program Year 2021, Greater Omaha played an active role in business-focused events with many local Chambers of Commerce and economic development groups, including monthly meetings with the Business/Workforce Team at the Greater Omaha Chamber of Commerce, regular collaboration with more than a dozen Omaha-area economic development groups, participation in recruiting events for new businesses, and developing programming for current businesses.

Monthly business newsletter

During late Program Year 2021, Greater Omaha launched a business-focused monthly newsletter that highlights resources for businesses and Greater Omaha events, career fairs, and workforce tools each month. The newsletter's popularity continues to grow each month. Current and past newsletters can be accessed at https://hws-ne.org/employers/.

[7] Information on Outlook Nebraska is accessible at https://www.outlookne.org/about/mission.
[8] Information on SourceLink Nebraska is accessible at https://sourcelinknebraska.com/.
[9] Information on Prosper Workforce Services is accessible at https://autismaction.org/prosperity/prosper-workforce-services/overview.

Greater Omaha Workforce Strategy and Innovation Committee

The Greater Omaha Workforce Strategy and Innovation Committee (WSIC) meets monthly to focus on sector strategy planning and career pathway planning. WISC consists of volunteers from Omaha-area businesses, workforce development partners, and several Greater Omaha Workforce Development Board members. WISC's collaborative efforts impact workforce development programs that assist unemployed individuals, individuals with skills deficiencies, adults with disabilities, and underserved and vulnerable populations. WSIC works to prioritize opportunities for workforce system programming, plan workforce events, and coordinate sector engagement.

Promotion of career pathways through industry-specific career fairs

During Program Year 2021, Greater Omaha developed and/or hosted career fairs that align with in-demand jobs and career pathways that lead to H3[10] occupations.

- October 1, 2021: Greater Omaha hosted a health care career fair. This event was held in conjunction with a blood drive hosted by the American Red Cross. Employers offering careers in the health care industry sector were invited to participate, in addition to related education and training providers. The blood drive was held during the same hours to encourage cross promotion of the event and increased attendance.
- October 27, 2021: Greater Omaha hosted its first Spooktacular Job Fair. More than 20 employers participated. Industry sectors represented included business/professional services, construction, health care, hospitality, and manufacturing. Employers provided treats for children attending the event with parents seeking employment opportunities.
- November 10, 2021: Greater Omaha partnered with the City of Omaha to host a career fair to promote available jobs with the City of Omaha. The career fair highlighted a number of in-demand city government positions, including firefighter and snowplow driver positions. Additionally, a team of firefighters attended the event and was available to talk to job seekers about current firefighter positions.
- January 12, 2021: Greater Omaha hosted its first $40k+ job fair. All employers participating in the event were promoting jobs that paid at least $40,000 annually. The event was well attended, with more than 15 employers in attendance representing all three counties in the Greater Omaha Workforce Development Area. Many job seekers arrived early with resumes in hand. Several job seekers left the job fair with job offers or contingent job offers.
- March 26 and 30, 2022: Greater Omaha helped to organize and hosted two career fairs aimed at helping newer Omaha area residents connect with employment opportunities. Workforce system partners heavily promoted both events to recent Afghani refugee population. This was a highly collaborative partnership that included extensive planning efforts by the Greater Omaha Workforce Development Area, National Able (Title I adult and dislocated worker service provider), Dynamic Workforce Solutions (Title I youth service provider), Equus (TANF service provider), Lutheran Family Services, and University of Nebraska – Omaha.
- May 12, 2022: Greater Omaha hosted its first joint government/nonprofit career fair. This event included more than 15 area government entities and nonprofit organizations. The concept for this event came from attendee feedback following other career fairs, asking how best to connect with government and nonprofit jobs. Many job seekers arrived early and left with job offers or contingent job offers. Some Greater Omaha AJC one-stop partners, including National Able (Title I one-stop operator and adult and dislocated worker service provider), hired attendees from this event.
- June 11, 2022: Greater Omaha hosted its second annual Jobapalooza career fair. The event was held at two locations simultaneously (Greater Omaha AJC and Metropolitan Community College – South Campus) and featured more than 30 employers plus food trucks at both locations. Donations from businesses were received to pay for food vouchers for attending job seekers. Based on follow-up surveys, many job seekers/workers found employment through this event. One of the primary reasons for hosting Jobapalooza at two locations was to promote Greater Omaha AJC services in

[10] H3 refers to high wage, high skill, and high demand.

south Omaha and increase awareness of the future Greater Omaha south Omaha one-stop center. Jobapalooza 2022 was well promoted on local radio and social media. Feedback from employers and job seekers was overwhelmingly positive.

(4) Work-based training and career pathways

Registered Apprenticeship

Development of Registered Apprenticeship programs increased by 65 percent across Nebraska between 2018 and 2022, including youth Registered Apprenticeship programs; and the total number of employers participating in Registered Apprenticeship increased by 34 percenter during the same timeframe (Table 2).

Table 2. Registered Apprenticeship programs and participating employers in Nebraska, 2018 to 2022

FY	Total programs	Newly registered programs	Total active employers (including those participating in group RA programs)	New participating employers
2018	63	10	140	0
2019	76	16	151	11
2020	86	10	156	5
2021	102	16	177	21
2022	104	2	188	11

Career pathways

Refer to Section II(e)(1) for information on the State's career pathways activities and Sections II(f)(1), II(f)(2), II(f)(3), II(k)(1)(C), and II(k)(1)(D), as well as Appendix IV for information on the Greater Nebraska career pathways development tool.

(g) Small state minimum allotment exception

The State did not receive a small state minimum allotment exception for Program Year 2021.

(h) Performance accountability system

(1) State-specific performance measures

The State did not establish state-specific performance measures or goals for Program Year 2021.

(2) Deficiencies

The State has not yet received adjusted levels of performance[11] for its Title I programs for Program Year 2021 from the US Department of Labor. For that reason, the State has not yet calculated adjusted levels of performance for Nebraska's local Title I programs and is not, therefore, reporting on performance deficiencies for the local Title I programs for Program Year 2021. In the absence of Program Year 2021 adjusted levels of performance, the State's performance for Program Year 2021, as reported in Appendix V, is based on *negotiated* levels of performance[12] rather than *adjusted* levels of performance. Local area performance deficiencies are described below in subsections (A) and (B).

[11] *Adjusted levels of performance* are levels of performance determined by adjusting the *negotiated levels of performance* at the end of a program year to reflect actual characteristics of participants served and actual economic conditions experienced using the *statistical adjustment model* [WIOA Sec. 116(b)(3)(A)(vii)].
[12] *Negotiated levels of performance* are the levels of performance mutually agreed to by the State and USDOL for each program [WIOA Sec. 116(b)(3)(A)(iv)].

(A) Greater Lincoln Workforce Development Area

Greater Lincoln performance failures during Program Years 2018 through 2020 are detailed in Table 3. Performance failure occurs when:

- any *overall* state program score or *overall* state indicator score falls below 90 percent for a Program Year; or
- any of the State's *individual* indicator scores fall below 50 percent for a Program Year.

Table 3. Greater Lincoln performance failures, Program Years 2018 through 2020

Greater Lincoln performance failures	PY18	PY19	PY20
Adult program: *overall* local area single program score	---	---	84.08%
Youth program: *overall* local area single program score	88.49%	74.11%	82.77%
Employment rate 2nd quarter after exit: *overall* local area single indicator score	---	---	88.82%
Median earnings 2nd quarter after exit: *overall* local area single indicator score	---	---	85.43%

In accordance with TEGL 11-19, *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs*, as well as the State's *Performance Accountability, Change 3* policy, the Nebraska Department of Labor is required to take corrective action when a local area falls to meet *adjusted* levels of performance for the same overall local area single *individual* performance indicator or *overall* local area program score for three consecutive program years. Corrective action is intended to improve local area performance and ensure a maximum return on use of Federal funds. Because Greater Lincoln's *overall* local area single program score for its youth program fell below the 90 percent threshold for three consecutive program years, a Corrective Action Plan (CAP) was assigned to Greater Lincoln, effective November 1, 2022; and Greater Lincoln was advised that failure to take appropriate action in accordance with the CAP, including deadlines and communication requirements, will result in disciplinary action.

(B) Greater Omaha Workforce Development Area

Greater Omaha performance failures during Program Years 2019 and 2020 are detailed in Table 4.

Table 4. Greater Lincoln performance failures, Program Years 2019 and 2020

Greater Omaha performance failures	PY18	PY19	PY20
Dislocated worker program: *overall* local area single program score	---	87.55%	---
Youth program: *overall* local area single program score	---	87.70%	89.06%
Credential attainment rate: *overall* local area single indicator score	---	75.00%	---

Greater Omaha failed to meet adjusted levels of performance for Program Years 2019 and 2020 consecutively, based on *overall* local area single program scores for its youth program, which fell below the 90 percent threshold, Greater Omaha is now subject to additional mandatory technical assistance regarding its youth program performance, which will be provided no later than January 2023.

(3) Co-enrollment and common exit

(A) Co-enrollment

Requirement

Under the State's *Performance Accountability, Change 3* policy, the State requires co-enrollment of participants occur whenever eligibility permits. This co-enrollment requirement applies to:

- local Title I adult, dislocated worker, and youth programs;
- Wagner-Peyser;
- JVSG;

- TAA; and
- DWG programs, whether administered at state or local levels.

Further, all TAA and DWG participants must be, at a minimum, co-enrolled in a local dislocated worker program and individuals participating in Nebraska's RESEA program (NEres) must be co-enrolled in Wagner-Peyser.

Partner programs

For programs subject to the State's co-enrollment requirement, partner programs in which participants may be co-enrolled include, but are not limited to:

- local Title I adult, dislocated worker, and youth programs;
- Adult Education and Family Literacy Act program;
- Wagner-Peyser;
- vocational rehabilitation programs provided by the:
  - Nebraska Commission for the Blind and Visually Impaired; and
  - Nebraska VR Program;
- DWG programs;
- Indian and Native American (INA) employment and training programs;
- Job Corps;
- JVSG;
- National Farmworker Jobs Program provided by Proteus;
- Senior Community Service Employment Program;
- TAA;
- Unemployment Insurance; and
- employment and training programs provided by:
  - Supplemental Nutrition Assistance Program (SNAP); and
  - Temporary Assistance for Needy Families program (TANF);
- YouthBuild.

(B) Common exit

Under the State's *Performance Accountability, Change 3* policy, common exit occurs when a participant enrolled in one or more partner programs has not received services from any program in which the individual is enrolled for at least 90 days and no future services are planned. A participant exits from all co-enrolled programs only when exit criteria are met for all co-enrolled programs. The State's a common-exit requirement applies to all participants who are co-enrolled in:

- local Title I adult, dislocated worker, and youth programs;
- Wagner-Peyser;
- JVSG;
- TAA; and
- DWG.

This common exit requirement does not apply to participants who are co-enrolled in other partner programs.

(4) Negotiated performance levels

(A) State level

The State's *negotiated* levels of performance for Title I adult, dislocated worker, and youth programs and Title III Wagner-Peyser Employment Service for Program Year 2020 and Program Year 2021 are listed below in Tables 5 through 8.

Table 5. Title I adult program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	78.0%	78.0%
Employment (fourth quarter after exit)	78.5%	78.5%
Median earnings (second quarter after exit)	$6,300	$6,300
Credential attainment rate	61.0%	61.0%
Measurable skill gains	41.0%	41.0%

Table 6. Title I dislocated worker program negotiated levels of performance, Program Years 2020 and 2021

Performance Indicators	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	86.4%	86.4%
Employment (fourth quarter after exit)	85.9%	85.9%
Median earnings (second quarter after exit)	$8,250	$8,250
Credential attainment rate	60.0%	60.0%
Measurable skill gains	45.0%	45.0%

Table 7. Title I youth program negotiated levels of performance, Program Years 2020 and 2021

Performance Indicators	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	78.0%	78.0%
Employment (fourth quarter after exit)	77.0%	77.0%
Median earnings (second quarter after exit)	$3,545	$3,545
Credential attainment rate	54.8%	54.8%
Measurable skill gains	41.8%	41.8%

Table 8. Title III Wagner-Peyser Employment Service negotiated levels of performance, Program Years 2020 and 2021

Performance Indicators	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	73.0%	73.0%
Employment (fourth quarter after exit)	73.0%	73.0%
Median earnings (second quarter after exit)	$6,300	$6,300

(B) Local level

Greater Lincoln Workforce Development Area

Local negotiated levels of performance for Greater Lincoln Title I adult, dislocated worker, and youth programs for Program Year 2020 and Program Year 2021 are listed below by local area in Tables 9 through 11.

Table 9. Title I adult program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	79.0%	79.0%
Employment (fourth quarter after exit)	79.0%	79.0%
Median earnings (second quarter after exit)	$7,749	$7,749
Credential attainment rate	77.0%	77.0%
Measurable skill gains	42.0%	42.0%

Table 10. Title I dislocated worker program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	89.0%	89.0%
Employment (fourth quarter after exit)	92.0%	92.0%
Median earnings (second quarter after exit)	$8,590	$8,590
Credential attainment rate	66.0%	66.0%
Measurable skill gains	55.0%	55.0%

Table 11. Title I youth program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	79.0%	79.0%
Employment (fourth quarter after exit)	78.0%	78.0%
Median earnings (second quarter after exit)	$3,550	$3,550
Credential attainment rate	55.0%	55.0%
Measurable skill gains	50.0%	50.0%

Greater Nebraska Workforce Development Area

Local negotiated levels of performance for Greater Nebraska Title I adult, dislocated worker, and youth programs for Program Year 2020 and Program Year 2021 are listed below by local area in Tables 12 through 14.

Table 12. Title I adult program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	83.0%	83.0%
Employment (fourth quarter after exit)	79.0%	79.0%
Median earnings (second quarter after exit)	$6,300	$6,300
Credential attainment rate	63.0%	63.0%
Measurable skill gains	62.0%	62.0%

Table 13. Title I dislocated worker program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	89.0%	89.0%
Employment (fourth quarter after exit)	86.0%	86.0%
Median earnings (second quarter after exit)	$8,250	$8,250
Credential attainment rate	61.0%	61.0%
Measurable skill gains	68.0%	68.0%

Table 14. Title I youth program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	83.0%	83.0%
Employment (fourth quarter after exit)	81.0%	81.0%
Median earnings (second quarter after exit)	$5,290	$5,290
Credential attainment rate	55.8%	55.8%
Measurable skill gains	56.0%	56.0%

Greater Omaha Workforce Development Area

Local negotiated levels of performance for Greater Nebraska Title I adult, dislocated worker, and youth programs for Program Year 2020 and Program Year 2021 are listed below by local area in Tables 15 through 17.

Table 15. Title I adult program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	78.5%	78.5%
Employment (fourth quarter after exit)	79.5%	79.5%
Median earnings (second quarter after exit)	$6,400	$6,400
Credential attainment rate	62.0%	62.0%
Measurable skill gains	42.0%	42.0%

Table 16. Title I dislocated worker program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	87.4%	87.4%

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (fourth quarter after exit)	86.0%	86.0%
Median earnings (second quarter after exit)	$8,400	$8,400
Credential attainment rate	70.0%	70.0%
Measurable skill gains	46.0%	46.0%

Table 17. Title I youth program negotiated levels of performance, Program Years 2020 and 2021

Performance indicator	PY20 negotiated level	PY21 negotiated level
Employment (second quarter after exit)	79.0%	79.0%
Employment (fourth quarter after exit)	78.0%	78.0%
Median earnings (second quarter after exit)	$3,550	$3,550
Credential attainment rate	55.8%	55.8%
Measurable skill gains	42.8%	42.8%

(5) Data validation and integrity

The State has established data validation procedures for Title I adult, dislocated worker, and youth programs and Title III Wagner-Peyser Employment Service, the purposes of which are to:

- verify that the performance data reported to the US Department of Labor Employment and Training Administration (ETA) are valid, accurate, reliable, and comparable across programs;
- identify anomalies in data and resolve issues that may cause inaccurate reporting;
- identify acceptable source documentation required for data elements; and
- improve program performance accountability through the results of data validation efforts.

For the Title I and Title III programs, regular data element validation is required pursuant to TEGL 23-19 Attachment II. The State continues to evaluate configuration of NEworks, the State's management information system of record, to ensure its alignment with the requirements established under TEGL 23-19.

(A) Procedures

System-automated data validation

Through the NEworks, data is validated quarterly and annually through large-scale, four-step system-automated data validation protocols, three of which involve WIPS and the fourth involves SWIS.

1. The State's vendor for NEworks provides a full PIRL[13] file on a daily basis through secure file transfer, which is then uploaded to the WIPS[14] data validation and reporting clearinghouse during quarterly and annual reporting cycles.
2. In WIPS, the full PIRL file passes through preliminary data validation and edit check protocols, scanning all individual and programmatic data elements. The edit check searches for date range errors and inconsistencies, anomalies, and waterfall errors (i.e., if element a = 1 then element b cannot = 2).
3. Once the full PIRL file successfully clears the edit check protocols, full PIRL reports are certified by the State.

[13] *PIRL* means Participant Individual Record Layout, a format for reporting program data to the US Department of Labor.
[14] *WIPS* refers to the Workforce Integrated Performance System, the system by which states report on the performance of workforce programs to the US Department of Labor.

4. A similar data validation and edit check process for wage data occurs simultaneously in the SWIS[15] clearinghouse during quarterly and annual reporting cycles. The data goes through an import/export/validation process within NEworks and is then inserted as aggregate data into the full PIRL file, after which the data is retired from NEworks.

Manual data validation

Prior to the State's submission of an annual quantitative performance report to ETA, the Quality Control Unit Program Analyst conducts manual validation of data elements.[16] Manual data validation occurs annually for the preceding full Program Year and begins on July 1 following the conclusion of the applicable Program Year, according to the record sampling and validation guidelines and processes described below.

Records sampling

The NEworks case file sampling function is capable of generating random samples of program participants by program for use during data validation. Random samples for Title I and Title III programs are drawn based on the sample-size requirements listed in Table 18 using a confidence level of 95 percent and confidence interval of 15.

Table 18. Required sample size per program

Program population size	Confidence level	Confidence interval	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
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

Data validation

The State's Performance Program Coordinator provides the random sample lists to the State's Quality Control Unit Program Analyst within 15 calendar days of the conclusion of the applicable Program Year. The State's Program Analyst then conducts data validation based on the following guidelines.

[15] *SWIS* refers to the State Wage Interchange System, which facilitates the exchange of wage data among participating states for the purpose of assessing and reporting on state and local employment and training program performance, evaluating performance, and for other purposes allowed under a SWIS Data Sharing Agreement.
[16] Information in the State's annual quantitative performance report for local Title I programs and Wagner-Peyser must be validated by the State before the report is submitted to the US Department of Labor [TEGL 23-19].

1. Each case in each sample is evaluated, comparing the information in NEworks for data elements to the source documentation provided in ECM or NDM[17] to determine if source documentation is:
    a. present for data elements applicable to the respective program; and
    b. an acceptable form of source documentation is present for data elements.
2. For most data elements, multiple forms of source documentation are acceptable under TEGL 23-19. If multiple types of source documentation are present in ECM or NDM for the same data element and the sources conflict, the most objective source is used to determine if data elements are valid and accurate.

Following the completion of data validation activities, the State's Program Analyst provides data-validation outcome summary reports to the Quality Control Unit Administrator and State Monitoring Unit Supervisor for evaluation and identification of necessary corrective actions, in collaboration with the State Policy Unit Coordinator and the State's Performance Program Coordinator. Parameters for data-validation outcome summary reports are provided in Appendix VI and data-validation outcome summary reports for Program Year 2021 are provided in Appendix VII.

(i) Activities provided using state funds

(1) Reentry

During Program Year 2021, Governor's Reserve funds continued to support projects that expands employment and training services for incarcerated individuals who will reenter the workforce upon completion of their time in Nebraska's corrections system. During Program Year 2020, a pre-apprenticeship training project sponsored by the Nebraska Department of Labor and Nebraska Department of Correctional Services Tecumseh State Correctional Institution in partnership with Home Builders Institute was designed and partially implemented. The project was fully implemented during Program Year 2021 and trains incarcerated individuals in electrical and carpentry occupations. Upon completion of the occupational skills training component of the project, the individuals receive an industry-recognized Pre-Apprenticeship Certificate Training (PACT) credential for their respective trade, as well as an OSHA-10 certification. This short-term reentry occupational skills training program has the capacity to train 12 participants per cohort. In December 2021, graduation was held at the Tecumseh facility to celebrate the accomplishments of the project's first successful cohort. While this project provides these individuals with occupational skills needed to successfully reenter the workforce in high skill, high wage, and high demand occupations, it also introduces them to the public workforce system and resources available to support them throughout their reentry/reemployment journey.

(2) Rapid Response

During Program Year 2021, employers and workers effected by layoffs and closures were offered on-site and alternate site services, as well as virtual services, including provision of information for programs and services available through the Nebraska Department of Labor, such as short-time compensation (STC) and a direct connection to Unemployment Insurance Division staff. Rapid Response activities were coordinated at the state level and delivered at the local level by the Rapid Response teams. Required members of each Rapid Response team included:

- Title I dislocated worker program representatives from the applicable local area;
- Title III Wagner-Peyser Employment Service representatives from the applicable local area;
- Unemployment Insurance (UI) representatives;
- TAA representatives from the applicable local area;
- Veteran representatives; and
- other community partners, such as health care, financial information, and community assistance partners, as appropriate.

[17] ECM (Enterprise Content Management system) and NDM (NEworks Document Manager) are the State's source documentation management systems.

Tables 19 through 21 detail the total number of employers served based of service type by local area region.

Table 19. Rapid Response and business downsizing assistance services during PY 2021

Region	Total employers	Total services
Greater Nebraska: Region 2	2	2
Greater Nebraska: Region 3	2	3
Greater Nebraska: Region 5	1	2
Greater Omaha: Region 7	3	3
Greater Lincoln: Region 9	1	2
Total	9	12

Table 20. Planning layoff response during PY 2021

Region	Total employers	Total services
Greater Nebraska: Region 1	2	2
Greater Nebraska: Region 3	2	3
Greater Nebraska: Region 4	2	3
Greater Nebraska: Region 5	5	5
Greater Omaha: Region 7	6	8
Greater Lincoln: Region 9	1	1
Total	18	22

Table 21. Layoff aversion informative outreach during PY 2021

Region	Total employers	Total services
Greater Nebraska: Region 2	1	1
Greater Nebraska: Region 3	6	6
Greater Nebraska: Region 4	92	101
Greater Nebraska: Region 5	27	28
Greater Omaha: Region 7	15	15
Greater Lincoln: Region 9	1	1
Total	142	152

(j) National Dislocated Worker Grant

(1) Trade and Economic Transition – Dislocated Worker Grant (TET-DWG)

The State's TET-DWG[18] was awarded September 27, 2018, with the period of performance beginning on October 1, 2018 and concluded on September 30, 2021. During the period of performance, 316 individuals were enrolled (exceeding the projected grant enrollment goal of 300), 299 of which were co-enrolled in local Title I dislocated worker programs, 60 were enrolled in on-the-job training, 135 were enrolled in occupational skills training, and 154 received other career services.

(k) Promising practices and success stories

(1) Promising practices

(A) TET-DWG marketing plan and training

The State's TET-DWG program commissioned videos targeting dislocated workers and employers for on-the-job training (OJT). The videos were posted on social media and provided to staff to email to potential participants and employers. In addition, radio ads were commissioned. Staff heavily promoted OJT at several events targeting employers.

To compliment marketing and outreach efforts, the TET-DWG program, in partnership with the Greater Nebraska Workforce Development Area, held a statewide virtual event to educate the public on the program

[18] *TET-DWG* refers to Trade and Economic Transition Dislocated Worker Grant.

and eligibility criteria for all dislocated worker categories, including self-employed workers. In addition, the TET-DWG program contracted with a consultant to provide statewide comprehensive training on co-enrollment and co-case management for TET-DWG and Title I staff.

(B) Limited English Proficiency Plan

The State's Limited English Proficiency Plan (LEPP) functions as a tool for assessing the effectiveness of workforce service delivery to individuals with limited English proficiency. As part of the LEPP implementation process during Program Year 2021, the Nebraska Department of Labor Division of Reemployment Services established a planning committee to identify major concentrations of ethnic groups with language access barriers in order to support the provision of equitable services to individuals with language access barriers. This committee consists of partners from Nebraska's three local workforce development areas (Greater Lincoln, Greater Nebraska, Greater Omaha). The LEPP planning committee met with the University of Nebraska–Lincoln Department of Modern Language and Literatures to expand opportunities for translation services. This partnership concentrated on identification and prioritization and translation of program enrollment documents, guides, and program marketing materials. The planning committee conducted outreach to local offices to verify and provide resources required to assist staff with connecting to Language Line Solutions. The planning committee also began work to ensure sign language interpretation services area set up for all offices to improve programmatic accessibility. The availability of resources (and associated costs) that improve programmatic accessibility is under evaluation by the planning committee. The LEPP committee established three subcommittees that focus on service areas consistent with the needs of Nebraska's English language learners:

- The language-assistance measure subcommittee identified language services available through partner agencies and multi-cultural organizations. The subcommittee also pinpointed current practices in response to LEPP informational requests.
- The training subcommittee reviewed current policies and procedures regarding the provision of equitable services while serving individuals with limited English proficiency and best practices for working with interpreters.
- A third subcommittee identified materials promoting reemployment services that require translation to improve programmatic accessibility and marketing of the availability of interpretation services to increase program participation.

(C) Economic Mobility Task Force

The Nebraska Economic Mobility Task Force comprises Nebraska Departments of Labor and Health and Human Services and other State agencies and community-based organizations having similar goals aimed at reducing unemployment, underemployment, and poverty in the Nebraska. The Economic Mobility Task Force established three separate subcommittees focusing on the benefits cliff, industry sector initiatives, and policies and procedures.

- The benefits cliff subcommittee met with the Atlanta Federal Reserve, which agreed to provide tools, including a benefit cliff calculator, and a career-ladder identifier financial forecaster that will be leveraged to train field staff and program participants. The Nebraska Department of Health and Human Services is currently working on a memorandum of understanding with the Atlanta Federal Reserve to obtain and operate these tools.
- The industry sector initiative subcommittee began development of business focus groups to gain a deeper understanding of the interrelationships between Nebraska business competitiveness and workforce needs. This subcommittee will be working with Nebraska Department of Labor business services representatives to identify regional and local industry sector needs and develop strategies to assist in their recruitment and placement efforts. These efforts tie in with career pathways initiatives currently underway.
- The policy and procedures subcommittee began work on identification of opportunities to coordinate service delivery strategies across program partners. The subcommittee began and continues review of program policies, searching for opportunities to improve policies and procedures to remove coenrollment barriers and increase quality referrals. This subcommittee will

communicate all identified program-imposed barriers and suggestions for resolution to the Alignment Workgroup established by the Nebraska Workforce Development Board Policy and Oversight Subcommittee.

(D) American Public Human Services Association partnership

The Nebraska Departments of Labor and of Health and Human Services have partnered to participate in a technical assistance grant through American Public Human Services Association. This grant focuses on enhancing and refining the career pathways model for the State and involves Blue Cross Blue Shield, SNAP Next Step Employment & Training program, and Equus Workforce Solutions (TANF subrecipient service provider), as well as leadership from the Nebraska Departments of Labor and Health and Human Services. The group is currently working to better understand how job seekers, workers, and employers experience the workforce system and identify ways to streamline that experience by focusing on alignment of resources along career pathways for in-demand industry sectors and developing a model that works across partner programs. Current partnership action items include:

- reviewing labor market information to assist in the selection and prioritization of industry sectors;
- gathering baseline data on customer and employer experiences through surveys developed across programs and comparing captured data;
- hosting focus groups with job seekers, workers, and employers to develop a deeper understanding of data gathered through surveys and discuss topical information not easily gathered through surveys;
- collaboration with the Nebraska Vocational Rehabilitation Program to identify best practices arising through its current Career Pathways Advancement Project (CPAP) 2.0[19] and how services provided through other agencies can contribute to CPAP 2.0; and
- development of an ecosystem map that lists services offered and sequencing of events for leveraging workforce activities to remove participation barriers and easing access to career pathway development with identified supportive services and available training programs.

(2) Success stories

Success stories are provided in Appendix VIII.

(l) Pay-for-performance contracting

Pay-for-performance strategies and contracts were not in use in Nebraska during Program Year 2021.

III. State-required information

As required pursuant to Neb. Rev. Stat. § 48-3304, information is provided in Appendix IX and Appendix X regarding the total amount of Federal funding provided to the State and each local area for Title I adult, dislocated worker, and youth programs and the funds expended for training services.

[19] Information on CPAP 2.0 is accessible at http://www.vr.nebraska.gov/pathways/.

Appendix I. Greater Lincoln customer satisfaction outreach, Program Year 2021

Title I adult, dislocated worker, and youth program participants

Table 1. Customer satisfaction outreach to Title I adult program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I adult program participants during PY 2021.	In the beginning of PY21 we used a paper version of our customer survey. Shortly after starting PY21, we adapted the survey to an electronic version that can be found on the AJC website under the job seeker link.
2. Described the frequency of customer satisfaction outreach to Title I adult program participants during PY 2021 (weekly, monthly, etc.).	In most cases customers were asked to complete the customer satisfaction weekly, or daily depending on the flow of traffic. All customer satisfaction surveys are on the desktop of all 12 customer computers. Staff asked if customers would be willing to complete a survey. If the customer agreed, staff would open up the link for the survey and would explain once the questions were completed the customer can click on 'submit' and the AJC would receive the results. In other cases, staff members may have asked customers after their visit either via text, phone or email if the customer would be willing to complete the survey. If the customer agreed, staff would send the survey link via text or email.
3. How many Title I adult program participants were *served* during PY 2021?	130
4. How many Title I adult program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	For PY21 our surveys did not have an option for customers to note what program they were working with; therefore, we do not know the exact number of Adults who were contacted to complete the customer satisfaction survey. This has been updated for PY22.
5. How many Title I adult program participants *responded* to customer satisfaction outreach during PY 2021?	For PY21 our surveys did not have an option for customers to note who they were working with; therefore, we do not know the exact number of adults who completed the customer satisfaction survey. We are working to add to the survey to help us identify what program the customer is working with. All surveys are in electronic form on the AJC website. Once customer presses submit on their survey, a copy of the survey is sent the AJC staff email. In the beginning of the month the One-Stop Operator categorizes the surveys in the (Month/Year) folder and then the folder separates the employer and customer surveys. The OSO reviews all surveys to be entered into an excel sheet for the month or reporting and calculates the scores based on the scoring system created for the surveys. This is then reported monthly for the board report, operations meeting and partner form meeting. It is also included in the monthly partner newsletter. During PY 22 we have begun doing follow-up if a customer indicated they are okay with follow-up which is completed by the OSO.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I adult program participants.	Staff in the AJC will be assigned a number of surveys to be completed each month and will be tracked on their score cards. Staff are encouraged to asked customers to complete the surveys before the customer leaves their appointment; however, if staff members do not have them complete the survey, then the staff member will send a message via text or email asking the customer to fill out the survey. If the

Information requested	Response
	customer agrees then staff will send a link to the survey via text or email. Additional ways the AJC staff offer customer services customers, each staff member has a link to the survey in their signature line and the survey is located on the desktop on all customer computers in the resource room. Supervisors are also considering staff incentives to help will increasing the number of surveys given out with hopes of increasing the number of surveys received.
7. What did Title I adult program participant responses reveal regarding customer satisfaction during PY 2021?	The first half of PY 21 showed there were some improvements that could be made. There were many months where surveys were not received. More specifically during the first half we received feedback that there were some customers who were not stratified with their experience at the AJC. This resulted in lower scores on top of the fact we had low scores in the number of surveys that were received. The second half of the PY 21 showed improvements had been made. With the exception of January no surveys were received, this resulted in a lower score. To prevent this from occurring again, Supervisors have worked on incentives to keep staff members engages in having customers fill out the survey. For 9 out of 12 months the AJC staff averaged 95% on the overall satisfaction rate on the surveys. This shows there is some room for improvement in customer experience. Customers are encouraged to leave a comment about the experience so AJC staff understand what was good and what could be improved. The AJC has contracted with Wichita State University to provide secret shoppers to assist staff in getting a better picture of areas of improvement.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I adult program participants during PY 2021.	The survey has been updated and allows customers to select which staff member helped them. Also, we are working to ensure staff are fully aware of the results and are currently working with SCC to build training to help improve our customer satisfaction rate. Staff also complete coaching sessions with their supervisor to review how to improve their interactions with customers.

Table 2. Customer satisfaction outreach to Title I dislocated worker program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I dislocated worker program participants during PY 2021.	In the beginning of PY21 we used a paper version of our customer survey. Shortly after starting PY21, we adapted the survey to an electronic version that can be found on the AJC website under the job seeker link.
2. Described the frequency of customer satisfaction outreach to Title I dislocated worker program participants during PY 2021 (weekly, monthly, etc.).	In most cases customers were asked to complete the customer satisfaction weekly, or daily depending on the flow of traffic. All customer satisfaction surveys are on the desktop of all 12 customer computers. Staff asked if customers would be willing to complete a survey. If the customer agreed, staff would open up the link for the survey and would explain once the questions were completed the customer can click on 'submit' and the AJC

Information requested	Response
	would receive the results. In other cases, staff members may have asked customers after their visit either via text, phone or email if the customer would be willing to complete the survey. If the customer agreed, staff would send the survey link via text or email.
3. How many Title I dislocated worker program participants were *served* during PY 2021?	27
4. How many Title I dislocated worker program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	For PY21 our surveys did not have an option for customers to note who they were working with; therefore, we do not know the exact number of dislocated workers who were contacted to complete the customer satisfaction survey.
5. How many Title I dislocated worker program participants *responded* to customer satisfaction outreach during PY 2021?	For PY21 our surveys did not have an option for customers to note who they were working with; therefore, we do not know the exact number of dislocated workers who completed the customer satisfaction survey. We are working to add to the survey to help us identify what program the customer is working with. All surveys are in electronic form on the AJC website. Once the customer presses to submit their survey, a copy of the survey is sent the AJC staff email. In the beginning of the month the One-Stop Operator categorizes the surveys in the (Month/Year) folder and then the folder separates the employer and customer surveys. The OSO reviews all surveys to be entered into an excel sheet for the month or reporting and calculates the scores based on the scoring system created for the surveys. This is then reported monthly for the board report, operations meeting and partner form meeting. It is also included in the monthly partner newsletter. During PY 22 we have begun doing follow-up if a customer indicated they are okay with follow-up which is completed by the OSO.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I dislocated worker program participants.	Staff in the AJC will be assigned a number of surveys to be completed each month and will be tracked on their score cards. Staff are encouraged to asked customers to complete the surveys before the customer leaves their appointment; however, if staff members do not have them complete the survey, then the staff member will send a message via text or email asking the customer to fill out the survey. If the customer agrees then staff will send a link to the survey via text or email. Additional ways the AJC staff offer customer services customers, each staff member has a link to the survey in their signature line and the survey is located on the desktop on all customer computers in the resource room. Supervisors are also considering staff incentives to help will increasing the number of surveys given out with hopes of increasing the number of surveys received.
7. What did Title I dislocated worker program participant responses reveal regarding customer satisfaction during PY 2021?	The first half of PY 21 showed there were some improvements that could be made. There were many months where surveys were not received. More specifically during the first half we received feedback that there were some customers who were not stratified with their experience at the AJC. This resulted in lower scores on top of the fact we had low scores in the number of surveys that were received. The second half of the PY 21 showed improvements had been

Information requested	Response
	made. With the exception in January no surveys were received, this resulted in a lower score. To prevent this from occurring again, Supervisors have worked on incentives to keep staff members engages in having customers fill out the survey. For 9 out of 12 months the AJC staff averaged a 95% on the overall satisfaction rate on the surveys. This shows there is some room for improvement in customer experience. Customers are encouraged to leave a comment about the experience so AJC staff understand what was good and what could be improved. The AJC has contracted with Wichita State University to provide secret shoppers to assist staff in getting a better picture of areas of improvement.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I dislocated worker program participants during PY 2021.	The survey has been updated and allows customers to select which staff member helped them. Also, we are working to ensure staff are fully aware of the results and are currently working with SCC to build training to help improve our customer satisfaction rate. Staff also complete coaching sessions with their supervisor to review how to improve their interactions with customers.

Table 3. Customer satisfaction outreach to Title I youth program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I youth program participants during PY 2021.	In the beginning of PY21 we used a paper version of our customer survey. Shortly after starting PY21, we adapted the survey to an electronic version that can be found on the AJC website under the job seeker link.
2. Described the frequency of customer satisfaction outreach to Title I youth program participants during PY 2021 (weekly, monthly, etc.).	In most cases customers were asked to complete the customer satisfaction weekly, or daily depending on the flow of traffic. All customer satisfaction surveys are on the desktop of all 12 customer computers. Staff asked if customers would be willing to complete a survey. If the customer agreed, staff would open up the link for the survey and would explain once the questions were completed the customer can click on 'submit' and the AJC would receive the results. In other cases, staff members may have asked customers after their visit either via text, phone or email if the customer would be willing to complete the survey. If the customer agreed, staff would send the survey link via text or email.
3. How many Title I youth program participants were *served* during PY 2021?	56
4. How many Title I youth program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	For PY21 our surveys did not have an option for customers to note who they were working with; therefore, we do not know the exact number of youth who were contacted to complete the customer satisfaction survey.
5. How many Title I youth program participants *responded* to customer satisfaction outreach during PY 2021?	For PY21 our surveys did not have an option for customers to note who they were working with; therefore, we do not know the exact number of youths who completed the customer satisfaction survey. We are working to add to the survey to help us identify what program the customer is working with. All surveys are in electronic form on the AJC website. Once customer presses submit on their survey, a copy of the survey is sent the AJC staff email. In the

Information requested	Response
	beginning of the month the One-Stop Operator categorizes the surveys in the (Month/Year) folder and then the folder separates the employer and customer surveys. The OSO reviews all surveys to be entered into an excel sheet for the month or reporting and calculates the scores based on the scoring system created for the surveys. This is then reported monthly for the board report, operations meeting and partner form meeting. It is also included in the monthly partner newsletter. During PY 22 we have begun doing follow-up if a customer indicated they are okay with follow-up which is completed by the OSO.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I youth program participants.	Staff in the AJC will be assigned a number of surveys to be completed each month and will be tracked on their score cards. Staff are encouraged to asked customers to complete the surveys before the customer leaves their appointment; however, if staff members do not have them complete the survey, then the staff member will send a message via text or email asking the customer to fill out the survey. If the customer agrees then staff will send a link to the survey via text or email. Additional ways the AJC staff offer customer services customers, each staff member has a link to the survey in their signature line and the survey is located on the desktop on all customer computers in the resource room. Supervisors are also considering staff incentives to help will increasing the number of surveys given out with hopes of increasing the number of surveys received.
7. What did Title I youth program participant responses reveal regarding customer satisfaction during PY 2021?	The first half of PY 21 showed there were some improvements that could be made. There were many months where surveys were not received. More specifically during the first half we received feedback that there were some customers who were not stratified with their experience at the AJC. This resulted in lower scores on top of the fact we had low scores in the number of surveys that were received. The second half of the PY 21 showed improvements had been made. With the exception of January, no surveys were received, this resulted in a lower score. To prevent this from occurring again, Supervisors have worked on incentives to keep staff members engages in having customers fill out the survey. For 9 out of 12 months the AJC staff averaged 95% on the overall satisfaction rate on the surveys. This shows there is some room for improvement in customer experience. Customers are encouraged to leave a comment about the experience so AJC staff understand what was good and what could be improved. The AJC has contracted with Wichita State University to provide secret shoppers to assist staff in getting a better picture of areas of improvement.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I youth program participants during PY 2021.	The survey has been updated and allows customers to select which staff member helped them. Also, we are working to ensure staff are fully aware of the results and are currently working with SCC to build training to help improve our

Information requested	Response
	customer satisfaction rate. Staff also complete coaching sessions with their supervisor to review how to improve their interactions with customers.

Employers

Table 4. Customer satisfaction outreach to employers during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to employers during PY 2021.	In the beginning of PY21 we used a paper version of our customer survey. Shortly after starting PY21, we adapted the survey to an electronic version that can be found on the AJC website under the employer link.
2. Described the frequency of customer satisfaction outreach to employers during PY 2021 (weekly, monthly, etc.).	Staff member emailed customer satisfaction surveys after contact was made by staff to the employer. This was completed on a monthly basis. Some cases employers were asked to fill out the survey while they were in the AJC prior to leaving. In most cases, the employer asked the email to be sent and staff sent it to the employer to be completed.
3. How many employers were *served* during PY 2021?	58
4. How many employers were *contacted* during PY 2021 for customer satisfaction outreach purposes?	7
5. How many employers *responded* to customer satisfaction outreach during PY 2021?	Of the 7 surveys sent, 6 employers responded to the customer satisfaction survey. For PY 21-22 the resource room had 21 visits from employers. About 7 of the 21 visits from employers were from reoccurring visits from the employer to the resource room. There were two employers this occurred with.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to employers.	Staff in the resource room will work with employers in the resource room while the Business Services Coordinator will work with employers outside of the resource room. All staff will be assigned a number of surveys to be completed each month and will be tracked on their score cards. Supervisors are also considering staff incentives to help will increasing the number of surveys given out with hopes of increasing the number of surveys received.
7. What did employer responses reveal regarding customer satisfaction during PY 2021?	Our employer customer needs are forever changing, the AJC will continue to grow and adjust to the needs of the employers as we receive feedback from them. To ensure better results, increasing the number of surveys will occur for PY22 will occur. The second half of the PY 21 showed improvements had been made. Staff overall scored higher on the results from their surveys. The hope is with the increase of survey AJC staff will get more of a variety of results and how to best serve employers in and outside the AJC.
8. Describe all current and planned continuous improvement processes developed based on feedback received from employers during PY 2021.	The survey has been updated and allows customers to select which staff member helped them. Also, we are working to ensure staff are fully aware of the results and are currently working with SCC to build training to help improve our customer satisfaction rate. Staff also complete coaching sessions with their supervisor to review how to improve their interactions with customers.

Appendix II. Greater Nebraska customer satisfaction outreach during Program Year 2021

Title I adult, dislocated worker, and youth program participants

Table 1. Customer satisfaction outreach to Title I adult program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I adult program participants during PY 2021.	Greater Nebraska updated the Customer Satisfaction Survey in May 2022 with input from the State to ensure data gathered provided a comprehensive review of service delivery and areas for improvement. Greater Nebraska utilizes NEworks to send messages to Job Seekers and Employers served. A link and QR code was also created to allow staff to email job seekers and employers directly after services have been provided. Flyers with the QR code were created and are kept in the Resource Rooms for customers to pick up at any time during their visit.
2. Described the frequency of customer satisfaction outreach to Title I adult program participants during PY 2021 (weekly, monthly, etc.).	Direct emails are sent to job seekers and business who have received services on a weekly basis. NEworks messaging is sent out twice a year, 45 days prior to the Board meeting, to capture additional responses.
3. How many Title I adult program participants were *served* during PY 2021?	279
4. How many Title I adult program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	During PY2021 a total of 4,248 customers were contacted. This includes Adults, Dislocated Workers, Youth, and individuals served under Wagner-Peyser and UI.
5. How many Title I adult program participants *responded* to customer satisfaction outreach during PY 2021?	During PY2021 a total of 353 customer responded. This includes Adults, Dislocated Workers, and Youth.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I adult program participants.	Greater Nebraska will begin sending the NEworks message with the survey monthly. The first month this was implemented, responses jumped from 18 to 55 in 24 hours.
7. What did Title I adult program participant responses reveal regarding customer satisfaction during PY 2021?	Roughly 43% of customers indicated that they entered and/or contacted an AJC or Affiliate One-Stop Center to receive assistance to file their unemployment claim. 31% indicated they came to file their claim and receive additional reemployment services and 26% stated that they contacted our offices purely for reemployment services. From that data, we can see that the primary reason customers are visiting our offices is to receive unemployment insurance assistance. Whether it was Unemployment Insurance guidance or assistance with reemployment services 73% of customers were provided with the support necessary when coming into the office. Less than 1% of customers did indicate that they had some state of dissatisfaction with services rendered. Professional workplace behavior is necessary for the long-term success of our customers. Our team is accustomed to working with individuals that are experiencing hardships and barriers, and the way they conduct themselves during initial interactions is what sets the pace in the job seekers ability and willingness to participate in our programs. If we compare the data to that of the satisfaction question, we see a huge increase in the positive reflection of staff's professionalism. In fact, 74 customers who did not indicate that they were very satisfied with employment services received still showed that

Information requested	Response
	staff were very professional. What we commonly see is customers may not be satisfied by services due to the result of an unemployment claim determination or denial of eligibility for employment programs thus motivating them to provide an unsatisfactory response, but still showcasing the professionalism of our staff. The majority of customer respondents believe staff at the AJC or affiliate site were accessible at 70%. However, we still have work to do to make sure we are providing the same ease of access to the other 30%. Increasing accessibility to staff and programs is and has always been priority one.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I adult program participants during PY 2021.	Toward the end of PY2021, the majority of local field offices received an unemployment insurance specialist to assist with initial unemployment insurance claim filings, weekly certifications, and general UI inquires. This has assisted Greater Nebraska in separating the State Unemployment Insurance Division and The Division of Reemployment Services. Having UI Claim Specialists co-located in the field has increased the partnership between Reemployment and Unemployment, and the coordination of referrals as a result. This has also added the capacity for offices to increase outreach and promotion of reemployment services available to individuals who are underemployed and seeking training and/or support to obtain financial stability, as well as those who are unemployed. The Greater Nebraska One-Stop Operator has also developed the Greater Nebraska Workforce System Partner Guide. The goal of this guide is to provide program information, eligibility, and points of contact for WIOA Core Programs, required One-Stop partners, and additional community agencies. For respondents who have indicated they were not satisfied with services rendered, options have been added for them to provide more details on their experience, their contact information, and the name of the staff member(s) who served them. Regional Managers and UI Administrators receive results of surveys so they may reach out to those suggesting a negative customer experience to identify service delivery improvements. The provision of these reports has been increased from quarterly to weekly. Customer service training is continuous across programs to ensure staff are equipped with the knowledge, tools, and support required to provide professional services to clients. Some trainings that have been implemented/enhanced include; • Conflict resolution • Motivational Interviewing • Situational Paraphrasing • Email, telephone, and in-person etiquette techniques • Core Partner cross training Additional options have also been added to determine if accessibility issues are related to:

Information requested	Response
	• Trouble finding the AJC or Partner • Ability to get around easily in the building • Distance traveled and mode of transportation as well as parking availability • Accommodations required and the availability of such systems and services • Technology barriers for virtual services / site navigation Continuous improvement focuses on bringing our programs to the customer, which has included partnering with the Nebraska Library system to reach customers that have transportation barriers. On-going training has been offered to library staff across Greater Nebraska to assist in easing virtual access to staff through a virtual service delivery model. Field staff have also received training from Nebraska VR on the effective utilization of assistive technology equipment and Language Line solutions to serve participants with limited English proficiency. Furthermore, concerns identified in the surveys are taken to the Limited English Proficiency Plan committee, which is being expanded to identify and address all accessibility issues. This group determines action items to address issues of concern and to make recommendations for implementation of identified best practices and promising solutions.

Table 2. Customer satisfaction outreach to Title I dislocated worker program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I dislocated worker program participants during PY 2021.	Greater Nebraska updated the Customer Satisfaction Survey in May 2022 with input from the State to ensure data gathered provided a comprehensive review of service delivery and areas for improvement. Greater Nebraska utilizes NEworks to send messages to Job Seekers and Employers served. A link and QR code was also created to allow staff to email job seekers and employers directly after services have been provided. Flyers with the QR code were created and are kept in the Resource Rooms for customers to pick up at any time during their visit.
2. Described the frequency of customer satisfaction outreach to Title I dislocated worker program participants during PY 2021 (weekly, monthly, etc.).	Direct emails are sent to job seekers and business who have received services on a weekly basis. NEworks messaging is sent out twice a year, 45 days prior to the Board meeting, to capture additional responses.
3. How many Title I dislocated worker program participants were *served* during PY 2021?	99
4. How many Title I dislocated worker program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	During PY2021 a total of 4,248 customers were contacted. This includes Adults, Dislocated Workers, Youth, and individuals served under Wagner-Peyser and UI.
5. How many Title I dislocated worker program participants *responded* to customer satisfaction outreach during PY 2021?	During PY2021 a total of 353 customer responded. This includes Adults, Dislocated Workers, and Youth.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I dislocated worker program participants.	Greater Nebraska will begin sending the NEworks message with the survey monthly. The first month this was implemented, responses jumped from 18 to 55 in 24 hours.

Information requested	Response
7. What did Title I dislocated worker program participant responses reveal regarding customer satisfaction during PY 2021?	Roughly 43% of customers indicated that they entered and/or contacted an AJC or Affiliate One-Stop Center to receive assistance to file their unemployment claim. 31% indicated they came to file their claim and receive additional reemployment services and 26% stated that they contacted our offices purely for reemployment services. From that data, we can see that the primary reason customers are visiting our offices is to receive unemployment insurance assistance. Whether it was Unemployment Insurance guidance or assistance with reemployment services 73% of customers were provided with the support necessary when coming into the office. Less than 1% of customers did indicate that they had some state of dissatisfaction with services rendered. Professional workplace behavior is necessary for the long-term success of our customers. Our team is accustomed to working with individuals that are experiencing hardships and barriers, and the way they conduct themselves during initial interactions is what sets the pace in the job seekers ability and willingness to participate in our programs. If we compare the data to that of the satisfaction question, we see a huge increase in the positive reflection of staff's professionalism. In fact, 74 customers who did not indicate that they were very satisfied with employment services received still showed that staff were very professional. What we commonly see is customers may not be satisfied by services due to the result of an unemployment claim determination or denial of eligibility for employment programs thus motivating them to provide an unsatisfactory response, but still showcasing the professionalism of our staff. The majority of customer respondents believe staff at the AJC or affiliate site were accessible at 70%. However, we still have work to do to make sure we are providing the same ease of access to the other 30%. Increasing accessibility to staff and programs is and has always been priority one.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I dislocated worker program participants during PY 2021.	Toward the end of PY2021, the majority of local field offices received an unemployment insurance specialist to assist with initial unemployment insurance claim filings, weekly certifications, and general UI inquires. This has assisted Greater Nebraska in separating the State Unemployment Insurance Division and The Division of Reemployment Services. Having UI Claim Specialists co-located in the field has increased the partnership between Reemployment and Unemployment, and the coordination of referrals as a result. This has also added the capacity for offices to increase outreach and promotion of reemployment services available to individuals who are underemployed and seeking training and/or support to obtain financial stability, as well as those who are unemployed. The Greater Nebraska One-Stop Operator has also developed the Greater Nebraska Workforce System Partner Guide. The goal of this guide is to provide program information, eligibility, and points of contact

Information requested	Response
	for WIOA Core Programs, required One-Stop partners, and additional community agencies. For respondents who have indicated they were not satisfied with services rendered, options have been added for them to provide more details on their experience, their contact information, and the name of the staff member(s) who served them. Regional Managers and UI Administrators receive results of surveys so they may reach out to those suggesting a negative customer experience to identify service delivery improvements. The provision of these reports has been increased from quarterly to weekly. Customer service training is continuous across programs to ensure staff are equipped with the knowledge, tools, and support required to provide professional services to clients. Some trainings that have been implemented/enhanced include; • Conflict resolution • Motivational Interviewing • Situational Paraphrasing • Email, telephone, and in-person etiquette techniques • Core Partner cross training Additional options have also been added to determine if accessibility issues are related to: • Trouble finding the AJC or Partner • Ability to get around easily in the building • Distance traveled and mode of transportation as well as parking availability • Accommodations required and the availability of such systems and services • Technology barriers for virtual services / site navigation Continuous improvement focuses on bringing our programs to the customer, which has included partnering with the Nebraska Library system to reach customers that have transportation barriers. On-going training has been offered to library staff across Greater Nebraska to assist in easing virtual access to staff through a virtual service delivery model. Field staff have also received training from Nebraska VR on the effective utilization of assistive technology equipment and Language Line solutions to serve participants with limited English proficiency. Furthermore, concerns identified in the surveys are taken to the Limited English Proficiency Plan committee, which is being expanded to identify and address all accessibility issues. This group determines action items to address issues of concern and to make recommendations for implementation of identified best practices and promising solutions.

Table 3. Customer satisfaction outreach to Title I youth program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I youth program participants during PY 2021.	Greater Nebraska updated the Customer Satisfaction Survey in May 2022 with input from the State to ensure data gathered provided a comprehensive review of service delivery and areas for improvement. Greater Nebraska utilizes NEworks to send messages to Job Seekers and Employers served. A link and QR code was also created to allow staff to email job seekers and employers directly after services have been provided. Flyers with the QR code were created and are kept in the Resource Rooms for customers to pick up at any time during their visit.
2. Described the frequency of customer satisfaction outreach to Title I youth program participants during PY 2021 (weekly, monthly, etc.).	Direct emails are sent to job seekers and business who have received services on a weekly basis. NEworks messaging is sent out twice a year, 45 days prior to the Board meeting, to capture additional responses.
3. How many Title I youth program participants were *served* during PY 2021?	100
4. How many Title I youth program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	During PY2021 a total of 4,248 customers were contacted. This includes Adults, Dislocated Workers, Youth, and individuals served under Wagner-Peyser and UI.
5. How many Title I youth program participants *responded* to customer satisfaction outreach during PY 2021?	During PY2021 a total of 353 customer responded. This includes Adults, Dislocated Workers, and Youth.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I youth program participants.	Greater Nebraska will begin sending the NEworks message with the survey monthly. The first month this was implemented, responses jumped from 18 to 55 in 24 hours.
7. What did Title I youth program participant responses reveal regarding customer satisfaction during PY 2021?	Roughly 43% of customers indicated that they entered and/or contacted an AJC or Affiliate One-Stop Center to receive assistance to file their unemployment claim. 31% indicated they came to file their claim and receive additional reemployment services and 26% stated that they contacted our offices purely for reemployment services. From that data, we can see that the primary reason customers are visiting our offices is to receive unemployment insurance assistance. Whether it was Unemployment Insurance guidance or assistance with reemployment services 73% of customers were provided with the support necessary when coming into the office. Less than 1% of customers did indicate that they had some state of dissatisfaction with services rendered. Professional workplace behavior is necessary for the long-term success of our customers. Our team is accustomed to working with individuals that are experiencing hardships and barriers, and the way they conduct themselves during initial interactions is what sets the pace in the job seekers ability and willingness to participate in our programs. If we compare the data to that of the satisfaction question, we see a huge increase in the positive reflection of staff's professionalism. In fact, 74 customers who did not indicate that they were very satisfied with employment services received still showed that staff were very professional. What we commonly see is customers may not be satisfied by services due to the result of an unemployment claim determination or denial of eligibility for employment programs thus motivating them to

Information requested	Response
	provide an unsatisfactory response, but still showcasing the professionalism of our staff. The majority of customer respondents believe staff at the AJC or affiliate site were accessible at 70%. However, we still have work to do to make sure we are providing the same ease of access to the other 30%. Increasing accessibility to staff and programs is and has always been priority one.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I youth program participants during PY 2021.	Toward the end of PY2021, the majority of local field offices received an unemployment insurance specialist to assist with initial unemployment insurance claim filings, weekly certifications, and general UI inquires. This has assisted Greater Nebraska in separating the State Unemployment Insurance Division and The Division of Reemployment Services. Having UI Claim Specialists co-located in the field has increased the partnership between Reemployment and Unemployment, and the coordination of referrals as a result. This has also added the capacity for offices to increase outreach and promotion of reemployment services available to individuals who are underemployed and seeking training and/or support to obtain financial stability, as well as those who are unemployed. The Greater Nebraska One-Stop Operator has also developed the Greater Nebraska Workforce System Partner Guide. The goal of this guide is to provide program information, eligibility, and points of contact for WIOA Core Programs, required One-Stop partners, and additional community agencies. For respondents who have indicated they were not satisfied with services rendered, options have been added for them to provide more details on their experience, their contact information, and the name of the staff member(s) who served them. Regional Managers and UI Administrators receive results of surveys so they may reach out to those suggesting a negative customer experience to identify service delivery improvements. The provision of these reports has been increased from quarterly to weekly. Customer service training is continuous across programs to ensure staff are equipped with the knowledge, tools, and support required to provide professional services to clients. Some trainings that have been implemented/enhanced include; • Conflict resolution • Motivational Interviewing • Situational Paraphrasing • Email, telephone, and in-person etiquette techniques • Core Partner cross training Additional options have also been added to determine if accessibility issues are related to: • Trouble finding the AJC or Partner • Ability to get around easily in the building

Information requested	Response
	• Distance traveled and mode of transportation as well as parking availability • Accommodations required and the availability of such systems and services • Technology barriers for virtual services / site navigation Continuous improvement focuses on bringing our programs to the customer, which has included partnering with the Nebraska Library system to reach customers that have transportation barriers. On-going training has been offered to library staff across Greater Nebraska to assist in easing virtual access to staff through a virtual service delivery model. Field staff have also received training from Nebraska VR on the effective utilization of assistive technology equipment and Language Line solutions to serve participants with limited English proficiency. Furthermore, concerns identified in the surveys are taken to the Limited English Proficiency Plan committee, which is being expanded to identify and address all accessibility issues. This group determines action items to address issues of concern and to make recommendations for implementation of identified best practices and promising solutions.

Employers

Table 4. Customer satisfaction outreach to employers during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to employers during PY 2021.	Greater Nebraska utilizes NEworks to send messages to Job Seekers and Employers served. A link and QR code was also created to allow staff to email job seekers and employers directly after services have been provided. Flyers with the QR code were created and are kept in the Resource Rooms for employers to pick up at any time during their visit.
2. Described the frequency of customer satisfaction outreach to employers during PY 2021 (weekly, monthly, etc.).	Direct emails are sent to job seekers and business who have received services on a weekly basis. NEworks messaging is sent out twice a year, 45 days prior to the Board meeting, to capture additional responses.
3. How many employers were *served* during PY 2021?	1752
4. How many employers were *contacted* during PY 2021 for customer satisfaction outreach purposes?	5710
5. How many employers *responded* to customer satisfaction outreach during PY 2021?	235
6. Describe what will be done to improve response rates for future customer satisfaction outreach to employers.	Greater Nebraska will begin sending the NEworks message with the survey monthly.
7. What did employer responses reveal regarding customer satisfaction during PY 2021?	An analysis of familiarity with services, including customized recruitment services and On the Job Training, reveal an opportunity to educate employers on our comprehensive recruitment services. Recruitment is one of our primary employer services, with leveraging of the programs administered by Greater Nebraska and partners the number one strategy in recruitment efforts. Overall, there is a need for significant improvement in quality of services with employer satisfaction at 67%, with an

Information requested	Response
	additional 17% choosing "Neither satisfied nor dissatisfied, and 4% choosing "Don't know/No opinion;" leaving 12% dissatisfied. In terms of accessibility, 3% of employers rated staff as inaccessible, with 27% choosing "Don't know/No opinion," and 10% "Neutral." Employers have expressed frustration with a lack of workers to fill essential roles, further highlighting the need for increased strategies focused on recruitment and retention. The Greater Nebraska One-Stop Operator has implemented a monthly tracking sheet to highlight economic and service delivery events that may impact customer and employer satisfaction for further analysis.
8. Describe all current and planned continuous improvement processes developed based on feedback received from employers during PY 2021.	The Greater Nebraska One-Stop Operator created a Greater Nebraska Workforce System Partner Guide to provide program information, eligibility, and points of contact for employer focused workforce solutions in one resource. This guide has been utilized to assist our Business Services Representatives, Local Veteran Employment Representatives, and partners with navigating, marketing, and delivering workforce development activities to industry sector leaders. This guide is also distributed to local Economic Development and Chamber partners along with newly registered employers to assist in providing a better understanding of programs and services available, as well as how to access them. The Economic Mobility Task Force, which consists of several workforce development partners, is working on creating a statewide employer focused workforce consultation resource that will blend all work-based training resources across program partners. This resource will serve as a rapport building tool that will allow employer focused organizations to identify and promote talent pipeline training programs such as OJTs, work-experience, customized training, incumbent worker training, etc. Having a unified approach in employer workforce solution proposals will allow us to braid our programs more effectively and market them to employers without overwhelming them.

Appendix III. Greater Omaha customer satisfaction outreach during Program Year 2021

Title I adult, dislocated worker, and youth program participants

Table 1. Customer satisfaction outreach to Title I adult program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I adult program participants during PY 2021.	Able utilizes a mix of proprietary survey tools which link to our constant contacts email systems along with survey monkey if more in depth surveys are necessary for specific projects or programs.
2. Described the frequency of customer satisfaction outreach to Title I adult program participants during PY 2021 (weekly, monthly, etc.).	National Able surveys every enrolled customer across all National Able programs (nationally) twice per year, which includes all Omaha WIOA Title I Adults and Dislocated Workers. We will be increasing the frequency of customer surveys to once per quarter targeting Omaha Title I customers for the remainder of this program year and moving forward.
3. How many Title I adult program participants were *served* during PY 2021?	355
4. How many Title I adult program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	355
5. How many Title I adult program participants *responded* to customer satisfaction outreach during PY 2021?	There were 27 individual respondents to the last customer satisfaction survey. Please note that this number encompasses both adult and dislocated workers respondents.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I adult program participants.	National Able uses a variety of proven techniques to support and boost survey response rates, including multiple asks, utilizing various mediums to meet people where they are ("paper" surveys, email, staff-guided phone responses, and text messaging).
7. What did Title I adult program participant responses reveal regarding customer satisfaction during PY 2021?	Participants would like to see a more streamlined eligibility process.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I adult program participants during PY 2021.	We will be increasing the frequency of customer surveys to once per quarter targeting Title I customers for the remainder of this program year and moving forward to gain insight into client satisfaction and needs. Responses will help guide where improvements can be made. The adult program aims to contact potential participants within 48 hours of referral and enrolled within 2 weeks of eligibility determination by creating a more streamlined workflow process.

Table 2. Customer satisfaction outreach to Title I dislocated worker program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I dislocated worker program participants during PY 2021.	Able utilizes a mix of proprietary survey tools which link to our constant contacts email systems along with survey monkey if more in depth surveys are necessary for specific projects or programs.
2. Described the frequency of customer satisfaction outreach to Title I dislocated worker program participants during PY 2021 (weekly, monthly, etc.).	National Able surveys every enrolled customer across all National Able programs (nationally) twice per year, which includes all Omaha WIOA Title I Adults and Dislocated Workers.

Information requested	Response
	We will be increasing the frequency of customer surveys to once per quarter targeting Omaha Title I customers for the remainder of this program year and moving forward.
3. How many Title I dislocated worker program participants were *served* during PY 2021?	34
4. How many Title I dislocated worker program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	34
5. How many Title I dislocated worker program participants *responded* to customer satisfaction outreach during PY 2021?	There were 27 individual respondents to the last customer satisfaction survey. Please note that this number encompasses both adult and dislocated workers respondents.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I dislocated worker program participants.	National Able uses a variety of proven techniques to support and boost survey response rates, including multiple asks, utilizing various mediums to meet people where they are ("paper" surveys, email, staff-guided phone responses, and text messaging).
7. What did Title I dislocated worker program participant responses reveal regarding customer satisfaction during PY 2021?	Participants would like to see a more streamlined eligibility process.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I dislocated worker program participants during PY 2021.	We will be increasing the frequency of customer surveys to once per quarter targeting Title I customers for the remainder of this program year and moving forward to gain insight into client satisfaction and needs. Responses will help guide where improvements can be made. The dislocated worker program aims to contact potential participants within 48 hours of referral and enrolled within 2 weeks of eligibility determination by creating a more streamlined workflow process.

Table 3. Customer satisfaction outreach to Title I youth program participants during PY 2021

Information requested	Response
1. Describe tools used for customer satisfaction outreach to Title I youth program participants during PY 2021.	A survey that was sent out to only to participants in follow up.
2. Described the frequency of customer satisfaction outreach to Title I youth program participants during PY 2021 (weekly, monthly, etc.).	The surveys were sent out monthly during follow up attempts
3. How many Title I youth program participants were *served* during PY 2021?	157
4. How many Title I youth program participants were *contacted* during PY 2021 for customer satisfaction outreach purposes?	Unknown exact amount or if they were sent to active participants, but they were sent to everyone who was in follow up
5. How many Title I youth program participants *responded* to customer satisfaction outreach during PY 2021?	DESI (former youth service provider) was acquired by Dynamic Workforce Solutions (current youth service provider) in January 2022, after which there was significant staff turnover and the exiting of the Project Director. Dynamic Workforce Solutions states that during acquisition of DESI and transition of the then Project Director out of their role data was lost.
6. Describe what will be done to improve response rates for future customer satisfaction outreach to Title I youth program participants.	We have developed a short survey to send out to participants monthly. This is launching November 2022. This will be sent to active and follow up participants with results shared with

Information requested	Response
	team on an ongoing basis for continued customer improvement.
7. What did Title I youth program participant responses reveal regarding customer satisfaction during PY 2021?	DESI was acquired by Dynamic in January 2022, after that time there was significant staff turnover and the exiting of the Project Director. Dynamic states during the acquisition of DESI and transition of Project Director out of their role, resulted in lost data.
8. Describe all current and planned continuous improvement processes developed based on feedback received from Title I youth program participants during PY 2021.	As of November 1, 2022, Dynamic Workforce Solutions is sending a survey every month so we can monitor satisfaction and areas for improvement. Heartland Workforce Solutions (Greater Omaha administrative entity) will be working with Dynamic to improve processes regarding customer satisfaction. As well as the monitoring of the disbursement and results quarterly.

Employers

Table 4. Customer satisfaction outreach to employers during PY 2021

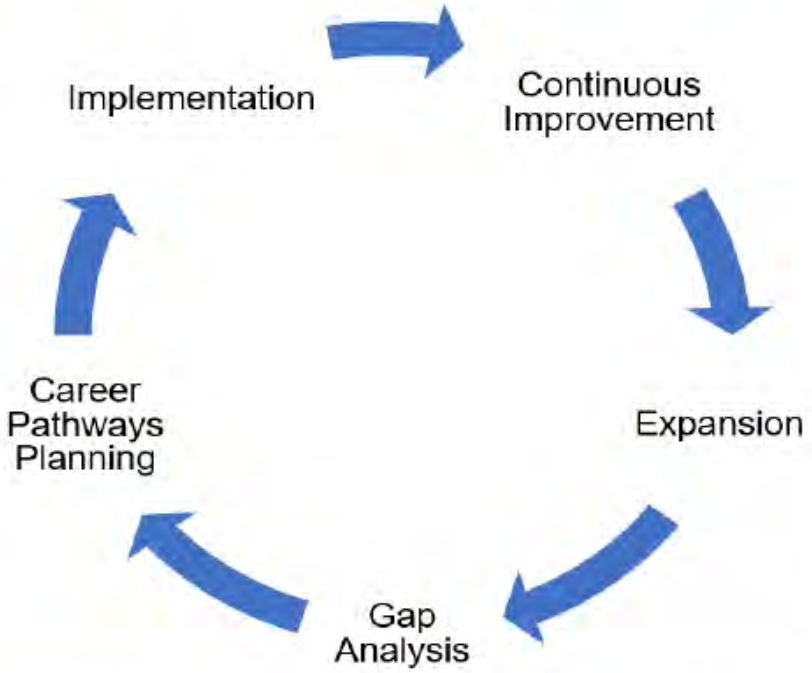
Information requested	Response
1. Describe tools used for customer satisfaction outreach to employers during PY 2021.	Youth: There was a survey that went out to employers that was participant specific in relation to work experience. Adult/DLW: Digital survey distributed via email
2. Described the frequency of customer satisfaction outreach to employers during PY 2021 (weekly, monthly, etc.).	Youth: Unknown if this was done monthly or if this was only administered at the end of a work experience Adult/DLW: Quarterly
3. How many employers were *served* during PY 2021?	Youth: Unknown. That information was not tracked by the former youth service provider. Adult/DLW: 175
4. How many employers were *contacted* during PY 2021 for customer satisfaction outreach purposes?	Youth: Unknown. That information was not tracked by the former youth service provider. Adult/DLW: 175
5. How many employers *responded* to customer satisfaction outreach during PY 2021?	Youth: Unknown. That information is no longer available to the team as it rested with former service provider employees and there was no shared access point. Adult/DLW: 60
6. Describe what will be done to improve response rates for future customer satisfaction outreach to employers.	Youth: Dynamic Workforce Solutions (current youth service provider) is developing an employer satisfaction survey that will launch in November 2022. Adult/DLW: Targeted distribution by designated business services reps. Phone call to non-respondents following initial email.
7. What did employer responses reveal regarding customer satisfaction during PY 2021?	Youth: Unknown. Former youth service provider did not share that information with Dynamic Workforce Solutions, current youth service provider. Adult/DLW: • Hiring events received a 4.0 out of 5.0 stars. • Overall, 85% of respondents rated the services 4 out of 5 or better. • Respondents say that we could improve upon explanation of services and allow our services to be better accessed in other parts of the service area.

Information requested	Response
8. Describe all current and planned continuous improvement processes developed based on feedback received from employers during PY 2021.	Youth: Development of employer survey that will launch in November 2022 that will cover not only the employer experience with work experience but their overall satisfaction with their interaction with the youth WIOA team Adult/DLW: • Standard Operating Procedures will be implemented to assist the business service team when working with businesses. • The business team launched an orientation for employers to attend in August 2022 which allows businesses to hear about all of the different programs and a menu of business services within the workforce system. • A new business services brochure is being implemented in the local area.

Appendix IV. Greater Nebraska career pathways development tool



Overview of the Process



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Gap Analysis Example

Location: Mid-Plains Region
Industry Sector: Health Care

Occupation Category:
Patient Care: 136 Vacancies
Allied Health: 50 Vacancies
Medical Administration: 20 Vacancies
Services/Trade: 22 Vacancies

Targeting all four occupations:

Training/Job Certifications per Job Category

Estimated # of qualified applicants

Patient Care

- Graduate of accredited school of nursing
- RN License

or

- Graduate of an accredited LPN program
- Current Nebraska License as LPN

or

- High School Diploma or Equivalent.
- Current Nurse Aide Licensure in Nebraska
- BLS Cert

Allied Health

- Bachelor of Science in Exercise Science
- Bachelor Degree in Food and Nutrition

or

- Associates of Radiologic Technology
- Associates of Science / Medical laboratory/clinical laboratory technical education program.

or

- High School Diploma or Equivalent
- Phlebotomy Certification
- Central Service Tech Certification

Medical Administration

- Bachelor of Science in Business/Health Administration

or

- High School Diploma or Equivalent

Services/Trades

- High School Diploma or Equivalent
- Some College or experience in Management
- EPA Certificate
- CPI Certificate

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Gap Analysis Example (continued)

Current Training Programs at MPCC

Patient Care

- Associate Degree in Nursing
- Licensed Practical Nurse Diploma
- Nursing Assistant / Medication Aide

Allied Health

- Associate of Applied Science
- Associate of Science
- Biology Degree
- Medical Laboratory Technician

Credentials/Training Offered at GHP

Medical Administration

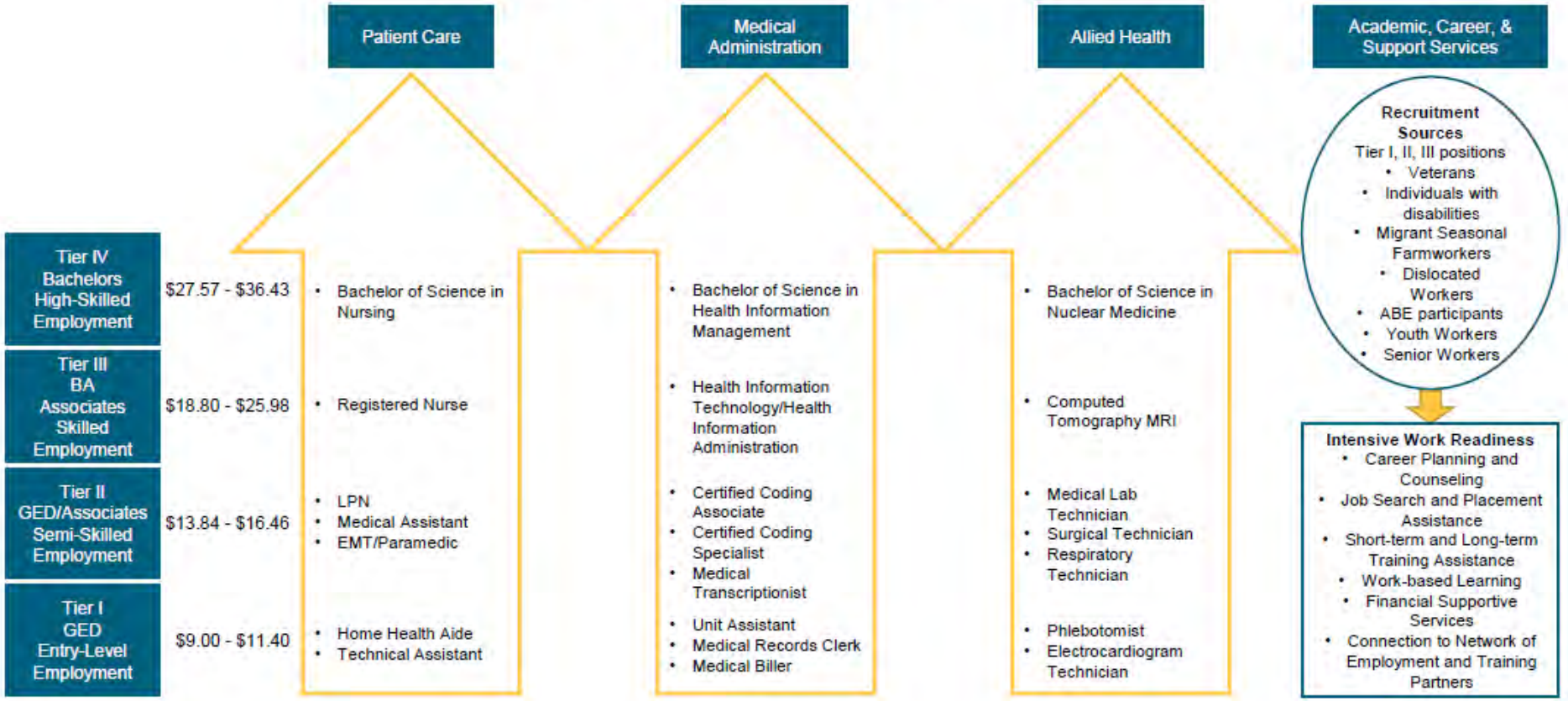
- Accounting Certificate
- Business Administration
- Business Office Technology
- Information Technology
- Medical Administrative Assistant

Services/Trades

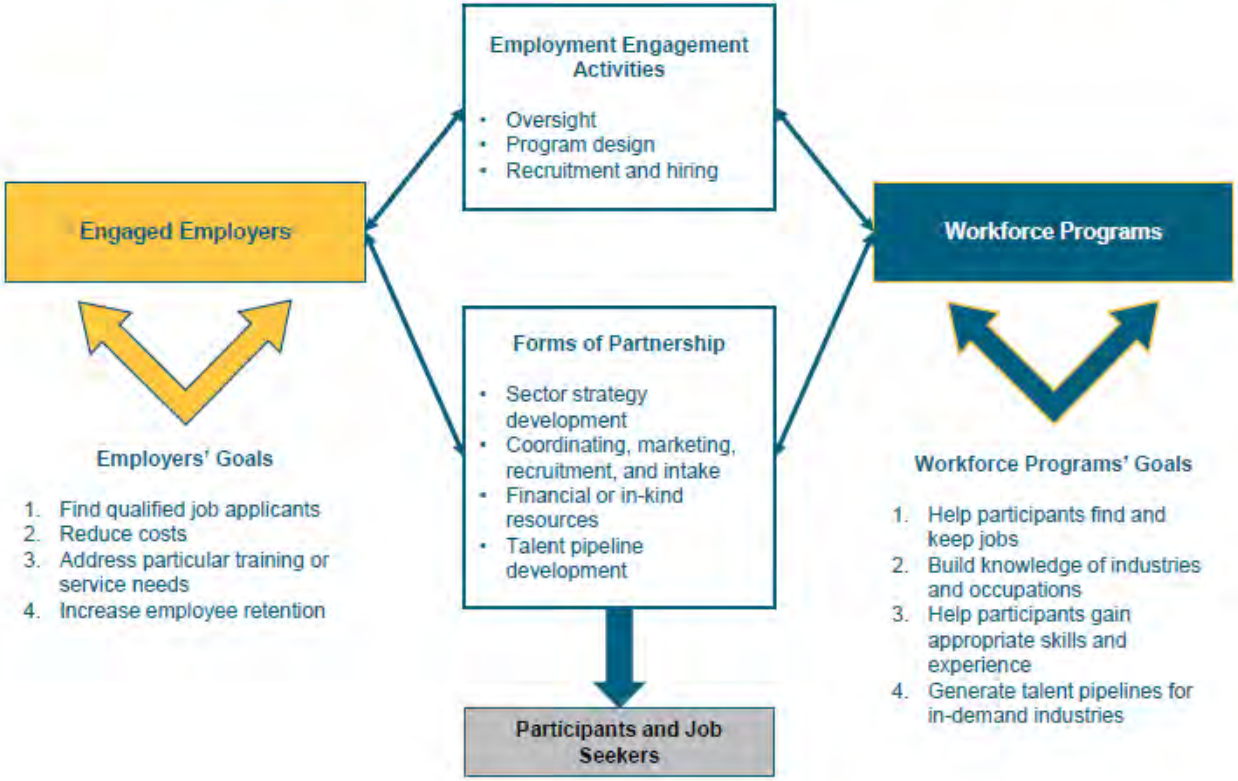
- Electrical Technology
- Heating, Ventilation, Air Conditioning, and Refrigeration
- Physics and Engineering

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Roadmap Example



Implementation Model



Continuous Improvement

- Recruitment & Retention
- Placement
- Customer Satisfaction

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Career Pathways Planning Template



Introduction

The Workforce Innovation and Opportunity Act (WIOA) calls for cross-system alignment; education and training that is focused on the needs of high-demand industry sector occupations; regional collaboration focused on the skills of regional economies; and the establishment of career pathways systems that make it easier for all Nebraskans to attain the skills and credentials needed for family-supporting jobs and careers.

Career pathways programs offer a clear sequence of education coursework and / or training credentials aligned with local and regional industry-validated work readiness standards and competencies.

What is this planning template for?

- This plan is designed as a work aid to assist in developing, implementing, and expanding regional career pathways model.

Who is this for?

- Planners, managers, and partners of career pathways programs.

How should the planning template be used?

- Review each element of the career pathways to ensure you are targeting in-demand industries that are of economic importance to the region.
- Occupations that provide family-sustaining wages
- Skills and credentials required to enter and progress within the targeted industry.
- Identifying partners that will contribute to the planning, implementation, and financial aspect of the career pathways.
- Identifying and serving targeted populations for skill development.

TEMPLATE

WIOA Definition of Career Pathway:

The term "career pathway" means a combination of high-quality education, training, and other services that-

(A) Aligns with the skill needs of industries in the local economy

BUSINESS SERVICE TEAMS COMPLETE THIS SECTION

Identify the skills that are needed by your targeted employer / industry.

Determine how participants are deemed proficient in these skills.

3 of 9

Identify the credentials that employers value in making labor market decisions.

Identify current training or investments made by the employer for new hires or existing workers.

Identify barriers to participation in career pathways and strategies to overcome those barriers.

(B) Prepares an individual to be successful in any of a full range of secondary, postsecondary, and work-based training options.

Identify the appropriate workforce program(s) that will assist participants in attaining the skills and credentials required by the employer(s). Work with employers to determine a program the employer will be able to participate in.

- ☐ Registered Apprenticeship
- ☐ Incumbent Worker Training
- ☐ Job Shadowing
- ☐ Occupational Skills Training
- ☐ Customized Training
- ☐ Work Experience
- ☐ On-the-Job Training
- ☐ Transitional Jobs Training

Determine additional workforce incentives that the employer is willing to participate in.

- ☐ Worker Opportunity Tax Credit
- ☐ Worker Training Grant
- ☐ Federal Fidelity Bond Program
- ☐ Ticket to Work Program

Organize your summary from the information gathered to determine an action plan for additional agency partnerships including employers that will contribute to the pathway planning.

(C) Includes counseling to support an individual in achieving their education, training, and career goals.

JOB SEEKER TEAMS & PARTNERS COMPLETE THIS SECTION

Identify contributing partners.

- ☐ Title I Adult, DLW, & Youth
- ☐ Title II Adult Education and Family Literacy
- ☐ Title III Wagner-Peyser Employment Services
- ☐ Title IV Vocational Rehabilitation Programs
- ☐ Job Corps
- ☐ National Farmworker Jobs Program
- ☐ Senior Community Service Employment Program
- ☐ Trade Adjustment Assistance Act
- ☐ Jobs for Veterans State Grant
- ☐ Unemployment Insurance
- ☐ Supplemental Nutrition Assistance Program
- ☐ Career and Technical Colleges
- ☐ Community Services Block Grant
- ☐ Native American Programs
- ☐ Temporary Assistance for Needy Families

Provide a summary on the roles each partner will play in the Career Pathway process.

6 of 9

Identify the client's barrier(s) to participating in Career Pathways and strategies to overcome those barriers.

7 of 9

(D) Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational clusters

(E) Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement.

Summary of academic and career counseling, planning and navigation strategies for workforce preparation.

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(F) Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and

(G) Helps an individual enter or advance within a specific occupation.

Summary of placement strategy.

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Appendix V. Program Year 2021 performance for Title I and Title III programs – State

Performance failure occurs when:

- any *overall state program* score or *overall state indicator* score falls below 90 percent for a Program Year; or
- any of the State's *individual indicator scores* fall below 50 percent for a Program Year.

Table 1. Program Year 2021 Title I adult program performance – State

Performance indicator	PY21 negotiated level of performance	PY21 actual performance	PY21 % of goal
Employment rate Q2 after program exit	78.0%	74.6%	95.6
Employment rate Q4 after program exit	78.5%	75.0%	95.5
Median earnings Q2 after program exit	$6,300.00	$7,527.00	119.5
Credential attainment rate within 4 quarters after program exit	61.0%	63.2%	103.6
Measurable skills gain rate during program participation	41.0%	60.0%	146.3
Overall State program score	not applicable	not applicable	112.1

Table 2. Program Year 2021 Title I dislocated worker program performance – State

Performance indicator	PY21 negotiated level of performance	PY21 actual performance	PY21 % of goal
Employment rate Q2 after program exit	86.4%	82.2%	95.1
Employment rate Q4 after program exit	85.9%	84.8%	98.7
Median earnings Q2 after program exit	$8,250.00	$9,496.00	115.1
Credential attainment rate within 4 quarters after program exit	60.0%	66.2%	110.3
Measurable skills gain rate during program participation	45.0%	57.5%	127.8
Overall State program score	not applicable	not applicable	109.4

Table 3. Program Year 2021 Title I youth program performance – State

Performance indicator	PY21 negotiated level of performance	PY21 actual performance	PY21 % of goal
Employment rate Q2 after program exit	78.0%	84.0%	107.7
Employment rate Q4 after program exit	77.0%	77.4%	100.5
Median earnings Q2 after program exit	$3,545.00	$4,259.00	120.1
Credential attainment rate within 4 quarters after program exit	54.8%	55.4%	101.1
Measurable skills gain rate during program participation	41.8%	53.4%	127.8
Overall State program score	not applicable	not applicable	111.4

Table 4. Program Year 2021 Title III Wagner-Peyser Employment Service performance – State

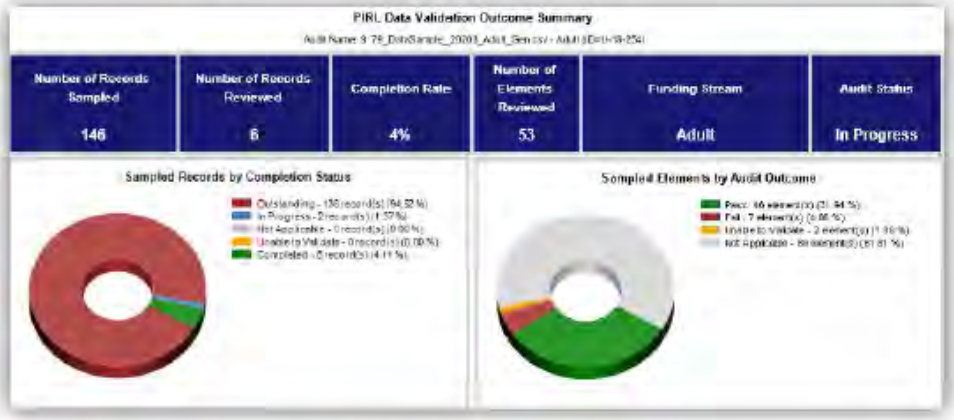
Performance indicator	PY21 negotiated level of performance	PY21 actual performance	PY21 % of goal
Employment rate Q2 after program exit	73.0%	66.6%	91.2
Employment rate Q4 after program exit	73.0%	69.4%	95.1
Median earnings Q2 after program exit	$6.300.00	$6,495.00	103.1
Overall State program score	not applicable	not applicable	96.5

Appendix VI. Parameters for data validation outcome summary reports

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Data Validation Result Overview

This report display includes multiple statistics for the data sample file that was audited. The top row shows the overview of the Data Sample file audit status (see figure below).



PIRL Data Element Validation Audit Report

- **Number of Records Sampled** – Displays the total number of records in the selected data sample file.
- **Number of Records Reviewed** – Displays the total number of participant records with Data Element Validation completed.
- **Completion Rate** – Calculated as a percentage of the Number of Records Reviewed to the total Number of Records Sampled.
- **Number of Elements Reviewed** – The total count of elements that staff verified and set the Validation Outcome status as "Pass" or "Fail." This does not include data elements that were set as "Unable to Validate" and "Not Applicable."
- **Funding Stream** – Shows all funding streams participants were reported under in the PIRL file. If participants were co-enrolled in multiple programs, then all those co-enrolled programs will be listed here.

PIRL Reporting Assistant for Administrators 1-56 VOS Sapphire 04/2022

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Calculated Error Rate by Data Element

Another section displays the Error Rate for all validated elements, as well as for each data element that was reviewed. Admins can also look at the Overall Error Rate, where the denominator includes all data elements that were presented in the Data Validation Audit Form with all validation Outcome statuses (including elements with default values reported as 0, 9 or blank). They can also see the Error Rate for elements with values present, where the denominator includes only those data elements where staff validated as "Pass," "Fail," or "Unable to Verify."



Element Name	Number of Elements Present	Error Rate		Validation Outcome			
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable
All Validated Elements	55	6.25%	16.36%	46	7	2	89
900 - Date of Program Entry (WIOA)	5	0.00%	0.00%	5	0	0	0
901 - Date of Program Exit (WIOA)	4	0.00%	0.00%	4	0	0	2
923 - Other Reasons for Exit (WIOA)	2	0.00%	0.00%	2	0	0	4
1303 - Type of Training Service #1	5	0.00%	0.00%	5	0	0	1
1310 - Type of Training Service #2	1	16.67%	100.00%	0	0	1	5
1316 - Type of Training Service #3	0	0.00%	0.00%	0	0	0	6
1332 - Participated in Postsecondary Education During Program Participation (WIOA)	1	16.67%	100.00%	0	1	0	5

PIRL Data Element Validation Audit Report with Error Rates by Data Element

In the example above, the top row with All Validated Elements shows that a total of 55 data elements have been verified, with 46 elements passed, 7 failed, and 2 element values staff was not able to validate. Also, 89 elements were set to "Not Applicable" (not needed to be validated).

- **Overall Error Rate** is calculated as the sum of ("Failed" and "Unable to Validate") divided by the total number of elements in the Audit forms (sum of Number of Elements Present and "Not Applicable"): (7+2)/(55+89) *100 = 6.25%.
- **Error Rate with Element Present** is calculated as the sum of ("Failed" and "Unable to Validate") divided by the Number of Elements Present: (7+2)/55*100 = 16.36%.

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Calculated Error Rate by Participant

The second page of this report allows for a more detailed review of each participant data validation status. Admins can see which individual record has the most errors and the Error Rate for each individual record.

Record ID	LID	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
⊞861	0000014372533	13-CareerSource Brevard	CareerSource Brevard - 4690 - Palm Bay	09/07/2016	07/03/2019	Adult		33.33%
⊞863	0000015227771	16-CareerSource Suncoast	CareerSource Suncoast - 4710 -Bradenton	09/12/2019		Adult		0.00%
⊞864	0000008982079	23-CareerSource South Florida	CareerSource South Florida - 4964 - South Miami	10/26/2017	06/30/2019	Adult		0.00%
⊞896	0000009321954	17-CareerSource Polk	CareerSource Polk - 4565 Lakeland	02/17/2021		Adult		4.17%
⊞867	0000015193901	18-CareerSource Heartland	CareerSource Heartland - 4568 Highlands	05/10/2019	03/11/2019	Adult		0.00%
⊞784	0000015381367	01-CareerSource Escarosa	CareerSource Escarosa - 4105 Pensacola	11/05/2019		Adult		0.00%

PIRL Data Element Validation Audit Report - Error Rate by Participant

The Error Rate is calculated based on all data elements included in the Data Validation Audit Form, including elements with a "Not Applicable" status in the denominator.

Admins can expand each record by clicking on the plus sign in the Record ID column to review data elements included in the Data Validation Audit, the value reported in the PIRL file, the source documentation that was used to validate, and the outcome (see figure below).

Geographic Solutions
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Record ID	UI	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
EI061	0003[redacted]	13-CareerSource Brevard	CareerSource Brevard - 4593 - Palm Bay	09/07/2016	07/03/2019	Adult		33.33%

Element	Reported Value	Source Document	Comments	Last Audited On	Last Audited By	Outcome	
508 - Date of Program Entry (WIOA)	20160907	Individual Plan for Employment	Documentation in the file	04/13/2021	admin, admin	Pass	
961 - Date of Program Exit (WIOA)	20190703	Attendance records	Documentation in the file	04/13/2021	admin, admin	Pass	
523 - Other Reasons for Exit (WIOA)	00	Information from institution or facility		04/13/2021	admin, admin	Pass	
1383 - Type of Training Service #1	06	Copy of Enrollment Record	School transcript	04/13/2021	admin, admin	Pass	
1318 - Type of Training Service #2		None Selected		04/13/2021	admin, admin	Unable to Validate	!
1319 - Type of Training Service #3		None Selected		04/07/2021	admin, admin	Not Applicable	
1332 - Participated in Postsecondary Education During Program Participation (WIOA)	0	None Selected		04/07/2021	admin, admin	Not Applicable	
1401 - Enrolled in Secondary Education Program at Program Entry (WIOA)	0	File documentation with notes from program staff		04/13/2021	admin, admin	Pass	
1409 - Date Enrolled in Post Exit Education or Training Program Leading to a Recognized Postsecondary Credential (WIOA)		None Selected		04/13/2021	admin, admin	Unable to Validate	!
1600 - Employed in 1st Quarter After Exit Quarter	1	Follow-up survey from program participants		04/13/2021	admin, admin	Pass	
1602 - Employed in 2nd Quarter After Exit Quarter	0	Detailed case notes verified by employer and signed by the counselor		04/13/2021	admin, admin	Pass	
1604 - Employed in 3rd Quarter After Exit Quarter	0	Quarterly Tax Payment Forms (such as IRS Form 941)		04/13/2021	admin, admin	Fail	X
1606 - Employed in 4th Quarter After Exit Quarter	0	Pay check stubs, tax records, W2 form		04/13/2021	admin, admin	Fail	X

PIRL Data Element Validation Audit Report – Participant Data Validation Details

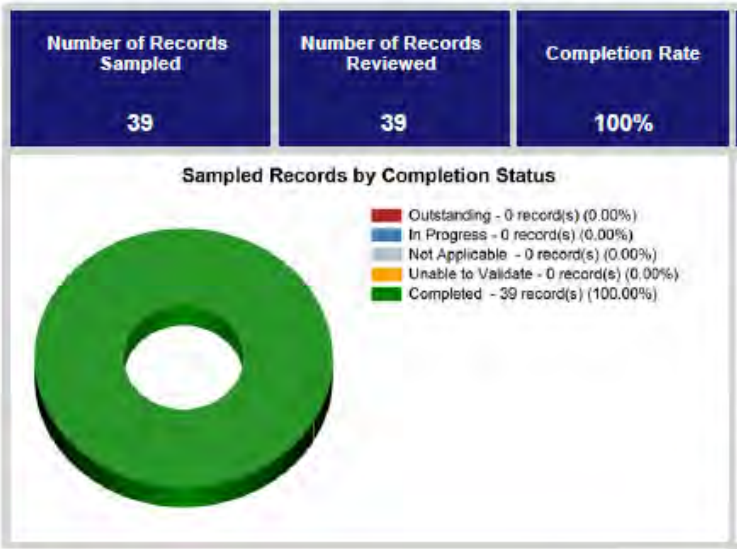
Appendix VII. Program Year 2021 data validation outcome summary reports

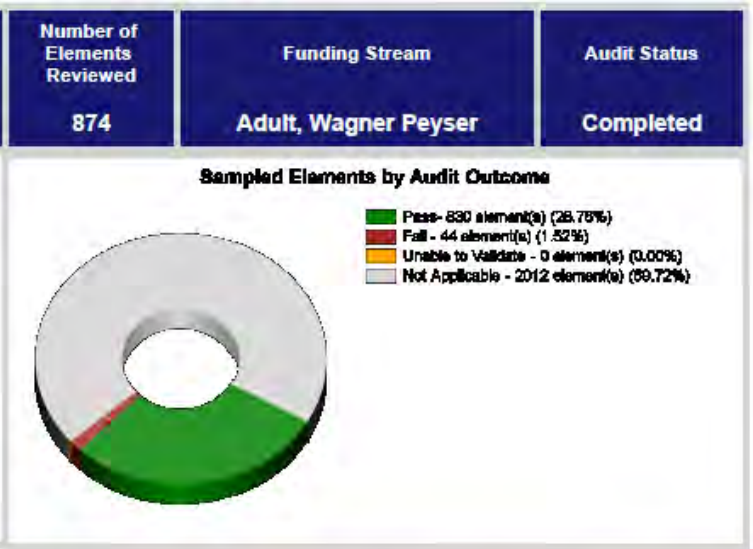
Adult program data validation outcome summary report

PIRL Data Validation Outcome Summary

Reporting Period: 2021 Program Year - Quarter 4
Funding Stream: Adult
Audit Form: Adult
Audit Name: 4: 100_DataSample_20214_Adult_Gen.csv - Adult (ID=D-5912-5578)

Number of Records Sampled	Number of Records Reviewed	Completion Rate	Number of Elements Reviewed	Funding Stream	Audit Status
39	39	100%	874	Adult, Wagner Peyser	Completed





Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	874	1.52%	5.03%	830	44	0	2,012	
200 - Date of Birth	39	0.00%	0.00%	39	0	0	0	
202 - Individual with a Disability	4	2.56%	25.00%	3	1	0	35	
301 - Eligible Veteran Status	1	2.56%	100.00%	0	1	0	38	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**874**	**1.52%**	**5.03%**	**830**	**44**	**0**	**2,012**	
401 - UC Eligible Status	13	2.56%	7.69%	12	1	0	26	
402 - Long-Term Unemployed at Program Entry (WIOA)	9	20.51%	88.89%	1	8	0	30	
409 - School Status at Program Entry (WIOA)	39	0.00%	0.00%	39	0	0	0	
410 - Date of Actual Dislocation	5	2.56%	20.00%	4	1	0	34	
600 - Temporary Assistance to Needy Families (TANF)	0	0.00%	0.00%	0	0	0	39	
601 - Exhausting TANF Within 2 Years	0	0.00%	0.00%	0	0	0	39	
602 - Supplemental Security Income(SSI) / Social Security Disability Insurance (SSDI)	1	0.00%	0.00%	1	0	0	38	
603 - Supplemental Nutrition Assistance Program (SNAP)	16	0.00%	0.00%	16	0	0	23	
604 - Other Public Assistance Recipient	0	0.00%	0.00%	0	0	0	39	
704 - Foster Care Youth Status at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	39	
800 - Homeless participant, Homeless Children and Youths, or Runaway Youth at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	39	
801 - Ex-Offender Status at Program Entry (WIOA)	5	0.00%	0.00%	5	0	0	34	
802 - Low Income Status at Program Entry (WIOA)	29	17.95%	24.14%	22	7	0	10	
803 - English Language Learner at Program Entry (WIOA)	2	0.00%	0.00%	2	0	0	37	
804 - Basic Skills Deficient/Low Levels of Literacy at Program Entry	7	0.00%	0.00%	7	0	0	32	
806 - Single Parent at Program Entry (WIOA)	8	2.56%	12.50%	7	1	0	31	
807 - Displaced Homemaker at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	39	
808 - Migrant and Seasonal Farmworker Status	0	0.00%	0.00%	0	0	0	39	
900 - Date of Program Entry (WIOA)	39	0.00%	0.00%	39	0	0	0	

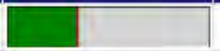
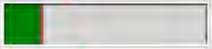
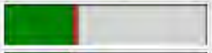
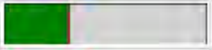
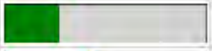
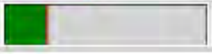
Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**874**	**1.52%**	**5.03%**	**830**	**44**	**0**	**2,012**	
901 - Date of Program Exit (WIOA)	23	0.00%	0.00%	23	0	0	16	
907 - Recipient of Incumbent Worker Training	0	0.00%	0.00%	0	0	0	39	
923 - Other Reasons for Exit (WIOA)	0	0.00%	0.00%	0	0	0	39	
1001 - Date of First Basic Career Service (Staff-Assisted)	37	0.00%	0.00%	37	0	0	2	
1002 - Most Recent Date Received Basic Career Services (Self-Service)	39	0.00%	0.00%	39	0	0	0	
1003 - Most Recent Date Received Basic Career Services (Staff-Assisted)	37	0.00%	0.00%	37	0	0	2	
1004 - Date of Most Recent Career Service (WIOA)	39	0.00%	0.00%	39	0	0	0	
1005 - Most Recent Date Received Staff-Assisted Services (DVOP specialist)	0	0.00%	0.00%	0	0	0	39	
1006 - Date Referred to Department of Veterans Affairs Vocational Rehabilitation and Employment Program	0	0.00%	0.00%	0	0	0	39	
1007 - Date of Most Recent Reportable Individual Contact	39	0.00%	0.00%	39	0	0	0	
1200 - Date of First Individualized Career Service	39	0.00%	0.00%	39	0	0	0	
1201 - Most Recent Date Received Individualized Career Service	39	0.00%	0.00%	39	0	0	0	
1202 - Date Individual Employment Plan Created	39	0.00%	0.00%	39	0	0	0	
1205 - Type of Work Experience	1	0.00%	0.00%	1	0	0	38	
1206 - Date Received Financial Literacy Services	1	0.00%	0.00%	1	0	0	38	
1211 - Transitional Jobs	0	0.00%	0.00%	0	0	0	39	
1300 - Received Training (WIOA)	27	0.00%	0.00%	27	0	0	12	
1302 - Date Entered Training #1	27	2.56%	3.70%	26	1	0	12	
1303 - Type of Training Service #1	27	0.00%	0.00%	27	0	0	12	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**874**	**1.52%**	**5.03%**	**830**	**44**	**0**	**2,012**	
1306 - Occupational Skills Training Code #1	27	0.00%	0.00%	27	0	0	12	
1307 - Training Completed #1	17	5.13%	11.76%	15	2	0	22	
1308 - Date Completed, or Withdrew from, Training #1	22	7.69%	13.64%	19	3	0	17	
1309 - Date Entered Training #2	2	0.00%	0.00%	2	0	0	37	
1310 - Type of Training Service #2	2	0.00%	0.00%	2	0	0	37	
1311 - Occupational Skills Training Code #2	2	0.00%	0.00%	2	0	0	37	
1312 - Training Completed #2	1	0.00%	0.00%	1	0	0	38	
1313 - Date Completed, or Withdrew from, Training #2	2	0.00%	0.00%	2	0	0	37	
1314 - Date Entered Training #3	0	0.00%	0.00%	0	0	0	39	
1315 - Type of Training Service #3	0	0.00%	0.00%	0	0	0	39	
1316 - Occupational Skills Training Code #3	0	0.00%	0.00%	0	0	0	39	
1317 - Training Completed #3	0	0.00%	0.00%	0	0	0	39	
1318 - Date Completed, or Withdrew from, Training #3	0	0.00%	0.00%	0	0	0	39	
1319 - Established Individual Training Account (ITA)	24	2.56%	4.17%	23	1	0	15	
1332 - Participated in Postsecondary Education During Program Participation (WIOA)	13	0.00%	0.00%	13	0	0	26	
1401 - Enrolled in Secondary Education Program at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	39	
1406 - Date Enrolled in Post Exit Education or Training Program Leading to a Recognized Postsecondary Credential (WIOA)	0	0.00%	0.00%	0	0	0	39	
1409 - Most Recent Date Received Supportive Services	22	0.00%	0.00%	22	0	0	17	
1500 - Received Needs-Related Payments	1	0.00%	0.00%	1	0	0	38	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**874**	**1.52%**	**5.03%**	**830**	**44**	**0**	**2,012**	
1800 - Type of Recognized Credential	14	0.00%	0.00%	14	0	0	25	
1801 - Date Attained Recognized Credential	14	0.00%	0.00%	14	0	0	25	
1802 - Type of Recognized Credential #2	1	0.00%	0.00%	1	0	0	38	
1803 - Date Attained Recognized Credential #2	1	0.00%	0.00%	1	0	0	38	
1804 - Type of Recognized Credential #3	0	0.00%	0.00%	0	0	0	39	
1805 - Date Attained Recognized Credential #3	0	0.00%	0.00%	0	0	0	39	
1806 - Date of Most Recent Measurable Skill Gains: Educational Functioning Level (EFL)	0	0.00%	0.00%	0	0	0	39	
1807 - Date of Most Recent Measurable Skill Gains: Postsecondary Transcript/Report Card (WIOA)	6	0.00%	0.00%	6	0	0	33	
1808 - Date of Most Recent Measurable Skill Gains: Secondary Transcript/Report Card	2	0.00%	0.00%	2	0	0	37	
1809 - Date of Most Recent Measurable Skill Gains: Training Milestone	11	10.26%	36.36%	7	4	0	28	
1810 - Date of Most Recent Measurable Skill Gains: Skills Progression	11	10.26%	36.36%	7	4	0	28	
1811 - Date Enrolled During Program Participation in an Education or Training Program Leading to a Recognized Credential or Employment	27	10.26%	14.81%	23	4	0	12	
1813 - Date Completed During Program Participation an Education or Training Program Leading to a Recognized Credential or Employment	21	12.82%	23.81%	16	5	0	18	
1902 - Category of Assessment #1	0	0.00%	0.00%	0	0	0	39	

Record ID	UI	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
111	000000003335	07-Region 7	American Job Center - Omaha	06/02/2022		Adult		0.00%
112	000000010206	07-Region 7	American Job Center - Omaha	09/13/2019	10/04/2021	Adult, Wagner Peyser		2.70%
113	000000073960	07-Region 7	American Job Center - Omaha	06/08/2022		Adult		1.35%

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
114	000000056898	05-Region 5	Columbus Career Center	03/31/2021	08/02/2021	Adult, Wagner Peyser		0.00%
115	000000114266	05-Region 5	Columbus Career Center	01/05/2022		Adult, Wagner Peyser		0.00%
116	000000120865	07-Region 7	American Job Center - Omaha	07/21/2020		Adult, Wagner Peyser		1.35%
117	000000157647	07-Region 7	American Job Center - Omaha	07/19/2021	12/14/2021	Adult		8.11%
118	000000159693	07-Region 7	American Job Center - Omaha	06/16/2021	09/15/2021	Adult, Wagner Peyser		2.70%
119	000000243098	07-Region 7	American Job Center - Omaha	01/19/2021	07/12/2021	Adult, Wagner Peyser		1.35%
120	000000228207	07-Region 7	American Job Center - Omaha	05/05/2021	03/02/2022	Adult		4.05%
121	000000360452	07-Region 7	American Job Center - Omaha	11/30/2020	07/27/2021	Adult		0.00%
122	000000388511	09-Region 9	American Job Center - Lincoln	10/07/2020		Adult, Wagner Peyser		1.35%
123	000000468436	01-Region 1	Scottsbluff Career Center	12/14/2020		Adult, Wagner Peyser		0.00%
124	000000486550	09-Region 9	American Job Center - Lincoln	04/28/2020	02/28/2022	Adult, Wagner Peyser		0.00%
125	000000182896	03-Region 3	American Job Center-Grand Island	05/19/2022		Adult, Wagner Peyser		0.00%
126	000000446259	07-Region 7	American Job Center - Omaha	05/19/2021	07/20/2021	Adult		2.70%
127	000000182981	07-Region 7	American Job Center - Omaha	05/11/2022		Adult		5.41%
128	000000620669	03-Region 3	Hastings Career Center	12/30/2021	04/25/2022	Adult, Wagner Peyser		1.35%
129	000000558253	07-Region 7	American Job Center - Omaha	08/25/2021		Adult, Wagner Peyser		2.70%
130	000000499068	07-Region 7	American Job Center - Omaha	04/07/2021	10/08/2021	Adult		0.00%
131	000000553592	04-Region 4	American Job Center - Beatrice	11/25/2019	10/05/2021	Adult, Wagner Peyser		1.35%
132	000000554706	09-Region 9	American Job Center - Lincoln	02/04/2020		Adult, Wagner Peyser		1.35%
133	000000629940	09-Region 9	American Job Center - Lincoln	06/14/2022		Adult		0.00%
134	000000746160	02-Region 2	North Platte Career Center	06/02/2021	08/20/2021	Adult, Wagner Peyser		0.00%
135	000000704628	07-Region 7	American Job Center - Omaha	11/19/2020	11/29/2021	Adult		4.05%
136	000000238593	07-Region 7	American Job Center - Omaha	07/29/2020	09/23/2021	Adult, Wagner Peyser		0.00%

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
137	000000245900	03-Region 3	American Job Center-Grand Island	01/18/2022		Adult, Wagner Peyser		1.35%
138	000000749043	03-Region 3	Hastings Career Center	08/04/2021	09/17/2021	Adult, Wagner Peyser		2.70%
139	000000639443	07-Region 7	American Job Center - Omaha	08/24/2021	11/04/2021	Adult, Wagner Peyser		1.35%
140	000000407713	09-Region 9	American Job Center - Lincoln	06/06/2019	10/04/2021	Adult, Wagner Peyser		1.35%
141	000000432464	07-Region 7	American Job Center - Omaha	10/22/2021		Adult, Wagner Peyser		0.00%
142	000000763863	07-Region 7	American Job Center - Omaha	10/13/2021	02/21/2022	Adult		0.00%
143	000000468302	07-Region 7	American Job Center - Omaha	09/24/2020	09/23/2021	Adult, Wagner Peyser		2.70%
144	000000465877	05-Region 5	Fremont Career Center	02/14/2022		Adult		1.35%
145	000000722389	09-Region 9	American Job Center - Lincoln	12/15/2020	08/06/2021	Adult, Wagner Peyser		2.70%
146	000000696095	04-Region 4	American Job Center - Beatrice	08/20/2020	10/19/2021	Adult, Wagner Peyser		1.35%
147	000000766667	05-Region 5	Norfolk Career Center	10/19/2021		Adult		0.00%
148	000000763006	07-Region 7	American Job Center - Omaha	10/06/2021	04/09/2022	Adult		1.35%
149	000000759445	09-Region 9	American Job Center - Lincoln	01/06/2022		Adult, Wagner Peyser		1.35%

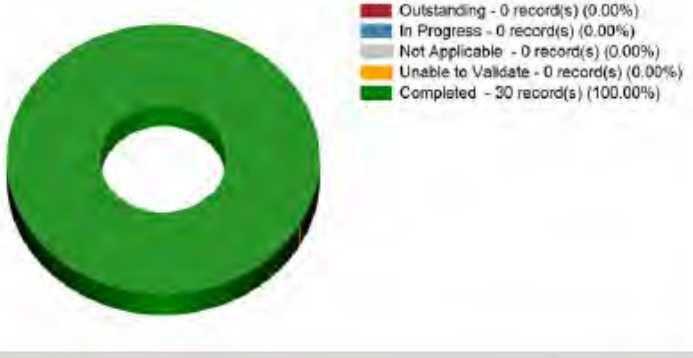
Dislocated worker program data validation outcome summary report

PIRL Data Validation Outcome Summary

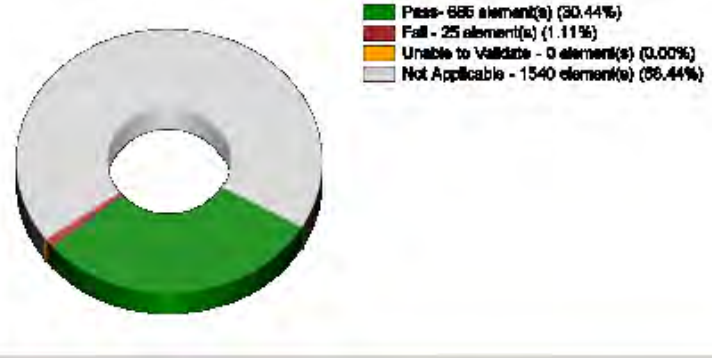
Reporting Period: 2021 Program Year - Quarter 4
Funding Stream: Dislocated Worker
Audit Form: Dislocated Worker
Audit Name: 1: 101_DataSample_20214_DW_Gen.csv - DW (ID=D-5912-5578)

Number of Records Sampled	Number of Records Reviewed	Completion Rate	Number of Elements Reviewed	Funding Stream	Audit Status
30	30	100%	710	Adult, Dislocated Worker, Dislocated Worker Grants, Jobs for Veterans State Grants, Trade Adjustment Assistance, Wagner Peyser	Completed

Sampled Records by Completion Status



Sampled Elements by Audit Outcome



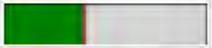
Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	710	1.11%	3.52%	685	25	0	1,540	
200 - Date of Birth	30	0.00%	0.00%	30	0	0	0	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**710**	**1.11%**	**3.52%**	**685**	**25**	**0**	**1,540**	
202 - Individual with a Disability	3	0.00%	0.00%	3	0	0	27	
301 - Eligible Veteran Status	3	0.00%	0.00%	3	0	0	27	
401 - UC Eligible Status	24	0.00%	0.00%	24	0	0	6	
402 - Long-Term Unemployed at Program Entry (WIOA)	9	26.67%	88.89%	1	8	0	21	
409 - School Status at Program Entry (WIOA)	30	0.00%	0.00%	30	0	0	0	
410 - Date of Actual Dislocation	28	0.00%	0.00%	28	0	0	2	
600 - Temporary Assistance to Needy Families (TANF)	2	0.00%	0.00%	2	0	0	28	
601 - Exhausting TANF Within 2 Years	4	0.00%	0.00%	4	0	0	26	
602 - Supplemental Security Income(SSI) / Social Security Disability Insurance (SSDI)	0	0.00%	0.00%	0	0	0	30	
603 - Supplemental Nutrition Assistance Program (SNAP)	7	0.00%	0.00%	7	0	0	23	
604 - Other Public Assistance Recipient	0	0.00%	0.00%	0	0	0	30	
704 - Foster Care Youth Status at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	30	
800 - Homeless participant, Homeless Children and Youths, or Runaway Youth at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	30	
801 - Ex-Offender Status at Program Entry (WIOA)	2	0.00%	0.00%	2	0	0	28	
802 - Low Income Status at Program Entry (WIOA)	17	6.67%	11.76%	15	2	0	13	
803 - English Language Learner at Program Entry (WIOA)	3	0.00%	0.00%	3	0	0	27	
804 - Basic Skills Deficient/Low Levels of Literacy at Program Entry	8	0.00%	0.00%	8	0	0	22	
806 - Single Parent at Program Entry (WIOA)	8	3.33%	12.50%	7	1	0	22	
807 - Displaced Homemaker at Program Entry (WIOA)	1	0.00%	0.00%	1	0	0	29	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**710**	**1.11%**	**3.52%**	**685**	**25**	**0**	**1,540**	
808 - Migrant and Seasonal Farmworker Status	0	0.00%	0.00%	0	0	0	30	
900 - Date of Program Entry (WIOA)	30	0.00%	0.00%	30	0	0	0	
901 - Date of Program Exit (WIOA)	20	0.00%	0.00%	20	0	0	10	
907 - Recipient of Incumbent Worker Training	0	0.00%	0.00%	0	0	0	30	
908 - Rapid Response	9	0.00%	0.00%	9	0	0	21	
923 - Other Reasons for Exit (WIOA)	1	0.00%	0.00%	1	0	0	29	
1001 - Date of First Basic Career Service (Staff-Assisted)	29	0.00%	0.00%	29	0	0	1	
1002 - Most Recent Date Received Basic Career Services (Self-Service)	30	0.00%	0.00%	30	0	0	0	
1003 - Most Recent Date Received Basic Career Services (Staff-Assisted)	29	0.00%	0.00%	29	0	0	1	
1004 - Date of Most Recent Career Service (WIOA)	30	0.00%	0.00%	30	0	0	0	
1005 - Most Recent Date Received Staff-Assisted Services (DVOP specialist)	1	0.00%	0.00%	1	0	0	29	
1006 - Date Referred to Department of Veterans Affairs Vocational Rehabilitation and Employment Program	0	0.00%	0.00%	0	0	0	30	
1007 - Date of Most Recent Reportable Individual Contact	30	0.00%	0.00%	30	0	0	0	
1200 - Date of First Individualized Career Service	30	0.00%	0.00%	30	0	0	0	
1201 - Most Recent Date Received Individualized Career Service	30	0.00%	0.00%	30	0	0	0	
1202 - Date Individual Employment Plan Created	30	0.00%	0.00%	30	0	0	0	
1205 - Type of Work Experience	1	0.00%	0.00%	1	0	0	29	
1206 - Date Received Financial Literacy Services	1	0.00%	0.00%	1	0	0	29	
1211 - Transitional Jobs	0	0.00%	0.00%	0	0	0	30	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**710**	**1.11%**	**3.52%**	**685**	**25**	**0**	**1,540**	
1300 - Received Training (WIOA)	20	0.00%	0.00%	20	0	0	10	
1302 - Date Entered Training #1	20	0.00%	0.00%	20	0	0	10	
1303 - Type of Training Service #1	20	0.00%	0.00%	20	0	0	10	
1306 - Occupational Skills Training Code #1	20	0.00%	0.00%	20	0	0	10	
1307 - Training Completed #1	12	0.00%	0.00%	12	0	0	18	
1308 - Date Completed, or Withdrew from, Training #1	15	0.00%	0.00%	15	0	0	15	
1309 - Date Entered Training #2	0	0.00%	0.00%	0	0	0	30	
1310 - Type of Training Service #2	0	0.00%	0.00%	0	0	0	30	
1311 - Occupational Skills Training Code #2	0	0.00%	0.00%	0	0	0	30	
1312 - Training Completed #2	0	0.00%	0.00%	0	0	0	30	
1313 - Date Completed, or Withdrew from, Training #2	0	0.00%	0.00%	0	0	0	30	
1314 - Date Entered Training #3	0	0.00%	0.00%	0	0	0	30	
1315 - Type of Training Service #3	0	0.00%	0.00%	0	0	0	30	
1316 - Occupational Skills Training Code #3	0	0.00%	0.00%	0	0	0	30	
1317 - Training Completed #3	0	0.00%	0.00%	0	0	0	30	
1318 - Date Completed, or Withdrew from, Training #3	0	0.00%	0.00%	0	0	0	30	
1319 - Established Individual Training Account (ITA)	14	0.00%	0.00%	14	0	0	16	
1332 - Participated in Postsecondary Education During Program Participation (WIOA)	14	0.00%	0.00%	14	0	0	16	
1401 - Enrolled in Secondary Education Program at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	30	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**710**	**1.11%**	**3.52%**	**685**	**25**	**0**	**1,540**	
1406 - Date Enrolled in Post Exit Education or Training Program Leading to a Recognized Postsecondary Credential (WIOA)	0	0.00%	0.00%	0	0	0	30	
1409 - Most Recent Date Received Supportive Services	16	0.00%	0.00%	16	0	0	14	
1500 - Received Needs-Related Payments	1	0.00%	0.00%	1	0	0	29	
1800 - Type of Recognized Credential	7	0.00%	0.00%	7	0	0	23	
1801 - Date Attained Recognized Credential	7	0.00%	0.00%	7	0	0	23	
1802 - Type of Recognized Credential #2	1	0.00%	0.00%	1	0	0	29	
1803 - Date Attained Recognized Credential #2	1	0.00%	0.00%	1	0	0	29	
1804 - Type of Recognized Credential #3	0	0.00%	0.00%	0	0	0	30	
1805 - Date Attained Recognized Credential #3	0	0.00%	0.00%	0	0	0	30	
1806 - Date of Most Recent Measurable Skill Gains: Educational Functioning Level (EFL)	0	0.00%	0.00%	0	0	0	30	
1807 - Date of Most Recent Measurable Skill Gains: Postsecondary Transcript/Report Card (WIOA)	12	0.00%	0.00%	12	0	0	18	
1808 - Date of Most Recent Measurable Skill Gains: Secondary Transcript/Report Card	1	0.00%	0.00%	1	0	0	29	
1809 - Date of Most Recent Measurable Skill Gains: Training Milestone	6	6.67%	33.33%	4	2	0	24	
1810 - Date of Most Recent Measurable Skill Gains: Skills Progression	8	6.67%	25.00%	6	2	0	22	
1811 - Date Enrolled During Program Participation in an Education or Training Program Leading to a Recognized Credential or Employment	20	3.33%	5.00%	19	1	0	10	
1813 - Date Completed During Program Participation an Education or Training Program Leading to a Recognized Credential or Employment	15	30.00%	60.00%	6	9	0	15	
1902 - Category of Assessment #1	0	0.00%	0.00%	0	0	0	30	

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
1	000000017159	04-Region 4	American Job Center - Beatrice	03/21/2017	12/14/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
2	000000037607	03-Region 3	American Job Center-Grand Island	08/04/2020	08/17/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
3	000000112730	07-Region 7	American Job Center - Omaha	05/28/2020		Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		0.00%
4	000000116427	09-Region 9	American Job Center - Lincoln	01/18/2019		Adult, Dislocated Worker		1.33%
5	000000202682	07-Region 7	American Job Center - Omaha	01/18/2018	09/09/2021	Adult, Dislocated Worker, Wagner Peyser		1.33%
6	000000203361	03-Region 3	American Job Center-Grand Island	08/04/2020	08/03/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
7	000000098350	05-Region 5	Columbus Career Center	07/09/2020		Dislocated Worker, Dislocated Worker Grants, Trade Adjustment Assistance		1.33%
8	000000126358	03-Region 3	Hastings Career Center	07/24/2020	12/20/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		5.33%
9	000000337722	09-Region 9	American Job Center - Lincoln	10/27/2020		Adult, Dislocated Worker, Wagner Peyser		0.00%
10	000000252701	04-Region 4	American Job Center - Beatrice	12/11/2018	12/25/2021	Dislocated Worker, Dislocated Worker Grants, Trade Adjustment Assistance, Wagner Peyser		0.00%
11	000000331479	05-Region 5	Norfolk Career Center	11/25/2019		Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
12	000000298851	07-Region 7	American Job Center - Omaha	12/26/2019	12/14/2021	Adult, Dislocated Worker, Wagner Peyser		1.33%

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
13	000000439383	05-Region 5	Columbus Career Center	02/26/2020	07/30/2021	Dislocated Worker, Dislocated Worker Grants, Trade Adjustment Assistance, Wagner Peyser		0.00%
14	000000281921	09-Region 9	American Job Center - Lincoln	10/05/2020		Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		0.00%
15	000000557902	09-Region 9	American Job Center - Lincoln	05/19/2022		Dislocated Worker		1.33%
16	000000193649	07-Region 7	American Job Center - Omaha	10/25/2021	03/08/2022	Dislocated Worker, Wagner Peyser		1.33%
17	000000592834	01-Region 1	Sidney Career Center	07/14/2021	12/31/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
18	000000564879	03-Region 3	Hastings Career Center	02/18/2021		Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		0.00%
19	000000555642	09-Region 9	VOS 9	01/27/2020	10/06/2021	Dislocated Worker, Dislocated Worker Grants, Trade Adjustment Assistance, Wagner Peyser		0.00%
20	000000335599	04-Region 4	American Job Center - Beatrice	07/28/2021		Dislocated Worker, Wagner Peyser		1.33%
21	000000729756	03-Region 3	American Job Center-Grand Island	12/31/2020	08/17/2021	Dislocated Worker, Dislocated Worker Grants, Trade Adjustment Assistance, Wagner Peyser		1.33%
22	000000744195	07-Region 7	American Job Center - Omaha	06/22/2021	11/17/2021	Dislocated Worker, Wagner Peyser		0.00%
23	000000262515	03-Region 3	Hastings Career Center	02/18/2021	08/30/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
24	000000516793	04-Region 4	American Job Center - Beatrice	05/31/2019	04/11/2022	Dislocated Worker, Trade Adjustment Assistance, Wagner Peyser		0.00%
25	000000521175	05-Region 5	Norfolk Career Center	07/11/2019	09/03/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
26	000000594950	07-Region 7	American Job Center - Omaha	06/10/2021	07/12/2021	Dislocated Worker, Wagner Peyser		1.33%
27	000000674173	07-Region 7	American Job Center - Omaha	09/21/2021		Dislocated Worker, Wagner Peyser		1.33%
28	000000745021	09-Region 9	American Job Center - Lincoln	04/22/2021	09/30/2021	Dislocated Worker, Dislocated Worker Grants, Wagner Peyser		1.33%
29	000000686169	05-Region 5	Columbus Career Center	07/09/2020	04/04/2022	Dislocated Worker, Dislocated Worker Grants, Trade Adjustment Assistance, Wagner Peyser		1.33%
30	000000722144	05-Region 5	Columbus Career Center	02/25/2021	08/18/2021	Adult, Dislocated Worker, Dislocated Worker Grants, Jobs for Veterans State Grants, Wagner Peyser		2.67%

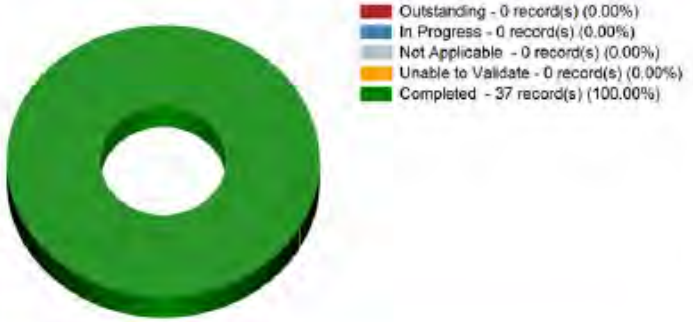
Youth program data validation outcome summary report

PIRL Data Validation Outcome Summary

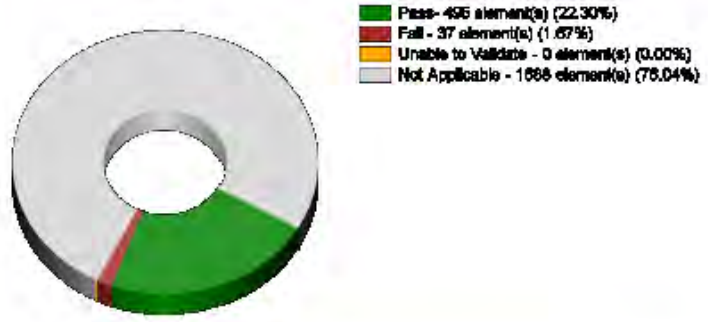
Reporting Period: 2021 Program Year - Quarter 4
Funding Stream: Youth
Audit Form: Youth
Audit Name: 2: 107_DataSample_20214_Youth_Gen.csv - Youth (ID=D-5912-5578)

Number of Records Sampled	Number of Records Reviewed	Completion Rate	Number of Elements Reviewed	Funding Stream	Audit Status
37	37	100%	532	Adult, Wagner Peyser, Youth	Completed

Sampled Records by Completion Status



Sampled Elements by Audit Outcome



Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	532	1.67%	6.95%	495	37	0	1,688	
200 - Date of Birth	37	0.00%	0.00%	37	0	0	0	
202 - Individual with a Disability	10	0.00%	0.00%	10	0	0	27	
409 - School Status at Program Entry (WIOA)	37	2.70%	2.70%	36	1	0	0	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**532**	**1.67%**	**6.95%**	**495**	**37**	**0**	**1,688**	
701 - Pregnant or Parenting Youth	3	0.00%	0.00%	3	0	0	34	
702 - Youth Who Needs Additional Assistance	5	2.70%	20.00%	4	1	0	32	
704 - Foster Care Youth Status at Program Entry (WIOA)	2	0.00%	0.00%	2	0	0	35	
800 - Homeless participant, Homeless Children and Youths, or Runaway Youth at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	37	
801 - Ex-Offender Status at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	37	
802 - Low Income Status at Program Entry (WIOA)	36	5.41%	5.56%	34	2	0	1	
803 - English Language Learner at Program Entry (WIOA)	5	0.00%	0.00%	5	0	0	32	
804 - Basic Skills Deficient/Low Levels of Literacy at Program Entry	24	2.70%	4.17%	23	1	0	13	
806 - Single Parent at Program Entry (WIOA)	1	0.00%	0.00%	1	0	0	36	
900 - Date of Program Entry (WIOA)	37	0.00%	0.00%	37	0	0	0	
901 - Date of Program Exit (WIOA)	18	0.00%	0.00%	18	0	0	19	
906 - Date of First WIOA Youth Service	37	0.00%	0.00%	37	0	0	0	
923 - Other Reasons for Exit (WIOA)	0	0.00%	0.00%	0	0	0	37	
1205 - Type of Work Experience	20	0.00%	0.00%	20	0	0	17	
1206 - Date Received Financial Literacy Services	6	0.00%	0.00%	6	0	0	31	
1300 - Received Training (WIOA)	11	0.00%	0.00%	11	0	0	26	
1302 - Date Entered Training #1	11	0.00%	0.00%	11	0	0	26	
1303 - Type of Training Service #1	11	0.00%	0.00%	11	0	0	26	
1306 - Occupational Skills Training Code #1	11	0.00%	0.00%	11	0	0	26	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**532**	**1.67%**	**6.95%**	**495**	**37**	**0**	**1,688**	
1307 - Training Completed #1	7	0.00%	0.00%	7	0	0	30	
1308 - Date Completed, or Withdrew from, Training #1	8	0.00%	0.00%	8	0	0	29	
1309 - Date Entered Training #2	1	0.00%	0.00%	1	0	0	36	
1310 - Type of Training Service #2	1	0.00%	0.00%	1	0	0	36	
1312 - Training Completed #2	1	0.00%	0.00%	1	0	0	36	
1313 - Date Completed, or Withdrew from, Training #2	1	0.00%	0.00%	1	0	0	36	
1314 - Date Entered Training #3	1	0.00%	0.00%	1	0	0	36	
1315 - Type of Training Service #3	1	0.00%	0.00%	1	0	0	36	
1332 - Participated in Postsecondary Education During Program Participation (WIOA)	5	0.00%	0.00%	5	0	0	32	
1401 - Enrolled in Secondary Education Program at Program Entry (WIOA)	16	0.00%	0.00%	16	0	0	21	
1402 - Most Recent Date Received Educational Achievement Services	3	2.70%	33.33%	2	1	0	34	
1403 - Most Recent Date Received Alternative Secondary School Services	1	0.00%	0.00%	1	0	0	36	
1405 - Most Recent Date Received Work Experience Opportunities	20	0.00%	0.00%	20	0	0	17	
1406 - Date Enrolled in Post Exit Education or Training Program Leading to a Recognized Postsecondary Credential (WIOA)	0	0.00%	0.00%	0	0	0	37	
1407 - Most Recent Date Received Education Offered Concurrently with Workforce Preparation	1	0.00%	0.00%	1	0	0	36	
1408 - Most Recent Date Received Leadership Development Opportunities	5	0.00%	0.00%	5	0	0	32	
1409 - Most Recent Date Received Supportive Services	11	0.00%	0.00%	11	0	0	26	
1410 - Most Recent Date Received Adult Mentoring Services	6	0.00%	0.00%	6	0	0	31	
1411 - Most Recent Date Received Comprehensive Guidance/ Counseling Services	1	0.00%	0.00%	1	0	0	36	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**532**	**1.67%**	**6.95%**	**495**	**37**	**0**	**1,688**	
1412 - Most Recent Date Received Youth Follow-up Services	3	0.00%	0.00%	3	0	0	34	
1413 - Most Recent Date Youth Received Entrepreneurial Skills Training	0	0.00%	0.00%	0	0	0	37	
1414 - Most Recent Date Youth Received Services that provide labor market information and employment information	24	0.00%	0.00%	24	0	0	13	
1415 - Most Recent Date Youth Received Postsecondary transition and preparatory activities	9	0.00%	0.00%	9	0	0	28	
1800 - Type of Recognized Credential	9	5.41%	22.22%	7	2	0	28	
1801 - Date Attained Recognized Credential	9	5.41%	22.22%	7	2	0	28	
1802 - Type of Recognized Credential #2	0	0.00%	0.00%	0	0	0	37	
1803 - Date Attained Recognized Credential #2	0	0.00%	0.00%	0	0	0	37	
1804 - Type of Recognized Credential #3	0	0.00%	0.00%	0	0	0	37	
1805 - Date Attained Recognized Credential #3	0	0.00%	0.00%	0	0	0	37	
1806 - Date of Most Recent Measurable Skill Gains: Educational Functioning Level (EFL)	2	0.00%	0.00%	2	0	0	35	
1807 - Date of Most Recent Measurable Skill Gains: Postsecondary Transcript/Report Card (WIOA)	4	2.70%	25.00%	3	1	0	33	
1808 - Date of Most Recent Measurable Skill Gains: Secondary Transcript/Report Card	6	0.00%	0.00%	6	0	0	31	
1809 - Date of Most Recent Measurable Skill Gains: Training Milestone	0	0.00%	0.00%	0	0	0	37	
1810 - Date of Most Recent Measurable Skill Gains: Skills Progression	10	10.81%	40.00%	6	4	0	27	
1811 - Date Enrolled During Program Participation in an Education or Training Program Leading to a Recognized Credential or Employment	29	32.43%	41.38%	17	12	0	8	
1813 - Date Completed During Program Participation an Education or Training Program Leading to a Recognized Credential or Employment	15	27.03%	66.67%	5	10	0	22	
1900 - Youth 2nd Quarter Placement (Title I)(WIOA)	0	0.00%	0.00%	0	0	0	37	
1901 - Youth 4th Quarter Placement (Title I)(WIOA)	0	0.00%	0.00%	0	0	0	37	

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
31	000000421171	07-Region 7	American Job Center - Omaha	07/20/2021	07/20/2021	Youth		1.67%
32	000000527123	04-Region 4	American Job Center - Beatrice	08/06/2019		Wagner Peyser, Youth		0.00%
33	000000526949	04-Region 4	American Job Center - Beatrice	07/24/2019	12/06/2021	Youth		1.67%
34	000000526505	03-Region 3	American Job Center-Grand Island	08/11/2020		Wagner Peyser, Youth		3.33%
35	000000644306	05-Region 5	Norfolk Career Center	06/24/2020	08/26/2021	Youth		0.00%
36	000000744515	07-Region 7	American Job Center - Omaha	06/01/2021	03/14/2022	Youth		6.67%
37	000000738959	07-Region 7	American Job Center - Omaha	03/08/2021	02/03/2022	Youth		6.67%
38	000000760379	09-Region 9	American Job Center - Lincoln	02/02/2022		Adult, Wagner Peyser, Youth		0.00%
39	000000748179	09-Region 9	American Job Center - Lincoln	06/03/2021	08/31/2021	Wagner Peyser, Youth		5.00%
40	000000745240	05-Region 5	Norfolk Career Center	07/13/2021		Adult, Youth		0.00%
41	000000780684	02-Region 2	Lexington Career Center	06/02/2022		Wagner Peyser, Youth		0.00%
42	000000764167	05-Region 5	Norfolk Career Center	11/04/2021		Adult, Youth		0.00%
43	000000489907	07-Region 7	American Job Center - Omaha	03/10/2021	08/12/2021	Youth		0.00%
44	000000713542	09-Region 9	American Job Center - Lincoln	07/12/2021	11/05/2021	Wagner Peyser, Youth		0.00%
45	000000765861	07-Region 7	American Job Center - Omaha	01/10/2022	01/10/2022	Youth		0.00%
46	000000779755	07-Region 7	American Job Center - Omaha	06/10/2022		Youth		1.67%
47	000000780734	07-Region 7	American Job Center - Omaha	06/10/2022		Youth		0.00%
48	000000779223	04-Region 4	American Job Center - Beatrice	04/08/2022		Wagner Peyser, Youth		0.00%
49	000000776626	07-Region 7	American Job Center - Omaha	04/13/2022		Youth		1.67%
50	000000523793	07-Region 7	American Job Center - Omaha	04/01/2019	02/04/2022	Wagner Peyser, Youth		0.00%
51	000000742082	05-Region 5	Columbus Career Center	05/14/2021		Youth		1.67%
52	000000778141	07-Region 7	American Job Center - Omaha	06/09/2022		Youth		1.67%
53	000000625234	07-Region 7	American Job Center - Omaha	10/08/2021	10/08/2021	Youth		0.00%

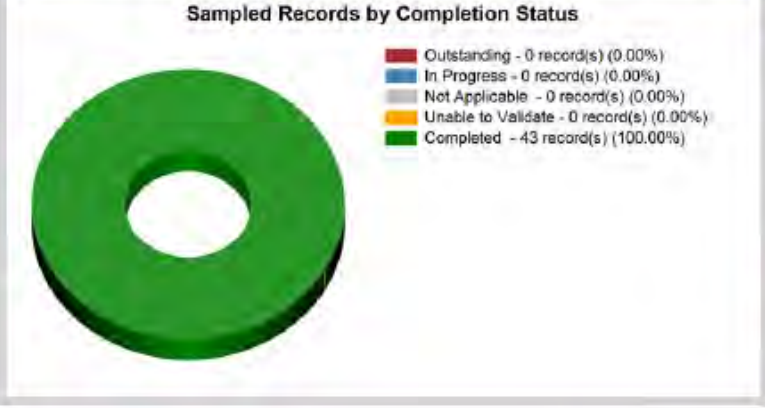
Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
54	000000567534	07-Region 7	American Job Center - Omaha	11/19/2021	02/15/2022	Youth		0.00%
55	000000651771	07-Region 7	American Job Center - Omaha	07/05/2020	03/18/2022	Youth		3.33%
56	000000663841	05-Region 5	Columbus Career Center	01/06/2021		Youth		5.00%
57	000000735570	09-Region 9	American Job Center - Lincoln	05/12/2021	03/04/2022	Wagner Peyser, Youth		5.00%
58	000000708855	07-Region 7	American Job Center - Omaha	10/26/2020		Youth		1.67%
59	000000706475	07-Region 7	American Job Center - Omaha	10/16/2020		Youth		1.67%
60	000000747809	07-Region 7	American Job Center - Omaha	07/15/2021	11/02/2021	Youth		3.33%
61	000000746634	07-Region 7	American Job Center - Omaha	06/01/2021	08/16/2021	Youth		1.67%
62	000000724211	07-Region 7	American Job Center - Omaha	12/07/2021	12/07/2021	Youth		0.00%
63	000000776619	07-Region 7	American Job Center - Omaha	03/31/2022		Youth		1.67%
64	000000748123	09-Region 9	American Job Center - Lincoln	01/27/2022		Youth		1.67%
65	000000742227	09-Region 9	American Job Center - Lincoln	04/16/2021	09/30/2021	Wagner Peyser, Youth		1.67%
66	000000778314	07-Region 7	American Job Center - Omaha	04/12/2022		Youth		1.67%
67	000000781341	09-Region 9	American Job Center - Lincoln	06/02/2022		Youth		1.67%

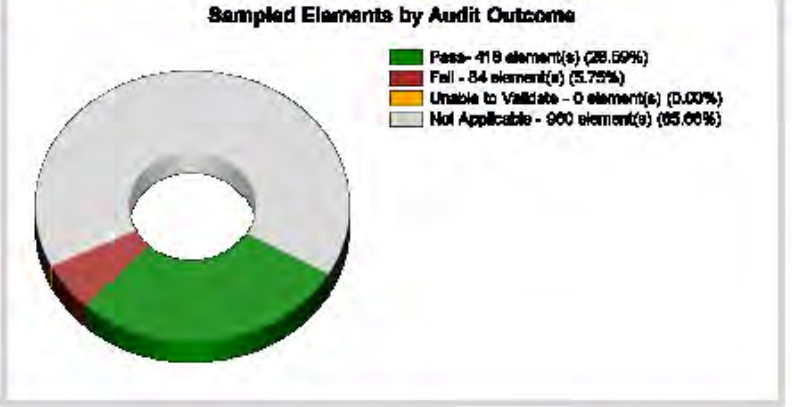
Wagner-Peyser Employment Service data validation outcome summary report

PIRL Data Validation Outcome Summary

Reporting Period: 2021 Program Year - Quarter 4
Funding Stream: Wagner Peyser
Audit Form: Wagner Peyser
Audit Name: 3: 102_DataSample_20214_WP_Gen.csv - WP (ID=D-5912-5578)

Number of Records Sampled	Number of Records Reviewed	Completion Rate	Number of Elements Reviewed	Funding Stream	Audit Status
43	43	100%	502	Adult, Jobs for Veterans State Grants, Wagner Peyser	Completed





Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	502	5.75%	16.73%	418	84	0	960	
202 - Individual with a Disability	5	11.63%	100.00%	0	5	0	38	
301 - Eligible Veteran Status	5	11.63%	100.00%	0	5	0	38	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**502**	**5.75%**	**16.73%**	**418**	**84**	**0**	**960**	
401 - UC Eligible Status	32	48.84%	65.63%	11	21	0	11	
402 - Long-Term Unemployed at Program Entry (WIOA)	12	27.91%	100.00%	0	12	0	31	
409 - School Status at Program Entry (WIOA)	43	4.65%	4.65%	41	2	0	0	
410 - Date of Actual Dislocation	26	60.47%	100.00%	0	26	0	17	
413 - Migrant and Seasonal Farmworker Designation (Wagner-Peyser)	0	0.00%	0.00%	0	0	0	43	
600 - Temporary Assistance to Needy Families (TANF)	0	0.00%	0.00%	0	0	0	43	
601 - Exhausting TANF Within 2 Years	0	0.00%	0.00%	0	0	0	43	
602 - Supplemental Security Income(SSI) / Social Security Disability Insurance (SSDI)	0	0.00%	0.00%	0	0	0	43	
603 - Supplemental Nutrition Assistance Program (SNAP)	2	2.33%	50.00%	1	1	0	41	
704 - Foster Care Youth Status at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	43	
800 - Homeless participant, Homeless Children and Youths, or Runaway Youth at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	43	
801 - Ex-Offender Status at Program Entry (WIOA)	5	11.63%	100.00%	0	5	0	38	
802 - Low Income Status at Program Entry (WIOA)	3	6.98%	100.00%	0	3	0	40	
803 - English Language Learner at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	43	
804 - Basic Skills Deficient/Low Levels of Literacy at Program Entry	0	0.00%	0.00%	0	0	0	43	
806 - Single Parent at Program Entry (WIOA)	4	9.30%	100.00%	0	4	0	39	
807 - Displaced Homemaker at Program Entry (WIOA)	0	0.00%	0.00%	0	0	0	43	
808 - Migrant and Seasonal Farmworker Status	0	0.00%	0.00%	0	0	0	43	
900 - Date of Program Entry (WIOA)	43	0.00%	0.00%	43	0	0	0	

Element Name	Number of Elements Present	Error Rate		Validation Outcome				
		Overall	With Element Present	Pass	Fail	Unable to Validate	Not Applicable	
All Validated Elements	**502**	**5.75%**	**16.73%**	**418**	**84**	**0**	**960**	
901 - Date of Program Exit (WIOA)	35	0.00%	0.00%	35	0	0	8	
908 - Rapid Response	0	0.00%	0.00%	0	0	0	43	
923 - Other Reasons for Exit (WIOA)	0	0.00%	0.00%	0	0	0	43	
1001 - Date of First Basic Career Service (Staff-Assisted)	43	0.00%	0.00%	43	0	0	0	
1002 - Most Recent Date Received Basic Career Services (Self-Service)	43	0.00%	0.00%	43	0	0	0	
1003 - Most Recent Date Received Basic Career Services (Staff-Assisted)	43	0.00%	0.00%	43	0	0	0	
1004 - Date of Most Recent Career Service (WIOA)	43	0.00%	0.00%	43	0	0	0	
1005 - Most Recent Date Received Staff-Assisted Services (DVOP specialist)	2	0.00%	0.00%	2	0	0	41	
1006 - Date Referred to Department of Veterans Affairs Vocational Rehabilitation and Employment Program	0	0.00%	0.00%	0	0	0	43	
1007 - Date of Most Recent Reportable Individual Contact	43	0.00%	0.00%	43	0	0	0	
1200 - Date of First Individualized Career Service	35	0.00%	0.00%	35	0	0	8	
1201 - Most Recent Date Received Individualized Career Service	35	0.00%	0.00%	35	0	0	8	
1206 - Date Received Financial Literacy Services	0	0.00%	0.00%	0	0	0	43	

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
68	000000053270	05-Region 5	Norfolk Career Center	03/31/2022	03/31/2022	Wagner Peyser		5.88% ✗
69	000000040071	07-Region 7	American Job Center - Omaha	10/04/2021	10/04/2021	Wagner Peyser		5.88% ✗
70	000000072677	04-Region 4	American Job Center - Beatrice	10/14/2021	10/14/2021	Wagner Peyser		2.94% ✓
71	000000104221	07-Region 7	American Job Center - Omaha	02/23/2022	02/23/2022	Wagner Peyser		5.88% ✗

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
72	000000097865	07-Region 7	American Job Center - Omaha	08/02/2021	08/10/2021	Jobs for Veterans State Grants, Wagner Peyser		2.94% ✓
73	000000103010	03-Region 3	American Job Center-Grand Island	03/22/2022		Wagner Peyser		5.88% ✗
74	000000156584	01-Region 1	Scottsbluff Career Center	09/01/2021	09/01/2021	Wagner Peyser		8.82% ✗
75	000000151578	05-Region 5	Norfolk Career Center	07/08/2021	07/12/2021	Wagner Peyser		11.76% ✗
76	000000257482	05-Region 5	Columbus Career Center	03/01/2022	03/01/2022	Wagner Peyser		5.88% ✗
77	000000093195	01-Region 1	Alliance Career Center	07/19/2021	07/19/2021	Wagner Peyser		0.00% ✓
78	000000302864	02-Region 2	Lexington Career Center	09/22/2021	03/15/2022	Wagner Peyser		5.88% ✗
79	000000328669	07-Region 7	American Job Center - Omaha	03/28/2022	03/28/2022	Wagner Peyser		8.82% ✗
80	000000364881	07-Region 7	American Job Center - Omaha	09/14/2021	09/14/2021	Wagner Peyser		5.88% ✗
81	000000310335	09-Region 9	American Job Center - Lincoln	12/20/2021	12/22/2021	Wagner Peyser		2.94% ✓
82	000000299819	07-Region 7	American Job Center - Omaha	08/16/2021	08/16/2021	Wagner Peyser		5.88% ✗
83	000000286658	09-Region 9	VOS 9	03/09/2022	03/09/2022	Wagner Peyser		11.76% ✗
84	000000162563	03-Region 3	American Job Center-Grand Island	10/27/2021		Adult, Wagner Peyser		11.76% ✗
85	000000518609	04-Region 4	American Job Center - Beatrice	02/01/2022	02/14/2022	Wagner Peyser		2.94% ✓
86	000000432947	07-Region 7	American Job Center - Omaha	04/05/2022	04/20/2022	Jobs for Veterans State Grants, Wagner Peyser		5.88% ✗
87	000000440061	09-Region 9	American Job Center - Lincoln	07/15/2021	07/15/2021	Wagner Peyser		2.94% ✓
88	000000524175	02-Region 2	Lexington Career Center	05/10/2021	07/14/2021	Wagner Peyser		2.94% ✓
89	000000615542	07-Region 7	American Job Center - Omaha	10/07/2021	10/07/2021	Wagner Peyser		2.94% ✓
90	000000201593	03-Region 3	Kearney Career Center	05/06/2022		Wagner Peyser		2.94% ✓
91	000000367614	05-Region 5	Columbus Career Center	02/17/2022	02/17/2022	Wagner Peyser		5.88% ✗
92	000000650037	07-Region 7	American Job Center - Omaha	05/18/2022		Wagner Peyser		2.94% ✓
93	000000755093	02-Region 2	North Platte Career Center	07/30/2021	09/07/2021	Wagner Peyser		5.88% ✗

Record ID	UII	WIB	Office	Date Of Program Entry	Date Of Program Exit	Funding Stream	Outcome	Error Rate
94	000000772524	07-Region 7	American Job Center - Omaha	03/02/2022	03/02/2022	Wagner Peyser		2.94%
95	000000743691	09-Region 9	American Job Center - Lincoln	09/30/2021	10/26/2021	Wagner Peyser		8.82%
96	000000766336	07-Region 7	American Job Center - Omaha	02/15/2022	02/15/2022	Wagner Peyser		8.82%
97	000000209266	07-Region 7	American Job Center - Omaha	12/20/2021	12/20/2021	Wagner Peyser		8.82%
98	000000775193	09-Region 9	American Job Center - Lincoln	03/01/2022	03/22/2022	Wagner Peyser		5.88%
99	000000376130	02-Region 2	North Platte Career Center	08/19/2021	08/19/2021	Wagner Peyser		2.94%
100	000000329202	04-Region 4	American Job Center - Beatrice	02/18/2022	02/18/2022	Wagner Peyser		5.88%
101	000000428142	04-Region 4	Nebraska City Career Center	06/15/2022		Wagner Peyser		11.76%
102	000000396373	07-Region 7	American Job Center - Omaha	07/28/2021	07/28/2021	Wagner Peyser		2.94%
103	000000760112	07-Region 7	American Job Center - Omaha	10/22/2021	10/22/2021	Wagner Peyser		0.00%
104	000000666963	07-Region 7	American Job Center - Omaha	02/28/2022	02/28/2022	Wagner Peyser		2.94%
105	000000480784	04-Region 4	American Job Center - Beatrice	05/19/2022		Wagner Peyser		5.88%
106	000000491127	07-Region 7	American Job Center - Omaha	02/10/2022	02/24/2022	Wagner Peyser		5.88%
107	000000526462	09-Region 9	American Job Center - Lincoln	02/23/2022	03/21/2022	Wagner Peyser		11.76%
108	000000672453	07-Region 7	American Job Center - Omaha	07/06/2021	07/06/2021	Wagner Peyser		5.88%
109	000000781615	03-Region 3	American Job Center-Grand Island	06/01/2022		Wagner Peyser		5.88%
110	000000779072	05-Region 5	Norfolk Career Center	05/02/2022		Wagner Peyser		5.88%

Appendix VIII. Success Stories[20]

Greater Lincoln Workforce Development Area

Derek

Derek came to the Greater Lincoln American Job center from Community Corrections. He knew he wanted to build a resume, use a computer, reintegrate to the community, and find employment. Derek worked with AJC staff to create an email account and began searching for employment. Derek stated, "Staff were nice, so I felt comfortable and could let my guard down." With assistance from AJC staff, Derek successfully gained full-time employment as a freight stocker with BMS Logistics and is now living on his own. Derek shared, "I love it here in the AJC and I look forward to coming down here to encourage others from the center and to tell them to stay focused and don't lose sight of their freedom and family." According to Derek, the AJC is a learning place that he recommends to everyone. "I tell everyone, even people who are homeless, you don't have to sleep on the street, and you can find a job with help from the American Job Center."

Tara

Tara lost her job in 2019 and enrolled in Greater Lincoln's dislocated worker program. The following year, she completed classes for her *Drug and Alcohol Counseling* certificate. Now, Tara is employed as a tech at Drug and Alcohol Solutions while she completes her remaining internship hours. Tara persevered through pandemic-induced hiring freezes and is now working in her field of choice while pursuing her provisional license for Alcohol and Drug Counseling.

Olivia

Olivia was referred by her *RISE Academy – Nebraska Reentry Program* case manager to the Greater Lincoln YESS program.[21] Olivia's goal was to obtain a forklift operator certificate and a fresh start. Greater Lincoln youth program staff collaborated with Olivia's RISE case manager to help her enroll in the YESS program while still at the Community Corrections Center. Olivia completed forklift operator training and obtained employment at Bison, Inc., as a forklift driver within four days of completing her training. Olivia accomplished all of this within two months.

Greater Nebraska Workforce Development Area

David

David came to Grand Island AJC seeking assistance with obtaining employment as a truck driver. He was struggling with a lack of insurance and food insecurity after losing his previous employment due to a failed drug test. David was coenrolled in Title I and SNAP Next Step Employment & Training programs for assistance with occupational skills training and supportive services (transportation). David completed his program and obtained his CDL with additional endorsements. David obtained a local driving job where he is home every night, with a starting wage of $25.45, benefits, and received $3,000 sign on bonus.

Carmon

Carmon was residing at the Crossroads Mission Center. She had been working two part-time jobs to make ends meet but was laid off from one job and the other job was temporary. Carmon's remaining position did not provide steady hours and neither job provided her with medical insurance. She had applied for unemployment and was denied UI benefits. She came to the Grand Island AJC seeking job search

[20] Signed consent-to-release forms for each individual represented in the success stories are on file with the Nebraska Department of Labor Reemployment Services Division.
[21] YESS refers to Youth Employment Support Services.

assistance and supportive services. Carmon was enrolled in a Title I program and referred to the SNAP Next Step Employment & Training program. Carmon received assistance with transportation services in the form of gas vouchers and insurance/auto registration assistance. Through participation in both programs, Carmon obtained full time employment with Estes Express, earning a wage of $18 per hour.

Tajia

Tajia is a single parent with a special needs child and was working for Good Samaritan Society when her position as Health Information Management Director was eliminated. Tajia had been searching on her own for a similar position, but there were no openings in her area for similar work that did not require a degree. Tajia had completed some college coursework but needed a few more credits to receive her bachelor's degree. Following consultation with her Title I dislocated worker program case manager, she decided to attend Bellevue University with assistance from TET-DWG. Tajia graduated August 2021 with a degree in Health Information Management and accepted a position with Methodist Health Systems as a Health Information Management Supervisor, making $26.44 an hour.

Gunner

Gunner started the WIOA Title I youth program as a 23-year old, young parent, with no high school diploma, no driver's license, sporadic work history, and a criminal history. Gunner had several ideas about what he would like to do for a career but had little direction. Before officially starting an OJT, Gunner completed and passed his GED test, which aided him in being approved for OJT with Metal Tech to gain welding skills. Since starting with Metal Tech, he has received two raises and now makes $21 an hour, working a lot of overtime. Gunner has expressed his gratitude for the Title I program as he can now help provide for his child and has full time employment.

Dalton



Dalton was initially referred to the Columbus DVOP by the Dodge County Veterans Service Officer. At the time of the referral, he had just spent the vast majority of his life savings on a semi-tractor. His intent at the time of purchase was to become an over-the-road semi-tractor trailer driver, but he was unaware of requirements that he obtain a Class A CDL through an approved driver training school. At that point he had little to no disposable income and was sleeping in the recently purchased semi-tractor, with limited access to food. When Dalton first met with the Columbus DVOP, his situation was assessed and an employment plan was developed, including three referrals to workforce system partners. The first referral was to Northeast Nebraska Community Action Partnership (NNCAP) to address Dalton's housing situation. After much discussion, Dalton and NNCAP agreed that it would be in Dalton's best interest to not rent a place of his own at that time. Working as a part-time bartender in Omaha, he had very little income and even with rental assistance from NNCAP, his part-time income would not be enough to provide adequate housing. Dalton had been living with friends in Fremont and it was agreed that it was best for him to continue that arrangement temporarily. With Dalton's objective of obtaining a Class A CDL, a second

referral was made to the WIOA Title I adult program to determine program eligibility and eligibility for training services. The third referral was to the SNAP Next Step Employment & Training program. Dalton was enrolled in the Title I adult program and SNAP Next Step program. His case managers from both programs further developed Dalton's employment plan. The adult program enrolled Dalton in the 160 Driving Academy Class A CDL program and paid for tuition and fees, including fees for a CDL learners permit and the costs for a DOT physical and drug screening. Snap Next Step assisted with transportation costs to and from the training site. The Columbus DVOP facilitated additional support when SNAP assistance was not sufficiently covering expenses for training and other mandatory costs by coordinating with the Dodge County Veteran Service Officer. The DVOP drove to Fremont to pick up the vouchers for Dalton, as he was unable to get there during business hours and made arrangements to meet Dalton after school hours to ensure his receipt of the vouchers. After Dalton completed his CDL training, the DVOP and the Columbus Title I and Title III team worked together to find jobs that would be suitable for his financial goals. They assisted with resume writing and prepared him for interviews at McGrew Trucking, Fremont Consolidated Carriers, US Foods, Alpha Mail, and CSI in Sioux Falls, SD. He ultimately started working at CSI on May 9, 2022, making $28 an hour.

Rebecca

Rebecca was laid off from the Beatrice Daily Sun after her position was eliminated. She had been a Graphic Designer for the Daily Sun, but her degree was in Journalism and she was concerned that her skills in that field were outdated. There were no similar positions in the area, and Rebecca was not able to commute any further than Beatrice for work. Rebecca had worked as a CNA more than 20 years ago and enjoyed it. After 20 years, her CNA skills were outdated. After taking her assessments, she decided she would like to go back into nursing. Rebecca signed up for classes at SCC in the RN program. Rebecca would be traveling for classes and clinicals. TET-DWG and Trade were able to assist with mileage and training costs. Her wage at dislocation from Daily Sun was $15/hour. Her wage now as a Registered Nurse is $25 an hour. Rebecca is in follow-up and is loving her job.

Nancy

Nancy was laid off from Baldwin after working there for 10 years as a laborer on the assembly line. Following her layoff, Nancy took this time to explore different career options and decided it was the right time to pursue a career in Health Information Technology. At the time, she was not qualified for this position as she lacked necessary training. Nancy decided to complete training at Central Community College. The Trade program assisted her through this process. Nancy also received housing supportive service through the Title I dislocated worker program. Nancy is successfully working for the Cozad Hospital as a clerk.

Sherri

Sherri began working with the Trade program after being laid off from CSG in December 2019. She had outdated mainframe experience and cited vision issues as a barrier. She had attended a Rapid Response event on August 15, 2019. She was subsequently enrolled in the Title I dislocated worker program in May 2020. Sherri enrolled at Peru State College for the Spring 2020 semester. She worked diligently on her assignments and was a regular on the Dean's list. Sherri received unemployment while she was attending her classes. This was very important as she was supporting her mother and daughter while attending school full time. Sherri graduated from Peru State College on May 7, 2022, with a 3.77 GPA, Cum Laude, with a Bachelor of Science in Business Administration – Accounting. Following graduation, she obtained employment, working with a local CPA, and has opened her own accounting business and has her first client. Sherri reports that she is doing well and very grateful for the opportunities she had through the Trade program.

Chief Industries

Grand Island has a very active "Grow Our Own, Keep Our Own" focus, involving local schools, employers, and workforce development partners. The Grand Island AJC has been a key partner in developing and growing the Grand Island Senior High Annual Hiring Fair. During the pandemic, the event continued

remotely, with partners and employers providing information to students electronically during Spring 2020 event. Parents and guardians were included in the Spring 2021 event. The March 2022 event was held in person. Chief Industries, an employer partner with the AJC and high school Career Pathway Program, reported that a student who had participated in job shadowing for drafting specifically sought out Chief Industries during the event to learn about current opportunities. Through this connection, the student applied for the Drafting Career Exploration program and successfully completed it. The employer is very hopeful he will consider Chief Industries for employment opportunities when he is ready to enter the workforce full-time. Tarryn Fulton, Administrative Manager at Chief Industries said, "This career fair is an excellent opportunity for students to explore career possibilities available to them in their own backyard. Employers in the Grand Island area have a tremendous desire to keep talented young people in our community."

Greater Omaha Workforce Development Area

Ann

Ann's employer decided to reorganize into a franchise structure and her position was eliminated during restructuring in December 2019. Having worked in the administrative field for nearly 30 years, Ann had vast experience in support roles, starting right out of high school as an entry-level assistant and steadily moving up to an executive office manager role. Although Ann earned several certifications through a professional association, she had not pursued a degree.

When her position was eliminated after working for so many years, it was a real blow to her self-worth. I had to apply for unemployment. Ann said, "It's hard to sell yourself in a positive light when you're feeling 'less than'. Just a few short months later, COVID shut things down for a lot of people, and I gained a new perspective on life. The desire to work suddenly took a backseat to the overwhelming need to keep my family and those I love safe. I reflected on how I wanted to spend the rest of my working years and decided I needed a change in my career path."

Through the Greater Omaha AJC, Ann was enrolled in the Title I adult program, affording her an opportunity to go back to school and get a degree. Ann enrolled as a full-time student at Metropolitan Community College (MCC) in the general human services associate degree program. In just 24 months, Ann graduated with honors and earned a certificate in gerontology, saying "My passion is to serve the aging population in my community and ensure they are treated with the dignity and respect they deserve." Ann had written letter of intent in March 2020 saying that this new career focus had been her goal all along. She did not waiver. Her last course at MCC a practicum with an organization that serves the aging population, and Florence Home was a perfect fit. After graduation, Ann was hired full time as the Director of Life Enrichment. Ann remarked, "I have an opportunity to serve long-term care residents in my community every day, and I couldn't be happier. I appreciate the opportunity I've been given to work with National Able [Title I dislocated worker service provider] to earn my college degree and change the course of my career…and my life.

Appendix IX. Program Year 2021 State allotments and local area allocations[22]

Table 1. State of Nebraska – PY 2021 allotment and distributions for WIOA Title 1 youth, adult, and dislocated worker programs

Program	Local area distribution $	Governor's set aside $	Rapid Response $	Total state $
Youth	2,731,344.00	482,002.00	0.00	3,213,346.00
Adult	2,096,593.00	369,987.00	0.00	2,466,580.00
Dislocated Worker	1,762,416.00	330,453.00	110,151.00	2,203,020.00
Total	6,590,353.00	1,182,442.00	110,151.00	7,882,946.00

Table 2. Greater Lincoln Workforce Development Area – PY 2021 local allocations for WIOA Title 1 youth, adult, and dislocated worker programs

Program	Allocation $
Youth	622,161.00
Adult	428,029.00
Dislocated Worker	309,081.00
Total	1,359,271.00

Table 3. Greater Nebraska Workforce Development Area – PY 2021 local allocations for WIOA Title 1 youth, adult, and dislocated worker programs

Program	Allocation $
Youth	683,920.00
Adult	538,496.00
Dislocated Worker	832,857.00
Total	2,055,273.00

Table 4. Greater Omaha Workforce Development Area – PY 2021 local allocations for WIOA Title 1 youth, adult, and dislocated worker programs

Program	Allocation $
Youth	1,425,263.00
Adult	1,130,068.00
Dislocated Worker	620,478.00
Total	3,175,809.00

Table 5. PY 2021 distribution of state allotment for WIOA Title I youth program

Distribution	Distribution $
85% to designated local areas	2,731,344.00
15% to Governor's set aside	482,002.00
Total	3,213,346.00

Table 6. PY 2021 allocations for local WIOA Title I youth programs

Local area	Allocation %	Allocation $
Greater Lincoln	22.779	622,161.00
Greater Nebraska	25.040	683,920.00
Greater Omaha	52.182	1,425,263.00
Total	100.000[23]	2,731,344.00

[22] Division of Reemployment Services Notice 20-05, Funding levels for WIOA Title I youth, adult, and dislocated worker programs for PY 2021 [accessed November 14, 2022; https://dol.nebraska.gov/webdocs/getfile/01f9a2d0-acff-465c-a14c-f9e45a596232]

[23] The actual sum of 100.001 percent has been rounded down to 100.000 percent.

Table 7. PY 2021 distribution of state allotment for WIOA Title I adult program

Distribution	Base funds distribution $	Advance funds distribution $	Total distribution $
85% to designated local areas	366,979.00	1,729,614.00	2,096,593.00
15% to Governor's set aside	64,761.00	305,226.00	369,987.00
Total	431,740.00	2,034,840.00	2,466,580.00

Table 8. PY 2021 allocations for local WIOA Title I adult programs

Local Area	Allocation %	Base funds allocation $	Advance funds allocation $	Total allocation $
Greater Lincoln	20.416	74,921.00	20.415	353,108.00
Greater Nebraska	25.684	94,256.00	25.684	444,240.00
Greater Omaha	53.900	197,802.00	53.900	932,266.00
Total	100.000	366,979.00	100.000	1,729,614.00

Table 9. PY 2021 distribution of state allotment for WIOA Title I dislocated worker program

Distribution	Base funds distribution $	Advance funds distribution $	Total distribution $
80% to designated local areas	335,376.00	1,427,040.00	1,762,416.00
15% to Governor's set aside	62,883.00	267,570.00	330,453.00
5% Rapid Response	20,961.00	89,190.00	110,151.00
Total	419,220.00	1,783,800.00	2,203,020.00

Table 10. PY 2021 allocations for local WIOA Title I dislocated worker programs

Local Area	Allocation %	Base funds allocation $	Advance funds allocation $	Total allocation $
Greater Lincoln	17.537	58,816.00	250,265.00	309,081.00
Greater Nebraska	47.257	158,487.00	674,370.00	832,857.00
Greater Omaha	35.206	118,073.00	502,405.00	620,478.00
Total	100.000	335,376.00	1,427,040.00	1,762,416.00

Appendix X. Program Year 2021 Expenditures

Table 1. Program Year 2021 statewide expenditures for WIOA Title I training services

WIOA Title I Program	Participants receiving training services	Funds expended for training services $[24]
Youth	114[25]	78,718.89
Adult	485[26]	671,728.30
Dislocated Worker	101[27]	21,768.01
Total	700	772,215.20

Table 2. Program Year 2021 cost of program activities

Program activity	Expenditures
Greater Nebraska Youth	$323,855.07
Greater Nebraska Adult	$714,267.49
Greater Nebraska Dislocated Worker	$187,725.46
Greater Omaha Youth	$1,426,417.47
Greater Omaha Adult	$1,222,953.70
Greater Omaha Dislocated Worker	$169,163.08
Greater Lincoln Youth	$266,603.24
Greater Lincoln Adult	$242,250.43
Greater Lincoln Dislocated Worker	$316,253.93
Rapid Response	$84,501.74
Statewide Activities Governor's set-aside	$400,333.28
Statewide Activities IT software maintenance	$122,250.44
Statewide Activities IT services	$29,248.20
Total	$5,505,823.53

[24] Nebraska Department of Labor Division of Finance, file name Exhibit L-1 Summary by Type within Program.xlsx, received September 15, 2022
[25] Statewide Performance Report, Program: WIOA Youth, ETA-9169, certified in WIPS, September 27, 2022
[26] Statewide Performance Report, Program: WIOA Adult, ETA-9169, certified in WIPS, September 27, 2022
[27] Statewide Performance Report, Program: WIOA Dislocated Worker, ETA-9169, certified in WIPS, September 27, 2022

Nebraska Department of Labor

Discrimination Complaint Referral Guide Policy

Date: May 2023

Purpose

To provide guidance for referring discrimination complaints.

Policy

The nondiscrimination and equal opportunity provisions of Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments Act of 1972; Section 504 of the Rehabilitation Act of 1982, as amended; Title II of the Americans with Disabilities Act of 1990, and Title I of the Workforce Innovation and Opportunity Act (WIOA), and their implementing regulations, prohibit discrimination against any person, or any specific class of individuals, on the basis of *race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), National origin (including limited English proficiency), age, disability, political affiliation or belief, and citizenship status.*

Complainants who are beneficiaries of WIOA-funded programs/services or employees or applicants for employment of WIOA-funded programs/services must be informed of their right to file a discrimination complaint with the enforcement agency of their choice.

Guide for Referring Discrimination Complaints

Complaint of Discrimination Based On	Persons Covered	**Refer To (Complainant May Determine Which Entity to Contact)**
Race, Color, Religion, or National Origin (including limited English proficiency)	Employees and Applicants for Employment; Program Participants, Applicants, Registrants, and Claimants of any core or partner program receiving WIOA Title I funding	State Equal Opportunity Officer Greater NE Local Area Programs: State Equal Opportunity Officer Omaha Local Area Programs: Heartland Workforce Solutions Equal Opportunity Officer Lincoln Local Area Programs: • Director of Equity and Diversity (Employees and Applicants for Employment) • Ombudsman/LGBT Liaison (Program Participants, Applicants, Registrants, Claimants) USDOL Civil Rights Center (CRC) NE Equal Opportunity Commission (NEOC) US Equal Opportunity Commission (USEOC) NE Department of Labor (NDOL) Policy Manual

Discrimination Complaint Referral Guide Policy

Guide for Referring Discrimination Complaints		
Complaint of Discrimination Based On	Persons Covered	**Refer To (Complainant May Determine Which Entity to Contact)**
Sex (including pregnancy, childbirth, and related medical conditions)	Employees and Applicants for Employment; Program Participants, Applicants, Registrants, and Claimants of any core or partner program receiving WIOA Title I funding	State Equal Opportunity Officer Greater NE Local Area Programs: State Equal Opportunity Officer Omaha Local Area Programs: Heartland Workforce Solutions Equal Opportunity Officer Lincoln Local Area Programs: • Director of Equity and Diversity (Employees and Applicants for Employment) • Ombudsman/LGBT Liaison (Program Participants, Applicants, Registrants, Claimants) USDOL Civil Rights Center (USDOL CRC) NE Equal Opportunity Commission (NEOC) US Equal Opportunity Commission (USEOC) NE Department of Labor (NDOL) Policy Manual
Disability	Employees and Applicants for Employment; Program Participants, Applicants, Registrants, and Claimants of any core or partner program receiving WIOA Title I funding	State Equal Opportunity Officer Greater NE Local Area Programs: State Equal Opportunity Officer Omaha Local Area Programs: Heartland Workforce Solutions Equal Opportunity Officer Lincoln Local Area Programs: • Director of Equity and Diversity (Employees and Applicants for Employment) • Ombudsman/LGBT Liaison (Program Participants, Applicants, Registrants, Claimants) USDOL Civil Rights Center (USDOL CRC) NE Equal Opportunity Commission (NEOC) US Equal Opportunity Commission (USEOC) NE Department of Labor (NDOL) Policy Manual

Discrimination Complaint Referral Guide Policy

Guide for Referring Discrimination Complaints		
Complaint of Discrimination Based On	Persons Covered	**Refer To (Complainant May Determine Which Entity to Contact)**
Age	Employees and Applicants for Employment; Program Participants, Applicants, Registrants, and Claimants of any core or partner program receiving WIOA Title I funding	State Equal Opportunity Officer Greater NE Local Area Programs: State Equal Opportunity Officer Omaha Local Area Programs: Heartland Workforce Solutions Equal Opportunity Officer Lincoln Local Area Programs: • Director of Equity and Diversity (Employees and Applicants for Employment) • Ombudsman/LGBT Liaison (Program Participants, Applicants, Registrants, Claimants) USDOL Civil Rights Center (USDOL CRC) NE Equal Opportunity Commission (NEOC) US Equal Opportunity Commission (USEOC) NE Department of Labor (NDOL) Policy Manual
Political Affiliation or Belief	Employees and Applicants for Employment; Program Participants, Applicants, Registrants, and Claimants of any core or partner program receiving WIOA Title I funding	State Equal Opportunity Officer Greater NE Local Area Programs: State Equal Opportunity Officer Omaha Local Area Programs: Heartland Workforce Solutions Equal Opportunity Officer Lincoln Local Area Programs: • Director of Equity and Diversity (Employees and Applicants for Employment) • Ombudsman/LGBT Liaison (Program Participants, Applicants, Registrants, Claimants) USDOL Civil Rights Center (USDOL CRC) NE Equal Opportunity Commission (NEOC) US Equal Opportunity Commission (USEOC) NE Department of Labor (NDOL) Policy Manual

Discrimination Complaint Referral Guide Policy

Guide for Referring Discrimination Complaints		
Complaint of Discrimination Based On	Persons Covered	**Refer To (Complainant May Determine Which Entity to Contact)**
Citizenship Status	Only Program Participants, Applicants, Registrants, and Claimants of any core or partner program receiving WIOA Title I funding	State Equal Opportunity Officer Greater NE Local Area Programs: State Equal Opportunity Officer Omaha Local Area Programs: Heartland Workforce Solutions Equal Opportunity Officer Lincoln Local Area Programs: • Director of Equity and Diversity (Employees and Applicants for Employment) • Ombudsman/LGBT Liaison (Program Participants, Applicants, Registrants, Claimants) USDOL Civil Rights Center (USDOL CRC) NE Equal Opportunity Commission (NEOC) US Equal Opportunity Commission (USEOC) NE Department of Labor (NDOL) Policy Manual

*Includes WIOA core and partner programs: WIOA Adult, Dislocated Worker, and Youth, Wagner-Peyser, Adult Basic Education, Vocational Rehabilitation, Career and Technical Education (Perkins), Community Service Block Grant, Indian and Native American Programs, HUD Employment and Training Programs, Job Corps, Local Veterans' Employment Representatives and Disabled Veterans' Outreach Program, Temporary Assistance for Needy Families (TANF), Trade Adjustment Assistance Programs, Unemployment Compensation (UI) Programs, and Youth Build.

Discrimination Complaint Referral Guide Policy

Contact Information for Discrimination Referral	
State of NE Equal Opportunity Officer Justin Schroeder PO Box 94600 550 S 16th Street Lincoln, NE 68509-4600 (402) 471-9000 / TTY (402) 471-0016 NDOL.EOComplaints@nebraska.gov	Civil Rights Center Office of External Enforcement US Department of Labor 200 Constitution Ave., NW, Room N-4123 Washington, DC 20201 (202) 693-6502 / TTY (202) 693-6515 CRCExternalComplaints@dol.gov
Omaha Local Area: Heartland Workforce Solutions Erin Porterfield Equal Opportunity Officer 5752 Ames Avenue Omaha, NE 68104 (402) 218-1163 eporterfield@hws-ne.gov	Greater NE Local Area: State of NE Equal Opportunity Officer Bobbi Jo Howard PO Box 94600 550 S 16th Street Lincoln, NE 68509-4600 (402) 471-9000 / TTY (402) 471-0016 NDOL.EOComplaints@nebraska.gov
Lincoln Local Area (Employees/Applicants for Employment): Angela Skrivan Employee Engagement Division Leader 555 S 10th Street, #304 Lincoln, NE 68508 (402) 441-7518 Ktaylor-riley@lincoln.ne.gov	Lincoln Local Area (Program Participants/Applicants for Assistance): Lin Quenzer Ombudsman/LGBT Liaison 555 S 10th Street, #301 Lincoln, NE 68508 (402) 441-8281 lquenzer@lincoln.ne.gov
NE Equal Opportunity Commission PO Box 94934 5th Floor, 301 Centennial Mall South Lincoln, NE 68509-4934 (402) 471-2024	US Equal Opportunity Commission Denver District Office 303 East 17th Avenue, Suite 510 Denver, CO 80203 (800) 669-4000
NE Equal Opportunity Commission Omaha State Office Building 1313 Farnam on the Mall, Suite 310 Omaha, NE 68102 (402) 595-2028	NE Equal Opportunity Commission Panhandle State Office Building 505A Broadway, Suite 600 Scottsbluff, NE 69361-3515 (308)632-1340
Office of Special Counsel for Immigration-Related Unfair Employment Practices 950 Pennsylvania Avenue Washington DC, 20530 (202) 514-4609 / TTY (202) 514-0716	

POLICY NAME	Procedures for Investigation & Resolution of Discrimination Complaint
REVISION DATE	June 2023

NEBRASKA DEPARTMENT OF LABOR

POLICY STATEMENT

To provide procedures for investigating and resolving complaints that allege a violation of the nondiscrimination and equal opportunity provisions of Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1982, as amended; Title II of the Americans with Disabilities Act of 1990, and Title I of the Workforce Innovation and Opportunity Act (WIOA), and their implementing regulations; and specifically, WIOA Section 188, 29 Code of Federal Regulations (CRF) Part 38, "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act".

Who May File

Any person, or any specific class of individuals, that has been or is being discriminated against participation in, denial of benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of *race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), National origin (including, limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status.*

Where To File

The complainant may file with either the State of Nebraska EO Officer or the Civil Rights Center (CRC) in Washington DC. Written complaints may be mailed or emailed to the State EO Officer or mailed to the CRC at the addresses listed below:

State of Nebraska
Department of Labor
Equal Opportunity Officer
PO Box 94600
Lincoln, NE 68509-4600
NDOL.EOComplaints@nebraska.gov

The Director, Civil Rights Center
US Department of Labor
200 Constitution Ave., NW, Room N-4123
Washington, DC 20210
CRCExternalComplaints@dol.gov

Complainants may request a meeting with the State EO Officer by calling 402-471-9000. Individuals with speech and/or hearing impairments may call 1-402-471-2786 or 1-800-833-7352.

Filing a complaint with the State does not affect the complainant's right to file a complaint with the CRC if he/she is not satisfied with the resolution provided by the State.

Timeliness for Filing and Requirements

To be accepted, a complaint must:

- Be filed in timely fashion (within 180 days of the alleged violation) – except that the Director of the CRC may extend the filing time; and,
- Fall under the State jurisdiction; and,
- Have apparent merit; i.e. whether the allegation, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA Section 188.

How To File

State EO Officer: A complaint may be filed at the state level by completing and submitting the Discrimination Complaint Information Form available at all American Job Center (AJC) one-stops, or from any AJC partner or affiliate, or from any NDOL Career Center or from the NDOL Administrative Office. The form is also available at https://dol.nebraska.gov.

CRC: A complaint may be filed by submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the CRC or by contacting the State EO Officer. Forms are available electronically on the CRC's web site, https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf and in hard copy via postal mail upon request. The latter requests may be sent to CRC at the address listed above.

Complaints must be filed in writing and must contain the following information:

a) The complainant's name, mailing address, and if available, email address, and telephone number (or other means of contacting the complainant)
b) The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination, i.e., WIOA program employer, employee, vendor, provider, training facility, etc.).
c) A description of the complainant's allegations. The description must include enough detail to allow the State EO Officer or the CRC to determine whether:
    i. State EO Officer or the CRC, as applicable, has jurisdiction over the complaint
    ii. The complaint was filed in time; and
    iii. The complaint has merit; in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA Section 188, 29 CFR, Part 38.
a) The written or electronic signature or signature of the complainant or the written or electronic signature of the complainant's representative.
b) If the complaint is for disability discrimination, include information that will identify complainant as an "individual with a disability", which means:
    i. Has a physical or mental impairment which substantially limits one or more major life activities
    ii. Has a record of such impairment
    iii. Is regarded as having such impairment.

Procedures for Investigation and Resolution of Discrimination Complaints

Both the complainant and respondent have the right to be represented by an attorney or individual of their choice.

1. By federal regulation, the State EO Officer shall respond to the complaint within 90 days of receipt by issuing a Notice of Final Action.
2. Upon receipt of the discrimination complaint form, the State will provide written notice within 10 working days from the date of receipt. The notice will include the following:
    a. Acknowledgement that the discrimination complaint form has been received.
    b. Notice that the complainant has the right to be represented in the complaint process and other rights
    c. Notice of rights contained in WIOA, Section 188, 29 CFR § 38.35
    d. Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages
    e. A written statement of the issue(s) provided to the complainant, including the following information:

i. A list of the issue(s) raised in the complaint
ii. A statement regarding each issue as to whether the State will accept or reject the issue(s) and reasons for each rejection

f. A period of fact finding or investigation of the circumstances underlying the complaint
g. An offer of Alternative Dispute Resolution (ADR) or mediation and an explanation of the ADR process. The choice whether to use ADR or the customary process rests with the complainant.
h. Notice that if by the end of 90 days the State has not completed its processing of the complaint or failed to issue a Notice of Final Action signed by the State EO Officer, the complainant, or his or her representative, may within 30 days of the expiration of the 90-day period, file a complaint with the CRC.

3. The State's procedures for ADR are as follows:
    a. The complainant may attempt ADR at any time after filing a written complaint, but before a Notice of Final Action has been issued.
    b. ADR will begin 15 calendar days after the mediator is assigned the case. The deadline may be extended with approval of the State EO Officer.
    c. Parties will receive notice of where and when the ADR will be conducted.
    d. A maximum of 3 calendar days will be allowed for the ADR session to achieve resolution. If the parties do not reach an agreement within the 3-day ADR session, a notice will be issued within 15 calendar days from the date of the session outlining the facts or circumstances relevant to the attempt to settle the issues.
    e. If the parties do not reach an agreement under ADR, the complainant will be advised in writing of the option to file a complaint with the CRC. The processing of the complaint by the State will be discontinued, pending the results of the ADR.
    f. A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached.
    g. The non-breaching party may file a complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
    h. The CRC will determine if the agreement has been breached. If determined the agreement has been breached, the complaint will be reinstated and processed in accordance with State procedures.

4. If ADR is not chosen, respondent and the career center, and/or other affected entities will be notified that a complaint has been filed. The notice will include:
    a. A summary of the alleged discrimination
    b. Notice that retaliation is against the law
    c. The respondent will also be notified if ADR has been chosen as a means of resolution at any time prior to issuance of the notice of Final Action.

5. If the State EO Officer determines that it does not have jurisdiction over a complaint, Notice to the complainant must be provided in writing within 5 business days of making such determination. The Notice of Lack of Jurisdiction will include:
    a. A statement of the reasons for that determination; and,
    b. Notice that the complainant has the right to file a complaint with the CRC within 30 days of the date on which the complainant receives Notice.

6. A written Notice of Final Action will be provided to the complainant within 90 days of the date on which the complaint was filed, containing:
    a. Each issue raised and a statement of either:
        i. The State's decision on the issue and an explanation of the reasons underlying the decision; or

ii. A description of the way the parties resolved the issue; and

b. Notice that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the final action on the complaint

c. The Notice will be translated into non-English languages.

7. All records are retained by the State for a period of not less than 5 years.

8. If the State fails to issue a Notice of Final Action within 90 days after the complaint was filed, the complainant may file a complaint with the CRC within 30 days of the expiration of the 90-day period.
   a. The CRC may extend the 30-day time limit for filing a complaint:
      i. If the State does not include in its Notice of Final Action the required notice about the complainant's right to file with the CRC; or
      ii. For other good cause shown,
   b. The complainant has the burden of proving to the CRC that the time limit should be extended.

FORMS

Discrimination Complaint Information Form, https://dol.nebraska.gov.

CRC's Complaint Information and Privacy Act Consent Forms,
https://www.dol.gov/oasam/programs/crc/DL1-2014a-English.pdf

Initial Publication Date:	September 2017
Revision #: **Revision by:** **Revision Date:**	 Carrie Williams June 6, 2023
Approver: **Approval Date:**	Justin Schroeder June 6, 2023
Last Reviewed:	June 2023

State 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
May 3, 2023

Supersedes
Grievances and Complaints – WIOA Title I
(effective February 12, 2018)

Grievances and Complaints – WIOA Title I, Change 1

REFERENCE

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

BACKGROUND

Local areas must establish and maintain procedures for participants and others to file non-criminal[1] grievances and complaints alleging violations of the requirements of WIOA Title I.[2]

CHANGES

Under this Change 1, minor revisions to the body of the policy have been made for clarity and readability purposes; definitions have been added or updated; and footnotes have been revised for clarity and links have been updated where necessary.

[1] The US Department of Labor established procedures for filing criminal complaints, as described in Section II.
[2] 20 CFR § 683.600(a)

ACTION

This policy supersedes and cancels the State's policy titled Grievances and Complaints – WIOA Title I (effective February 12, 2018). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Each local board must:

- establish local area non-criminal grievance and complaint procedures as described in Sections I and ensure that the procedures comply with the requirements of that section; and

- ensure that all local area and one-stop center staff are familiar with the requirements of Section II(b)(2) regarding procedures for filing criminal complaints.

POLICY

This policy addresses requirements and procedures for:

- non-criminal grievances and complaints regarding alleged violations of the requirements of WIOA Title I; and

- criminal complaints regarding allegations of suspected fraud, program abuse, and criminal conduct involving grantees, recipients, or subrecipients of Federal funds.

This policy does not address requirements pertaining to:

- non-discrimination and equal opportunity;

- non-designation of local areas;

- denial or termination of training provider eligibility for inclusion on Nebraska's Eligible Training Provider List;

- sanctions for substantial violations or performance failures by a local area; or

- required contributions under the state funding mechanism.

Requirements pertaining to issues listed directly above are addressed separately in applicable policies issued by the State.[3]

[3] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

This policy has two sections and one appendix.

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Section I. Non-criminal grievances and complaints

(a) Requirements

Each local area, with regard to their respective WIOA Title I non-criminal grievance and complaint procedures must take the following actions.[4]

1. Information about the procedures must be provided to WIOA Title I program participants and documentation must be recorded in participant case files that the information has been provided.

2. Information about the procedures must be provided to others affected by the local one-stop delivery system, including one-stop partners, job seekers, and employers served by the system.

3. Every entity to which a local area awards (i.e., subawards) WIOA Title I funds for the provision of services to program participants must have access to information about and is fully aware of the procedures.

4. Reasonable efforts must be made to assure that information about the procedures can be understood by participants and others, including youth and those who are limited-English speaking individuals; and these efforts must comply with the language requirements of 29 CFR § 38.9 regarding the provision of services and information in languages other than English.

The remedies that may be imposed under NDOL and local area procedures are limited to:[5]

- suspension or termination of payments under WIOA Title I;

- prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I;

[4] 20 CFR § 683.600(b)(1)
[5] 20 CFR § 683.600(f)

- reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment, where applicable; and

- other equitable relief, when appropriate.

(b) Local area procedures

Each local board must establish local area non-criminal grievance and complaint procedures and ensure that the procedures provide:

- a process for dealing with grievances and complaints from participants and others affected by the local one-stop delivery system, including one-stop partners and service providers;

- an opportunity for an informal resolution and a hearing, to be completed within sixty (60) calendar days of the filing of the grievance or complaint;

- a process that allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if such a procedure is provided under a collective bargaining agreement covering the parties to the grievance; and

- an opportunity for appeal to NDOL when:

    - no decision is reached within 60 calendar days of the filing of the grievance or complaint according to local area procedures; or

    - a party to the grievance or complaint is dissatisfied with the local decision.

Local non-criminal grievance and complaint procedures must be made available as described in Section I(a).

(c) Appeal procedures[6]

All non-criminal grievances and complaints alleging violations of the requirements of WIOA Title I must be first addressed through local area procedures. If a non-criminal grievance or complaint is initially filed with NDOL:

- the appropriate local area representative will be notified by email within five business days of NDOL's receipt of the grievance or complaint; and

- the individual(s) filing the grievance or complaint will be provided contact information for the appropriate local area representative within five business days, either by email or in writing, and advised that the grievance or complaint must be first filed with the local area according to local area procedures.

[6] 20 CFR § 683.600(d)

An appeal may be submitted to NDOL regarding a non-criminal grievance or complaint when:

- no decision is reached at the local level within 60 calendar days of the filing of the grievance or complaint according to local area procedures; or

- a party to the grievance or complaint is dissatisfied with the local decision.

To file the appeal with NDOL, a written request for informal resolution and a hearing must be submitted to:

Commissioner of Labor
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

A copy of the appeal to NDOL must be provided simultaneously to:

Director
Reemployment Services Division
Nebraska Department of Labor
PO Box 94600
Lincoln, NE 68509-4600

The written request must include:

- a description of the grievance or complaint filed with the local area; and

- the reason for the appeal.

Absent extenuating circumstances, the Commissioner will assign a hearing officer and a hearing will take place within 30 calendar days of the Commissioner's receipt of the written request for a hearing. The hearing officer will issue a decision within 30 calendar days of the hearing, to the extent possible.

(d) Federal appeal procedures[7]

All non-criminal grievances and complaints alleging violations of the requirements of WIOA Title I must be first addressed through local area and state procedures. An appeal may be submitted to the Secretary of Labor (the Secretary) regarding a non-criminal grievance or complaint when:

1. no decision is reached within 60 calendar days of filing an appeal with NDOL according to the procedures described in Section I(c); or

2. a party to the grievance or complaint is dissatisfied with the decision on the state-level appeal filed with NDOL.

[7] 20 CFR § 683.610

If appealing to the Secretary based on:

- the lack of a decision within 60 calendar days of filing a 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; or

- dissatisfaction with the decision on the appeal filed with NDOL, the appeal to the Secretary must be filed within 60 calendar days of receipt of the decision on the appeal filed with NDOL.

An appeal to the Secretary must be submitted by certified mail, return receipt requested, to:

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

A copy of the appeal to the Secretary must be provided simultaneously to the opposing party and:

Regional Administrator, Region 5
Employment and Training Administration
John C. Kluczynski Building
230 South Dearborn Street, 6th Floor
Chicago, IL 60604-1505

Non-criminal grievances and complaints made directly to the Secretary will be referred to the appropriate local area for resolution, except for complaints involving a recipient or subrecipient of WIOA Title I funding that has:[8]

- discharged or in any other manner discriminated against:
    - a participant or any individual in connection with the administration of the WIOA Title I program involved; or
    - any individual because the individual has:
        - filed any complaint or instituted or caused to be instituted any proceeding under or related to WIOA Title I; or
        - testified or is about to testify in any such proceeding or an investigation under or related to WIOA Title I;
- otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provisions of WIOA Title I, including regulations issued under WIOA Title I.

[8] 20 CFR 683.610(e)

Section II. Criminal complaints[9]

(a) Requirements

States, local governments, and grantees of Federal awards may become aware of actual, potential, or suspected:

- fraud;
- gross mismanagement or misuse of program funds;
- conduct violations;
- violations of regulations; and
- abuse in ETA programs and operations provided by ETA grantees.

TEGL 2-12 provides policy and procedures for reporting and investigating allegations of criminal wrongdoing or misconduct to include allegations of suspected fraud, program abuse, and criminal conduct involving grantees, recipients, or subrecipients of Federal funds from US Department of Labor Employment and Training Administration. The Incident Report (IR) form is the official form provided by the US Department of Labor (the Department) for reporting allegations of criminal and other illegal or improper activities in ETA funded programs.[10] Allegations are reported to the Department of Labor Office of the Inspector General (OIG) and the Office of Financial and Administrative Management (OFAM) and the Office of Regional Management. Incidents reported using the IR form may involve allegations regarding:

- fraud;
- misfeasance, nonfeasance, or malfeasance;
- allegations involving misapplication of funds;
- allegations of gross mismanagement;
- allegations of employee and/or participant misconduct; and
- other potential or suspected criminal actions.

No action will be taken against any individual for disclosing information concerning criminal or improper activities or for making a valid complaint to proper authorities. Complainants may remain anonymous. If an individual feels that their position will be compromised by reporting information through the lR system, the individual may send the report directly to the OIG or OFAM.

[9] 20 CFR § 683.620; TEGL 2-12
[10] The IR form is provided as Attachment C to TEGL 2-12 and is accessible at https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-02-12.

(b) Procedures

(1) Grant recipients

As the administrative entity representing the Governor (Nebraska's WIOA Title I grant recipient), NDOL is responsible for following the procedures established under TEGL 2-12.

- NDOL must immediately document allegations, suspicions, and complaints involving possible fraud, program abuse, and criminal misconduct using the IR form.
- In addition, situations involving imminent health or safety concerns or the imminent loss of funds exceeding an amount larger than $50,000 are considered emergencies and must:
    - immediately be reported by NDOL to the OIG and OFAM by telephone; and
    - followed up with a written report in the form of an IR, no later than one working day after the telephone report.

(2) Other parties

Information and complaints involving criminal fraud, waste, abuse, or other criminal activity must be reported immediately through the Incident Reporting System to either the OIG or the Regional Inspector General at the following addresses.

Department of Labor Office of Inspector General
Office of Investigations
Room S5514
200 Constitution Avenue NW
Washington, DC 20210

Regional Inspector General for Investigations
Region 5
Employment and Training Administration
John C. Kluczynski Building
230 South Dearborn Street, 6th Floor
Chicago, IL 60604-1505

If making a report only to the Regional Inspector General for Investigations, a copy must be provided at the same time to:

Employment and Training Administration
US Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

The hotline number for reporting criminal fraud, waste, abuse or other criminal activity related to WIOA Title I is 1.800.347.3756.

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.

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. Assistance listing number

Assistance listing number[11] means a unique number assigned to identify a Federal Assistance Listings, formerly known as the CFDA Number

2. Federal awarding agency

Federal awarding agency[12]means the Federal agency that provides a Federal award directly to a non-Federal entity.

3. Federal program

Federal program means:[13]

(a) all Federal awards which are assigned a single Assistance Listings Number.

(b) When no Assistance Listings Number is assigned, all Federal awards from the same agency made for the same purpose must be combined and considered one program.

(c) Notwithstanding paragraphs (1) and (2) of this definition, a cluster of programs. The types of clusters of programs are:

(1) Research and development (R&D);

(2) Student financial aid (SFA); and

(3) "Other clusters," as described in the definition of cluster of programs in this section.

4. non-Federal entity

Non-Federal entity[14] means a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

5. pass-through entity

Pass-through entity[15] means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

[11] 2 CFR § 200.1
[12] Ibid.
[13] Ibid.
[14] Ibid.
[15] Ibid.

6. recipient

Recipient[16] means an entity, usually but not limited to non-Federal entities that receives a Federal award directly from a Federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

7. subrecipient

Subrecipient[17] means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program.

8. subaward

Subaward[18] means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

[16] 2 CFR § 200.1
[17] Ibid.
[18] Ibid.

Discrimination Complaint Information Form

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DEPARTMENT OF LABOR

Please read the form carefully. **Type or print your answers**. Answer each question as completely as possible. If you cannot fit your whole answer in the space on this form you may add more pages.

If a question or field has a star next to it, you must answer that question. You do not have to answer the other questions, but if you do, it will help us to process your complaint. If you do not know the answer to a question, put "not known" in the space for the answer. If the question does not apply to your case, put "n/a."

***1. Are you the complainant or a representative of the complainant? Please check the correct box.**

☐ Complainant ◯ Representative

***2. Please give your name and the other information we ask you for on the lines below. *If you are a representative, please give the complainant's name and contact information in this section, and your own name and contact information in section 2A*.**

*Name

*Mailing Address

*City | *State | Zip Code

Telephone number(s) where we can reach you. **(Do not give your work number if you don't want Nebraska Department of Labor to call you there.)**

E-mail Address | Best time to contact you

Name and contact information for someone we can contact if we cannot get in touch with you

2A. If you are the complainants representative, please give your name and contact information in this section, and attach a letter or other document signed by the complainant, authorizing you to serve as his or her representative.

Representative's Name | Representative's Organization (if any)

Street Address

City | State | Zip Code

Telephone number(s) where we can reach you. (Do not give your work number if you don't want Nebraska Department of Labor to call you there.)

E-mail Address | Best time to contact you

For the rest of the questions on this form, if you are filing this complaint on behalf of someone else, "you" means that person (the complainant), not you personally. Please give the answers the complainant would give if he or she was filling out the form.

***3. This complaint is about something that happened to (Please check the appropriate box):**

☐ Only me ◯ Me and other people ◯ Other people, but not me

***4. Please give the name of the agency, organization, or business that you are complaining about. If you have any contact information for the agency, organization, or business, and/or if you know the name of the person(s) who you think discriminated against you, please give that information as well.** If you need more space to give all the information, please attach more pages to this form.

*Name of Agency, Organization, or Business _____ Telephone Number(s) _____

Street or Mailing Address _____ E-mail Address _____

Name of Person You Think Discriminated _____ Job Title _____ E-mail Address _____

***5. What program was involved in the discrimination you are complaining about?** If you do not know the name of the program, and your complaint does not involve an American Job Center or a state or local government agency, please check "Do not know."

☐ Workforce Investment Act and/or Workforce Innovation and Opportunity Act

☐ Job Corps Program ☐ Older Workers Program (Senior Community Service Employment Program

☐ Unemployment Insurance ☐ Indian/Native American Program

☐ Employment Service or Job Service ☐ Migrant and Seasonal Farm Workers Program

☐ Trade Assistance Act Program ☐ Vocational Rehabilitation

☐ Other (What program? _____)

☐ American Job Center ☐ State or Local Government ☐ Do not know

6. What do you think were the *bases* (reasons) for the alleged discrimination?** Please check the boxes next to all of the *bases* (reasons) you think were involved in the discrimination, and answer any other questions that go along with that box. ***In the next question, you will be asked to explain why you checked each box.

☐ **Because of my National Origin** (Please answer questions below.)

Are you Hispanic or Latino? ☐ Yes ◯ No

What is your national origin (the country from which you, your parents, your grandparents, or your earlier ancestors came)? _____

☐ **Because of my Limited English Proficiency** (What is the language in which you feel most comfortable communicating? For example: Spanish, Croatian, Cambodian) _____

☐ **Because of my Race** (Please answer questions below.)

What is your race? Check all that apply.

☐ White or Caucasian ☐ Black or African American ☐ American Indian or Alaska Native

☐ Native Hawaiian or Other Pacific Islander ☐ Asian

☐ **Because of my Sex** (What is your sex? _____)

☐ **Because of my Pregnancy**

☐ **Because of my Color** (What is your color? _____)

☐ **Because of my Religion** (What is your religion? _____)

☐ **Because of my Age** (What is your date of birth? _____)

☐ **Because of my Political Affiliation or Political Belief**
(What is your political affiliation or political belief? _____)

☐ **Because of my Disability** (Please check one of the following three boxes.)

- ☐ I have a disability (which may be active or inactive right now). (What is your disability? _____)
- ◯ I have a record of a disability. (What was your past disability? _____)
- ◯ I do not have a disability, but the organization or program treats me as if I am disabled.

☐ **Because of my Citizenship** (What is your citizenship? _____)

☐ **Because of my participation in a program that receives Federal financial assistance**
(Name the program _____)

☐ **I was Retaliated Against (Retaliation)** because I complained about discrimination, or because I gave a statement or was involved in some other way with someone's discrimination complaint.

***7. For each of the bases (reasons for discrimination) you checked above, please explain what happened, how you were (or someone else was) harmed by what happened, and how or why you think what happened was because of the basis you checked.** For example, if you check "Because of my Race," list the facts you think explain how or why you think what happened was because of the race of the persons who were harmed. If you do not explain why you checked a particular basis, we may reject that part of your complaint.

If other persons or groups were treated differently from you (or the other people who you think were discriminated against), please describe who was treated differently, how their treatment was different, and how the different treatment harmed you (or the other people you think were discriminated against). Please be specific and brief. Give the name(s) of and contact information for any of the people involved, if you can.

If your answer does not fit the space below, please use more pages of paper to finish your answer, and attach those pages to this form.

***8. On what date(s) did the alleged discrimination take place?**

8A. Date of the first action: _____

8B. Date of most recent action: _____

8C. If the date of the most recent action was more than 180 days ago, please explain why you did not file a complaint before now.

_____

***9. Please list below any other people (witnesses, coworkers, supervisors, or others) whom you have not already named and whom we should contact for more information about your complaint.** Attach additional pages if you need more space for this information.

_____

Person's name | Relationship to case (witness, coworker, etc.) | Best time to contact this person

_____

Telephone number(s) and/or e-mail address(es) where we can contact this person.

10. Have you filed a written complaint with anyone else, such as the Equal Employment Opportunity Commission (EEOC), or your local Human Relations/Rights Commission, about the same events or actions you describe on this Complaint Information Form? If yes, please answer these questions, as best you can, about each agency, department, organization, or business where you filed a written complaint (using additional pages if necessary):

10A. Where and when did you file your first written complaint? Date Filed: _____

_____

Name of Specific Office or Agency, Department, Organization, or Business | Telephone Number | E-mail Address

_____

Mailing or Street Address | City | State | Zip Code

_____

Name and contact information for person working on your complaint, if known.

10B. Has the place where you filed your first written complaint given you a final decision about the complaint? ☐ Yes ◯ No

10C. If yes, what was the date of the final decision? _____ Was the decision in writing? ☐ Yes ◯ No

Include copies of written decisions, dismissals, or Right-to-Sue Letters, or other written responses to your complaint that you have received

***11. What remedies are you asking for? For example, getting benefits or training you did not receive, changes in policies, etc. PLEASE NOTE: The laws that Nebraska Department of Labor enforce do no allow for punitive damages.**

_____

***12.** Please sign and date this form in the space below that applies to you. You must also read the notice on the **next page entitled "How We Use Personal Information,"** and sign and date the consent form. Nebraska Department of Labor cannot accept a complaint for investigation unless both the Complaint Information Form and the Consent Form have been signed.

_____ _____

Signature of Complainant Date

_____ _____

Signature of Complainant's Representative Date

Please mail or e-mail a complaint to:

Mail: Equal Opportunity Officer
Nebraska Department of Labor
P.O. Box 94600
Lincoln, NE 68509

E-mail: **EOComplaints@nebraska.gov**

See next page for "How We Use Personal Information" notice.

How We Use Personal Information

Two Federal laws govern personal information that is given to Federal (State?) agencies such as the Nebraska Department of Labor (NDOL). These two laws are the Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552), know of "FOIA." This Notice describes how each of these laws applies to information connected with your complaint. Please read the Notice, sign the Consent Form on the next page, and give Consent Form to NDOL with your Complaint Information Form.

The Privacy Act protects you from misuse of personal information that the Federal government has about you. This law applies to records that the Federal government keeps that can be located by a person's name, social security number, or other personal identification system. Anyone who submits personal information to the Nebraska Department of Labor in connection with a discrimination complaint should know the following.

1. NDOL enforces civil rights laws that cover State and local government agencies, programs conducted by DOL, recipients of financial assistance from DOL, and certain recipients of financial assistance from other Federal departments and agencies ("covered entities"). NDOL has the authority to investigate and make determinations on complaints alleging that a covered entity has discriminated on the basis of race, color, national origin, age, disability, sex, religion, political affiliation or belief, citizenship, and participation in a program or activity that receives financial assistance under Title I of the Workforce Investment Act of 1998 (WIA) and/or Title I of the Workforce Innovation and Opportunity Act of 2014. NDOL is also authorized to conduct reviews of covered entities to evaluate whether they are complying with the civil rights laws that NDOL enforces.

2. Information that NDOL collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. NDOL staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. NDOL also may be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act. (See below.)

3. Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in DOL's regulation at 29 C.F.R. Part 71, NDOL will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the Freedom of Information Act. (See below.)

4. No law requires a complainant to give personal information to NDOL, and no sanctions will be imposed on complainants or other individual who deny NDOL's request. However, if NDOL fails to obtain information needed to investigate the ability of allegations of discrimination, it may be necessary to close the investigation.

5. The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of NDOL to exercise authority to exempt systems of records only in compelling cases. NDOL may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a covered entity. Complaint files are exempt in order to aid negotiations between covered entities and NDOL in resolving civil rights issues and to encourage covered entities to furnish information essential to the investigation.

6. NDOL does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a covered entity that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. NDOL will keep the identity of complainants confidential except to the extent necessary to carry out th purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, otherwise required by law.

The FREEDOM OF INFORMATION ACT gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government — not just materials that apply to them personally. NDOL must honor requests under the Freedom of Information Act, with some exceptions. NDOL generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

PLEASE READ THE CONSENT FORM ON THE NEXT PAGE, SIGN EITHER SECTION A OR SECTION B, AND GIVE THE SIGNED FORM TO THE NEBRASKA DEPARTMENT OF LABOR WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

Consent Form

I have read the Nebraska Department of Labor's notice entitled "How We Use Personal Information." I understand that the following conditions apply to personal information I disclose to NDOL in connection with my complaint:

- NDOL may need to disclose my identity to staff of the agency, organization, or business I named in my complaint, in order to gather evidence or verify facts related to the complaint, or to complete enforcement proceedings against the agency, organization, or business;
- I do not have to reveal any personal information to NDOL, but NDOL may close my case if it cannot get the information it needs to process or fully investigate my complaint;
- I may request a copy of any of my personal information that NDOL keeps in my complaint file; and
- Under certain conditions, NDOL may be required by the Freedom of Information Act or other laws to disclose my personal information to others.

Section A

☐ YES, NDOL MAY DISCLOSE MY IDENTITY IF NECESSARY TO FULLY INVESTIGATE MY COMPLAINT. I have read and understand the notice "How We Use Personal Information," and I give consent for NDOL to disclose my identity to the respondent, if necessary to fully investigate my complaint.

_____ _____

Signature of Complainant Date

Section B

◯ NO, NDOL MAY NOT DISCLOSE MY IDENTITY TO THE RESPONDENT, EVEN IF NECESSARY TO FULLY INVESTIGATE MY COMPLAINT. I have read and understand the notice "How We Use Personal Information," and I understand that NDOL may close my case if it cannot get the information it needs to fully investigate my complaint without disclosing my identity to the respondent. Nonetheless, I do not give consent for NDOL to disclose my identity to the respondent during the investigation of my complaint.

_____ _____

Signature of Complainant Date

FOR NDOL USE ONLY

CIF received by the NDOL ☐ Accepted ◯ Not Accepted Case Number _____

By _____ Date _____

Print **Submit**

Formulario de Información sobre un Reclamo por Discriminación

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DEPARTMENT OF LABOR

Por favor lea este formulario cuidadosamente. **Escriba sus respuestas a máquina o en letra imprenta.** Responda cada pregunta tanto como le sea posible. Si toda su respuesta no alcanza en el espacio brindado en este formulario usted podría agregar más páginas.

Si la pregunta o campo tiene un asterisco al costado, tiene que responder esa pregunta. Usted no tiene que responder las otras preguntas, pero si lo hace, esto ayudará en el proceso de su reclamo. Si usted no sabe la respuesta a la pregunta escriba "desconocido" en el espacio para la respuesta. Si la pregunta no aplica a su caso escriba "n/a".

***1. ¿Es usted el reclamante o un representante del reclamante? Por favor marque la casilla correcta.**

◯ Reclamante ◯ Representante

***2. Por favor indique el nombre y demás información que le solicitamos a continuación. *Si usted es un representante, por favor brinde el nombre del reclamante y la información de contacto en esta sección, y su propio nombre e información de contacto en la sección 2A*.**

*Nombre

*Dirección de correo postal

*Ciudad | *Estado | Código Postal

Número de teléfono(s) donde lo podamos localizar. (No brinde el teléfono de su trabajo si no quiere que el Departamento de Labor de Nebraska lo llame ahí).

Dirección de correo electrónico | Mejor momento del día para contactarlo

Nombre e información de contacto de otra persona con quien comunicarnos si es que no podemos contactarnos con usted.

2A. Si usted es el representante del reclamante, por favor brinde su nombre e información de contacto en esta sección, e incluya una carta u otro documento firmado por el reclamante autorizándolo como su representante.

Nombre del representante | Organización del representante (si hubiese alguna)

Dirección

Ciudad | Estado | Código Postal

Número de teléfono(s) donde lo podamos localizar. (No brinde el teléfono de su trabajo si no quiere que el Departamento de Labor de Nebraska lo llame ahí).

Dirección de correo electrónico | Mejor momento del día para contactarlo

Para el resto de preguntas en este cuestionario, si está llenando este reclamo en beneficio de alguien más, "usted" significa la persona (el reclamante), no usted personalmente. Por favor brinde las respuestas que el reclamante brindaría si él/ella estuviese llenando el formulario personalmente.

***3. Este reclamo es acerca de algo que le pasó a (Por favor marque la casilla apropiada):**

◯ Solo a mí ◯ A mí y a otras personas ◯ A otras personas, pero no a mí

***4. Por favor brinde el nombre de la agencia, organización o institución contra la cual presenta su reclamo. Si tiene alguna información de contacto para esa agencia, organización o institución, y/o si sabe el nombre de la persona quien usted cree lo discriminó, por favor brinde esa información también.** Si necesita más espacio para brindar toda la información por favor adjunte más paginas a este formulario.

*Nombre de la agencia, organización o institución _____ Número(s) telefónico _____

Dirección física o postal _____ Correo electrónico _____

Nombre de la persona que piensa que discriminó _____ Cargo o puesto de trabajo _____ Correo electrónico _____

***5. ¿Qué programa estuvo involucrado en la discriminación sobre la cual usted está reclamando?** Si usted no sabe el nombre del programa, y su reclamo involucra un Centro de Trabajo de los Estados Unidos (American Job Center) o una agencia gubernamental estatal o local, por favor marque "No lo sé".

☐ Workforce Investment Act y/o Workforce Innovation and Opportunity Act

☐ Programa Job Corps

☐ Programa para Trabajadores Adultos Mayores (Programa de Empleo en Servicio Comunitario para Adultos Mayores)

☐ Seguro de desempleo

☐ Programa Indio/Nativo Americano

☐ Servicio de Empleo o Trabajo

☐ Programa para trabajadores migrantes y agrícolas temporales

☐ Ley Trade Assistance Act

☐ Rehabilitación Vocacional

☐ Otro (¿Qué programa? _____)

☐ American Job Center ☐ Gobierno local o estatal ☐ No lo sé

***6. ¿Cuál cree usted que fue el motivo (razón) para la supuesta discriminación?** Por favor marque todas las casillas al lado de todos los motivos (razones) que usted piensa fueron parte de la discriminación, y responda cualquier otra pregunta que corresponda a esa casilla. **En la siguiente pregunta, a usted se le pedirá que explique por qué marco cada casilla.**

☐ **Debido a mi nacionalidad de origen** (Por favor responda las siguientes peguntas)

¿Es usted hispano o latino? ◯ Sí ◯ No

¿Cuál es su nacionalidad de origen? (¿De qué país vino usted, sus padres, sus abuelos, o sus antepasados?)

_____

☐ **Debido a mi habilidad limitada con el idioma inglés** (¿En qué lenguaje se comunica usted con más comodidad? Por ejemplo: español, croata, camboyano) _____

☐ **Debido a mi raza** (Por favor responda las preguntas a continuación)

¿Cuál es su raza? (Seleccione todas las que apliquen)

☐ Blanco o caucásico ☐ Negro o afro americano ☐ Indio Americano o nativo de Alaska

☐ Nativo de Hawái u otra isla del pacífico ☐ Asiático

☐ **Debido a mi sexo** (¿Cuál es su sexo? _____)

☐ **Debido a mi embarazo**

☐ **Debido al color de mi piel** (¿Cuál es el color de su piel? _____)

☐ **Debido a mi religión** (¿Cuál es su religión? _____)

☐ **Debido a mi edad** (¿Cuál es su fecha de nacimiento? _____)

☐ **Debido a mi afiliación política o creencias políticas**
(¿Cuál es su afiliación política o creencias políticas? _____)

☐ **Debido a mi discapacidad** (Por favor marque una de las siguientes tres casillas)

- ◯ Tengo una discapacidad (que podría estar activa o inactiva en este momento).
  (¿Cuál es su discapacidad? _____)
- ◯ Tengo historial de una discapacidad anterior. (¿Cuál fue su discapacidad pasada? _____)
- ◯ No tengo una discapacidad, pero la organización o programa me trata como si fuese discapacitado.

☐ **Debido a mi ciudadanía** (¿Cuál es su ciudadanía? _____)

☐ **Debido a mi participación en un programa que recibe ayuda económica del gobierno federal**
(Nombre del programa _____)

☐ **Se tomaron represalias en mi contra (Represalia)** porque me quejé acerca de discriminación, o por que di una declaración o participé de alguna otra manera en el reclamo por discriminación de otra persona.

***7. Para cada una de los motivos (razones para la discriminación) que usted marcó anteriormente, por favor explique lo que pasó, cómo es que usted fue perjudicado por lo que ocurrió (o cómo alguien más fue perjudicado) y cómo o por qué piensa usted que lo que ocurrió fue debido a los motivos que usted indicó.** Por ejemplo, si usted seleccionó "Debido a mi raza", indique los hechos que explicarían cómo o por qué usted piensa que lo que ocurrió fue debido a su raza, o la raza de las personas que fueron perjudicadas. Si usted no explica por qué señaló un motivo en particular, podríamos rechazar esa parte de su reclamo.

Si otras personas o grupos fueron tratados de manera diferente que a usted (o que a las otras personas o grupos que usted piensa sufrieron la discriminación), por favor describa quién fue tratado de manera diferente, cómo su tratamiento fue diferente, y cómo el tratamiento diferente lo perjudicó (o a las otras personas quienes usted piensa fueron discriminadas). Por favor sea específico y breve. Brinde el nombre(s) e información de contacto de cualquier persona involucrada, si es que puede.

Si su respuesta no cabe en el espacio a continuación, por favor utilice más páginas para terminar su respuesta, y adjunte esas páginas a este formulario.

***8. ¿En qué fecha(s) ocurrió la supuesta discriminación?**

8A. Fecha de la primera acción: _____

8B. Fecha de la acción más reciente: _____

8C. Si la fecha de la acción más reciente fue hace más de 180 días, por favor explique por qué no presentó un reclamo antes.

_____

***9. Por favor indique a continuación cualquier otra persona (testigos, compañeros de trabajo, supervisor, u otras personas) a quienes no haya mencionado aún, quienes podrían ser contactadas para brindar más información acerca de su reclamo.** Agregue páginas adicionales si es que necesita más espacio para esta información.

_____

Nombre de la persona | Relación con el caso (testigo, compañero de trabajo, etc.) | Mejor momento para contacto a esta persona

_____

Número(s) de teléfono y/o dirección de correo electrónico donde podamos contactar a esta persona.

10. ¿Ha presentado un reclamo ante alguien más, como la Comisión de Igualdad de Oportunidades de Empleo [EEOC, por sus siglas en inglés], o su Comisión Local de Relaciones/Derechos Humanos, acerca de los mismos eventos o acciones descritas en este Formulario de Información sobre un Reclamo? Si la respuesta es sí, por favor responda estas preguntas lo mejor que pueda acerca de cada agencia, departamento, organización o institución donde presentó el reclamo por escrito (utilice páginas adicionales si fuese necesario).

10A. ¿Dónde y cuándo presentó su primer reclamo por escrito? Fecha en que lo presentó _____

_____

Nombre específico de la oficina o agencia, departamento, organización o institución | Teléfono | Correo Electrónico

_____

Dirección postal o física | Ciudad | Estado | Código postal

_____

Nombre e información de contacto de la persona que está a cargo de su reclamo, si es que lo sabe.

10B. ¿El lugar donde usted presentó su reclamo inicialmente le ha dado una decisión final acerca del reclamo? ◯ Sí ◯ No

10C. Si la respuesta es sí, ¿Cuál fue la fecha de la decisión final? _____ ¿Se la dieron por escrito? ◯ Sí ◯ No

Incluya copias de decisiones por escrito, desestimaciones de causa, o cartas de derecho para demandar, o alguna otra respuesta por escrito que haya recibido con respecto a su reclamo.

***11. ¿Qué remedios o soluciones está pidiendo usted? Por ejemplo, obtener beneficios o entrenamiento que no recibió, cambios en las políticas, etc. POR FAVOR TOME EN CUENTA: la ley que el Departamento de Labor de Nebraska promueve no permite el pago por daños y perjuicios.**

***12.** Por favor firme y ponga la fecha en este formulario en el espacio en la parte de abajo que le corresponda. Además, debe leer el aviso en **la siguiente página con el título de "Cómo utilizamos su Información Personal", y firme y ponga la fecha en el formulario de permiso**. El Departamento de Labor de Nebraska no puede aceptar un reclamo para realizar una investigación a menos que ambos documentos, Formulario de Información sobre un Reclamo y el Formulario de Permiso, hayan sido firmados.

_____ _____

Firma del Reclamante Fecha

_____ _____

Firma del Representante del Reclamante Fecha

Por favor envíe el reclamo por correo postal o correo electrónico a:

Correo postal: Equal Opportunity Officer
Nebraska Department of Labor
P.O. Box 94600
Lincoln, NE 68509

Correo electrónico: **EOComplaints@nebraska.gov**

Ver la siguiente página para leer el aviso sobre "Cómo Utilizamos su Información Personal".

Cómo Utilizamos su Información Personal

Hay dos leyes federales que rigen como es que se brinda la información personal a las agencias federales y estatales como el Departamento de Labor de Nebraska (NDOL, por sus siglas en inglés). Estas dos leyes son la Ley de Privacidad de 1970 [Privacy Act, por su nombre en inglés] (5 U.S.C. 552a) y la Ley de Libertad de Información [Freedom of Information Act, por su nombre en inglés] (5 U.S.C. 552), conocida como "FOIA". Este aviso describe cómo es que cada una de esas leyes aplican a la información con respecto a su reclamo. Por favor lea este aviso, firme el formulario de permiso en la próxima página y entregue el formulario de permiso al Departamento de Labor de Nebraska junto con su formulario de información de reclamo.

La Ley de Privacidad lo protege contra el uso inapropiado de la información personal que el gobierno federal tenga sobre usted. Esta ley aplica a las actas que el gobierno federal tenga sobre una persona y que pudiesen ser localizadas utilizando el nombre de la persona, número de seguro social, o algún otro sistema de identificación personal. Cualquiera que presente información personal al Departamento de Labor de Nebraska con respecto a un reclamo por discriminación debe saber lo siguiente.

1. El Departamento de Labor de Nebraska hace cumplir leyes sobre derechos civiles que cubren a las agencias de los gobiernos estatales y locales, programas realizados por el Departamento de Labor, personas que reciben asistencia económica del Departamento de Labor, y ciertas personas que reciben ayuda económica de agencias o departamentos federales ("entidades cubiertas"). El Departamento de Labor de Nebraska tiene la autoridad de investigar y tomar determinaciones sobre reclamos acerca de una entidad cubierta por la ley la cual haya cometido discriminación utilizando como base la raza, color de piel, origen nacional, edad, discapacidad, sexo, religión, afiliación o creencia política, ciudadanía, y participación en un programa o actividad que recibe asistencia económica bajo el Título I de la Ley de Inversión en la Fuerza Laboral de 1998 [WIA, por sus siglas en inglés] o el Título I de la Ley de Innovación y Oportunidad de la Fuerza Laboral de 2014. El Departamento de Labor de Nebraska además tiene la autorización para realizar revisiones de las entidades cubiertas para para evaluar si es que cumplen con las leyes de derechos civiles que promueve el Departamento de Labor de Nebraska.

2. La información recolectada por el Departamento de Labor de Nebraska es analizada por el personal autorizado dentro de la agencia. Esta información podría incluir actas del personal o algún otro tipo de información personal. El personal del Departamento de Labor de Nebraska podría necesitar revelar cierta información a personas fuera de la agencia en el transcurso de la verificación de hechos o al obtener nuevos hechos para desarrollar las bases para realizar una determinación de cumplimento de los derechos civiles. Dichos detalles podrían incluir la condición física o edad del reclamante. El Departamento de Labor de Nebraska además podría requerir que se revele cierta información a cualquier individuo fuera de la agencia quien lo solicite bajo las provisiones de la Ley de Libertad de Información. (Ver a continuación)

3. La información personal será utilizada solamente para propósitos específicos para los cuales se presentó, es decir, para las actividades de cumplimiento e implementación autorizadas conforme a los derechos civiles. Excepto en los casos definidos por la regulación 29 C.F.R. Parte 71 del Departamento de Labor de Nebraska, conforme a la cual NDOL no divulgará la información a ninguna otra agencia o individuo a menos que la persona que brindó la información entregue un permiso por escrito. Una de estas excepciones ocurre cuando la divulgación de información es requerida bajo la Ley de Libertad de información. (Ver a continuación).

4. Ninguna ley requiere que el reclamante entregue información personal al Departamento de Labor de Nebraska, y no habrá ningún castigo impuesto al reclamante o cualquier otro individuo que rechace el pedido del Departamento de Labor de Nebraska. Sin embargo, si el Departamento de Labor de Nebraska no puede obtener la información necesaria para investigar las bases para las acusaciones de discriminación, podría ser necesario cerrar la investigación.

5. La Ley de Privacidad permite que ciertos tipos de sistemas de registros tengan una excepción a alguno de estos requerimientos, incluyendo las condiciones de acceso. Es la política del Departamento de Labor de Nebraska hacer cumplir su autoridad para dar una excepción a los sistemas de registros solamente en los casos más necesarios. El Departamento de Labor de Nebraska podría negar el acceso de un reclamante a las actas recolectadas durante la investigación de la agencia sobre el reclamo por violación de derechos civiles del reclamante contra una entidad cubierta por la ley. Las actas del reclamante tienen esa excepción a esta regulación para ayudar a las negociaciones entre las entidades cubiertas y el Departamento de Labor de Nebraska con el fin de resolver temas sobre los derechos civiles y para promover que las entidades cubiertas entreguen información esencial para la investigación.

6. El Departamento de Labor de Nebraska no revela los nombres o ninguna otra información de identidad personal de un individuo a menos que sea necesario para poder completar la investigación, o para las actividades de cumplimiento de la ley contra una entidad que haya violado dicha ley, o a menos que se requiera que dicha información sea divulgada conforme a la Ley de Libertad de Información o la Ley de Privacidad. El Departamento de Labor de Nebraska mantendrá la identidad de los reclamantes de manera confidencial, excepto cuando sea necesario divulgarla para realizar los propósitos conforme a las leyes de derechos civiles, o a menos que la divulgación sea requerida bajo la Ley de Información de Libertad, la Ley de Privacidad, o sea requerido de alguna otra manera por la ley.

La LEY DE LIBERTAD DE INFORMACIÓN otorga al público el acceso a ciertas actas y registros del Gobierno Federal. Los individuos pueden obtener artículos de muchas categorías de registros del Gobierno — no solo materiales que apliquen a las mismas personas. El Departamento de Labor de Nebraska debe aceptar las solicitudes bajo la Ley de Libertad de Información, con algunas excepciones. Generalmente, el Departamento de Labor de Nebraska no tiene la obligación de entregar documentos durante una investigación o proceso de cumplimiento de la ley, si es que la entrega de dichas actas pudiese tener un efecto adverso para que la agencia realice su trabajo. Además, cualquier agencia federal podría rechazar un pedido de entrega de actas recolectadas para el cumplimiento de la ley, si es que dicho pedido pudiese ser considerado una "Violación innecesaria de la privacidad" de un individuo. Las solicitudes para obtener otras actas, tales como actas del personal o médicas, podrían ser negadas cuando la divulgación de dichas actas sería una "clara violación innecesaria de la privacidad".

POR FAVOR LEA EL FORMULARIO DE PERMISO EN LA SIGUIENTE PÁGINA, FIRME LA SECCIÓN A O SECCIÓN B, Y ENTREGUE EL FORMULARIO FIRMADO AL DEPARTAMENTO DE LABOR DE NEBRASKA JUNTO CON SU FORMULARIO DE INFORMACIÓN SOBRE UN RECLAMO FIRMADO Y COMPLETO.

Formulario de Permiso

He leído el aviso del Departamento de Labor de Nebraska titulado "Cómo Utilizamos su Información Personal". Yo entiendo que las siguientes condiciones aplican a la información personal que yo entregué al Departamento de Labor de Nebraska con respecto a mi reclamo:

- El Departamento de Labor de Nebraska podría compartir mi identidad con el personal de la agencia, organización o institución nombrada en mi reclamo para poder obtener la evidencia o verificar los hechos relacionados al reclamo, o para completar los procesos de cumplimiento de ley en contra de la agencia, organización, o institución;
- Yo no tengo que revelar ninguna información al Departamento de Labor de Nebraska, pero el Departamento podría cerrar mi caso si es que no puede obtener la información necesaria para proceder o investigar completamente mi reclamo;
- Yo podría solicitar una copia de cualquier artículo de mi información personal que el Departamento de Labor de Nebraska mantenga en mi archivo de reclamo;
- Bajo ciertas condiciones, el Departamento de Labor de Nebraska podría ser requerido bajo la Ley de Libertad de Información u otras leyes vigentes a que divulgue mi información personal con otros.

Sección A

◯ SÍ, EL DEPARTAMENTO DE LABOR DE NEBRASKA PUEDE COMPARTIR MI IDENTIDAD SI ES QUE ESTO FUESE NECESARIO PARA INVESTIGAR COMPLETAMENTE MI RECLAMO. He leído y entendido el aviso de "Cómo Utilizamos su Información Personal" y doy mi permiso para que el Departamento de Labor de Nebraska pueda revelar mi identidad al demandado, si es que fuese necesario para investigar completamente mi reclamo.

_____ _____

Firma del Reclamante Fecha

Section B

◯ NO, EL DEPARTAMENTO DE LABOR DE NEBRASKA NO PUEDE COMPARTIR MI IDENTIDAD CON EL DEMANDADO, INCLUSO SI ES QUE ESTO FUESE NECESARIO PARA INVESTIGAR COMPLETAMENTE MI RECLAMO. He leído y entendido el aviso de "Cómo Utilizamos su Información Personal" y entiendo que el Departamento de Labor de Nebraska podría cerrar mi caso si no puede obtener la información necesaria para investigar completamente mi reclamo sin revelar mi información al demandado. Por lo tanto, no otorgo permiso al Departamento de Labor de Nebraska para que revele mi identidad al demandado durante la investigación de mi reclamo.

_____ _____

Firma del Reclamante Fecha

FOR NDOL USE ONLY

CIF received by the NDOL ◯ Accepted ◯ Not Accepted Case Number _____

By _____ Date _____

Print **Submit**

POLICY NAME	**Nondiscrimination & Equal Opportunity**
REVISION DATE	August 2021

NEBRASKA
DEPARTMENT OF LABOR

POLICY STATEMENT

The Nebraska Department of Labor will not discriminate against any individual on the basis of *race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status an gender identity), National origin (including, limited English proficiency), age, disability, political affiliation or belief, citizenship status*, or participation in Workforce Investment Act (WIA) Title I-financially assisted program or activity as prohibited by WIOA or by Title 29 Part 38 of the regulations, may file a written complaint, either by him/herself or through a representative.

This policy is to establish Nondiscrimination and Equal Opportunity provisions of Title I, Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and affirm the State of Nebraska's commitment to equal opportunity.

For the purposes of this policy, the State of Nebraska is the "recipient": Recipients of financial assistance under Title I, Section 188 of WIOA

The nondiscrimination and equal opportunity provisions of WIOA, Section 188, 29 CFR Part 38 apply to any recipient that receives financial assistance under Title I of WIOA from the United States Department of Labor or through the Governor of the State or another recipient.

Recipients include

- one-stop partners that participate in the one-stop delivery system
- state-level agencies that administer or are financed with WIOA Title I funds
- State Workforce Agencies
- State and Local Workforce Development Boards
- Local Workforce Development Area (LWDA) grant recipients
- one-stop operators
- service providers, including eligible training providers
- On-the-Job Training (OJT) employers
- Job Corps contractors and center operators
- Job Corps national training contractors
- outreach and admission agencies, including Job Corps contractors that perform these functions
- placement agencies, including Job Corps contractors that perform these functions
- other National Program recipients, including Job Corps, Migrant and Seasonal Farmworker Programs, Native American Programs, National Dislocated Worker Grant Programs, and YouthBuild Programs.

Each local area must have one comprehensive one-stop center that provides access to physical services of the core programs and other required partners. Nebraska has three local workforce development areas: Greater Lincoln (serving Lancaster and Saunders counties), Greater Omaha (serving Douglas, Sarpy, and Washington counties), and Greater Nebraska (serving the 88 remaining rural counties). The six core programs are:

- WIOA Title I programs, including Adult, Dislocated Worker and Youth formula programs
- Adult Education and Literacy Act programs (Adult Basic Education programs)
- Wagner-Peyser Act employment services
- Rehabilitation Title I programs (Vocational Rehabilitation)

In addition to the core programs, for individuals with multiple needs to access the services, the following partner programs are required to provide access through the one-stops:

- Career and Technical Education (Perkins)
- Community Services Block Grant
- Indian and Native American Programs
- HUD Employment and Training Programs
- Job Corps, Local Veterans' Employment Representatives and Disabled Veterans' Outreach Program, Temporary Assistance for Needy Families (TANF), Trade Adjustment Assistance Programs, Unemployment Compensation Programs, and YouthBuild.

No individual may on the basis of race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin (including limited English proficiency), age, disability, political affiliation or belief or (for beneficiaries, applicants and participants only) on the basis of citizenship 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.

Any person, or any specific class of individuals, that has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), National origin (including, limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in a WIOA Title I-financially assisted program or activity as prohibited by WIOA, Section 188, CFR Part 38 of the regulations, may file a written complaint within 180 days of the alleged violation, either by him/herself or through a representative.

The complainant may file a written complaint with either the State of Nebraska EO Officer or the Civil Rights Center (CRC) in Washington DC. Complaints may be mailed or emailed to the addresses listed below.

State of Nebraska
Department of Labor
Equal Opportunity Officer
PO Box 94600
Lincoln, NE 68509-4600
NDOL.EOComplaints@nebraska.gov

The Director, Civil Rights Center
US Department of Labor
200 Constitution Ave., NW, Room N-4123
Washington, DC 20210
CRCExternalComplaints@dol.gov

Complainants may request a meeting with the State EO Officer by calling 402-471-9000. Individuals with speech and/or hearing impairments may call 1-402-471-2786 or 1-800-833-7352.

Initial Publication Date:	September 2017
Revision #: **Revision by:** **Revision Date:**	1 Carrie Williams August 2021
Approver: **Approval Date:**	Angie Hansen Kruse August 2021
Last Reviewed:	June 2023

NEBRASKA
Good Life. Great Connections.
DEPARTMENT OF LABOR

Jim Pillen, Governor

January 20, 2023

Sherla Post
Chair, Greater Lincoln Workforce Development Board
1330 N Street
Lincoln, NE 68508

RE: Monitoring report for annual comprehensive monitoring of the Greater Lincoln Workforce Development Area

Dear Chair Post,

During the period of September 30, 2022, through January 5, 2023, the Nebraska Department of Labor State Monitoring Unit (SMU) conducted annual comprehensive monitoring of the Greater Lincoln Workforce Development Area for the following programs:

- CFDA #17.259 WIOA Adult Formula Grant
- CFDA #17.258 WIOA Dislocated Worker Formula Grant
- CFDA #17.278 WIOA Youth Formula Grant

The monitoring report resulting from this review is provided as Attachment I. Please respond to the findings and requested corrective actions identified in the report within 30 days from the date of this this letter. Greater Lincoln's responses must be submitted to the SMU by email to ndol.state_monitor@nebraska.gov, copying the State Monitoring Unit Administrator at ashley.pick@nebraska.gov, and me, the State Monitoring Unit Supervisor, at derek.ahrens@nebraska.gov.

We hope that the review and the monitoring report are helpful to you and your team. We thank you for your assistance during the review, as well as that of your staff.

Respectfully,

Derek Ahrens

Derek Ahrens
State Monitoring Unit Supervisor
Nebraska Department of Labor

cc: John Albin, Commissioner of Labor/State WIOA Liaison, Nebraska Department of Labor
Katie Thurber, Genaral Counsel, Office of the General Counsel, Nebraska Department of Labor
Ashley Pick, Administrator, Reemployment Services, Reemployment Services Division, Nebraska Department of Labor
Mayor Leirion Gaylor Baird, City of Lincoln, Chief Elected Official, Greater Lincoln Workforce Development Area
Dylan Wren, Administrator, City of Lincoln, Greater Lincoln Workforce Development Area
Jennifer Eloge, City of Lincoln, Greater Lincoln Workforce Development Area

Attachment I: Greater Lincoln Monitoring report

Executive Summary

The review resulted in five findings.

Finding I. Non-compliant subaward policy
Finding II. Inadequate IEP development and management
Finding III. Insufficient follow-up services and untimely recording of participant activities
Finding IV. Improper provision of services
Finding V. Lack of notice of disclosure of potential personally identifiable information (PII) to third parties

Please note that the review did not cover areas outside the defined scope. However, the State Monitoring Unit (SMU) provides no assurances that other issues do not exist.

Scope of Review

- Dates of review: September 30, 2022, through January 5, 2023
- Reviewers: Derek Ahrens, Ashley Pick
- Site reviewed: Greater Lincoln Workforce Development Area
- Date of entrance conference: September 30, 2022
    - Greater Lincoln staff attending entrance conference: Sherla Post, Dylan Wren
    - NDOL staff attending entrance conference: Derek Ahrens, Ashley Pick, Janell Daughenbaugh
- Date of exit conference: January 5, 2023
    - Greater Lincoln staff attending exit conference: Sherla Post, Dylan Wren, Margaret Blatchford
    - NDOL staff attending exit conference: Derek Ahrens, Ashley Pick

Purpose

The purpose of the review was to conduct monitoring of the Greater Lincoln Workforce Development Area (Greater Lincoln) Title I programs, encompassing review the following core activities of Greater Lincoln, including, but not limited to:

- planning and program design;
- implementation of the one-stop delivery system;
- business services and employer engagement;
- participant services;
- property management;
- procurement and contract administration;
- subrecipient management and oversight;
- records management;
- personnel;
- rights, complaints, grievances, and incident reporting;
- internal controls;
- payment and cash management;
- program income; and
- audits and audit resolution

Grant/programs reviewed

- CFDA #17.259 WIOA Adult Formula Grant
- CFDA #17.258 WIOA Dislocated Worker Formula Grant
- CFDA #17.278 WIOA Youth Formula Grant

Review period

- September 30, 2022, through January 5, 2023

Tools used for review

- NDOL Comprehensive Monitoring Guide

Background

- Service delivery area of grant: Greater Lincoln Workforce Development Area
- Period under review: July 1, 2021, to June 30, 2022

Findings

Finding I. Non-compliant subaward policy

Indicator 1.b.5. Establishing contracts and subawards
Indicator 2.f.1. Subrecipient and contractor determination

Greater Lincoln has not established policies or procedures concerning the establishment of subawards in accordance with Federal law, regulation, and guidance, including the Uniform Guidance, specifically 2 CFR Part 200 and its Appendix II. The local area has established policies regarding incumbent worker training and customized training; however, the policies do not include adequate provisions, including:

- defining procedural requirements concerning:
    - local board determinations on providing funding to eligible employers; or
    - mandatory documentation requirements that support those determinations; and
- addressing the requirements of 2 CFR Part 200 Appendix II.

Greater Lincoln must have written documentation in place demonstrating that Greater Lincoln Title I:

- funding of incumbent worker training and customized training services has been and will be provided in compliance with Federal law, regulation, and guidance, as well as State policy; and
- subawards to subrecipients have been and will be made in compliance with Federal law, regulation, and guidance, as well as State policy.

Further, reviewers concluded that Greater Lincoln likely misclassified ECHO Collective as contractor, rather than a subrecipient as the provisions of the agreement with ECHO Collective does not contain the applicable

provisions required under 2 CFR § 200.332(a). The characteristics of subrecipients under 2 CFR § 200.331(a) apply to the agreement.

While Greater Lincoln advised reviewers that the ECHO agreement was approved by Greater Lincoln's attorney and a subcommittee of the local board, that approval does not supersede the requirement that local area subawards comply with the requirements of the Uniform Guidance regarding subawards.

Greater Lincoln did not provide reviewers with documentation demonstrating:

- that ECHO Collective was evaluated for risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring (2 CFR § 200.332(b)); or

- its monitoring responsibilities in relation to the subaward to ECHO to ensure the subaward is used for authorized purposes, in compliance with Federal laws, regulations, and the terms and conditions of the subaward and that subaward performance goals are achieved (2 CFR § 200.332(d)).

Reference(s)

2 CFR §§ 200.330(a)-(b) and 200.331(a).
2 CFR § 200.332.
2 CFR § 200.336.
2 CFR Part 200 Appendix II.

Corrective Action

Within 30 calendar days of the date of this report, Greater Lincoln must submit an action plan, with timelines, to the State Monitoring Unit at ndol.state_monitor@nebraska.gov, copying the SMU Supervisor at derek.ahrens@nebraska.gov, and the SMU Administrator at ashley.pick@nebraska.gov, outlining its plans for resolution of this finding.

To resolve this finding, Greater Lincoln must take the following actions:

(1) Modify Greater Lincoln's incumbent worker training and customized training services policy(ies) to:

   a. include procedural requirements concerning:

      i. local board determinations on providing funding to eligible employers; or

      ii. mandatory documentation requirements that support those determinations; and

   b. address the requirements of 2 CFR Part 200 Appendix II;

(2) Establish policies and procedures for establishment of compliant subawards, including risk evaluation of potential future subawards, in accordance with 2 CFR § 200.332 and 2 CFR Part 200 Appendix II;

(3) Modify Greater Lincoln's policy manual, specifically Appendix – Definitions, to ensure definitions for subaward and subrecipient are aligned to comply with the Uniform Guidance;

(4) Conduct monitoring of the ECHO Collective agreement, as required under 2 CFR § 200.332(d); and provide submission of documentation of the monitoring to the State Monitoring Unit at ndol.state_monitor@nebraska.gov; and

(5) Ensure that Greater Lincoln conducts a risk evaluation of potential future subawards prior to subawarding, as required under 2 CFR § 200.332(b).

Finding II. Inadequate IEP development and management

Indicator 1.e.5. Participant IEP/ISS

During review of randomly sampled WIOA Title I adult and dislocated worker participant cases files, it was determined that Greater Lincoln Title I staff failed to establish clear and effective individual employment plans (IEPs) for 11 of the 60 (18.3%) sampled program participants. The majority of these instances included IEP's denoting, "find full-time employment," with no additional clarification found in the file. Review of cases files also revealed inconsistent and delayed updating of existing IEPs as participant service needs changed over time.

There was not a marked improvement since the SMU's previous local area monitoring review, which also resulted in an insufficient IEP development finding. This review uncovered multiple instances of participant IEP's being insufficiently specific towards career goals. The local area should consider an enhanced policy, process, or procedure to ensure the development of clear and effective participant IEPs.

Reference(s)

WIOA Section 134(c)(2)(A)(xii)(II).
20 CFR § 680.170.

Corrective Action

Within 30 calendar days of the date of this report, Greater Lincoln must submit an action plan, with timelines, to the State Monitoring Unit at ndol.state_monitor@nebraska.gov, copying the SMU Supervisor at derek.ahrens@nebraska.gov, and the SMU Administrator at ashley.pick@nebraska.gov, outlining its plans for resolution of this finding.

To resolve this finding, Greater Lincoln must provide documentation of:

(1) Development and implementation of curriculum and materials regarding appropriate development and management of IEP's, which must be developed by Greater Lincoln administrative entity staff in partnership with Dynamic Workforce Solutions. This training must be provided to all incumbent, reassigned, and new Title I service provider staff regarding appropriate development and management of IEPs.

(2) Submission of documentation to the SMU within 90 calendar days of the date of this report, that demonstrates remedial training was provided by April 13, 2023, regarding appropriate development and management of IEPs for all incumbent, reassigned, and new Title I service provider staff. Documentation must include:

   a. dates of the completed remedial training session(s);

   b. curriculum and materials used during the training session(s);

   c. names of all incumbent Title I staff;

   d. names of all incumbent Title I staff that participated in the training session(s); and

   e. names of all incumbent Title I staff that did not participate in the training session(s) and reasons why they did not participate.

Note. Remedial training must be provided by Greater Lincoln administrative entity staff in partnership with Dynamic Workforce Solutions, independent of related monthly NEworks technical assistance webinars provided by the Nebraska Department of Labor (NDOL).

Finding III. Insufficient follow-up services and untimely recording of participant activities

Indicator 1.e.9. Follow up services

During the review of participant case files, several files indicated an overall lack of communication and untimely follow-up services with local area Title I participants.

Untimely recording of follow-up case notes

Reviewers found multiple instances of case managers making contact attempts with participants but failing to record the results of these attempts until weeks or months afterward. Notably, the reviewers also discovered multiple instances of all four required quarterly follow-ups being performed on the same day. During interviews with local area Title I participants, issues with reaching case managers were mentioned by multiple individuals. The Departments Records Management policy, Section III,[1] as well as local area policy, state the requirement for the timely recording of case notes within two business days. A reminder or tracking system to ensure timely recording of participant activities and follow-ups into the system may help to ensure timely recording of follow ups. Table 2 outlines concerning time lapses found between reported follow up contact dates and case note dates for eight case notes.

Table 2. Time lapses between reported follow-up contact dates and case note dates

Participant Category	Contact Date	Case Note Date	Days
1. Dislocated Worker	10/15/2021	8/3/2022	292
2. Adult	2/11/2022	8/30/2022	201
3. Youth	6/15/2022	8/30/2022	76
4. Youth	8/3/2022	10/4/2022	63
5. Adult	6/9/2022	7/29/2022	51
6. Dislocated Worker	7/12/2022	8/30/2022	50
7. Adult	1/10/2022	2/18/2022	40
8. Youth	8/12/2022	9/30/2022	40

System-closed participant activities

Reviewers discovered a correlation between the delay of contacts between case managers to participants and number of system-closed activities on file. Failure to record participant activity dates in a timely manner may negatively impact the local area program's recorded performance. An enhanced policy, process, or procedure to minimize the number of necessary system record corrections and system-closed participant activities may reduce system closed activities.

Service gaps greater than 90 days

Review of case files confirmed that there were multiple instances of service gaps greater than 90 days found. Reviewers discovered five instances of service gaps greater than 90 days during participant file reviews. No recorded contact was identified in the case notes or in NEworks. Greater Lincoln's policy states, "Staff members must ensure that customers do not exceed 90 days of no service."

The local area failed to meet performance levels in program year 2020 in two single indicator scores. Both areas relate to follow up services with program participants in the youth and adult programs. Overall local area single program scores of less than 90 percent, based on adjusted levels of performance, denote a performance failure. Table 3 and Table 4 outline the specifics of local area performance failures in PY20.

[1] The State's policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

Table 3. PY20 Greater Lincoln Title I adult program performance failure

Performance Indicator	PY20 adjusted performance levels	PY20 % of adjusted goal	Overall local area single program score based on adjusted levels of performance
Employment rate 2nd quarter after exit	84.05%	93.28%	**84.08%**
Median earnings 2nd quarter after exit	$8,483.35	74.89%	

Table 4. PY20 Greater Lincoln Title I youth program performance failure

Performance Indicator	PY20 adjusted performance levels	PY20 % of adjusted goal	Overall local area single program score based on adjusted levels of performance
Employment rate 2nd quarter after exit	82.33%	84.29%	**82.77%**
Median earnings 2nd quarter after exit	$3,549.99	81.24%	

Providing consistent communication and documentation of follow up services with program participants in a timely manner helps the local area track if participants are employed and that they also have adequate earnings upon exiting the program.

Reference(s)

20 CFR § 680.150.
20 CFR § 681.580(c).
The Department's Records Management Policy.
Greater Lincoln American Job Center Operations Manual.

Corrective Action

Within 30 calendar days of the date of this report, Greater Lincoln must submit an action plan, with timelines, to the State Monitoring Unit at ndol.state_monitor@nebraska.gov, copying the SMU Supervisor at derek.ahrens@nebraska.gov, and the SMU Administrator at ashley.pick@nebraska.gov, outlining its plans for resolution of this finding.

To resolve this finding, Greater Lincoln must provide documentation of:

(1) Development and implementation of curriculum and materials regarding the appropriate delivery and documentation of follow-up services, which must be developed by Greater Lincoln administrative entity staff in partnership with Dynamic Workforce Solutions.

(2) Provide submission of documentation to the SMU within 90 calendar days of the date of this report, that demonstrates remedial training was provided by April 13, 2023, regarding the appropriate delivery and documentation of follow-up services to all incumbent, reassigned, and new Title I service provider staff. Documentation must include:

   a. dates of the completed remedial training session(s);

   b. curriculum and materials used during the training session(s);

   c. names of all incumbent Title I staff;

d. names of all incumbent Title I staff that participated in the training session(s); and

e. names of all incumbent Title I staff that did not participate in the training session(s) and reasons why they did not participate.

Note. Remedial training must be provided by Greater Lincoln administrative entity staff in partnership with Dynamic Workforce Solutions, independent of related monthly NEworks technical assistance webinars provided by the Nebraska Department of Labor (NDOL).

Finding IV. Improper provision of services

Indicator 1.e.3. Eligibility/enrollment

During the file review, an instance occurred of a local area Title I program participant that was set up with an individual training account (ITA) as in-school youth participant on February 19, 2020. Co-enrollment with the adult program is a requirement to establish the ITA. Adult program eligibility was not determined until January 6, 2021. Review determined that there was no waiver in place to allow for ITA's for in-school youth participants at that time. While the State has received a waiver for PY22 and PY23 regarding ITAs for in-school-youth, that waiver does not permit establishment of ITAs for in-school-youth who are not co-enrolled in a Title I adult program prior to PY22.

Furthermore, the service provider's internal review on November 15, 2021, 11 months after the ITA was completed, Greater Lincoln incorrectly determined ineligibility for the adult program. Case notes incorrectly state that the individual did not meet the necessary minimum age requirements. Case notes denote a transfer to the adult program on January 6, 2021, when the individual did in fact meet the age requirement for the adult program. Upon discovering this error in November 2021, the service provider ceased activities with the participant instead of co-enrolling with the adult program. This amounts to a denial of services for which the participant was eligible. Table 5 illustrates services provided to the participant.

Table 5. Services provided to the participant

Program Category	Activity	Time Period
Youth	416 - Youth Occupational Skills Training – Approved Provider List (ITA)	02/19/2020 – 01/06/2021
Adult	300 - Occupational Skills Training – Approved Provider List (ITA)	01/06/2021 – 11/15/2021

Reference(s)

20 CFR § 681.430.
20 CFR § 681.550.

Corrective Action

Within 30 calendar days of the date of this report, Greater Lincoln must submit an action plan, with timelines, to the State Monitoring Unit at ndol.state_monitor@nebraska.gov, copying the SMU Supervisor at derek.ahrens@nebraska.gov, and the SMU Administrator at ashley.pick@nebraska.gov, outlining its plans for resolution of this finding.

To resolve this finding, Greater Lincoln must provide documentation of:

(1) Development and implementation of curriculum and materials regarding Title I program eligibility requirements and Title I program service requirements to ensure eligible participants are receiving

all necessary services, which must be developed by Greater Lincoln administrative entity staff in partnership with Dynamic Workforce Solutions.

(2) Provide submission of documentation to the SMU within 90 calendar days of the date of this report, that demonstrates remedial training was provided by April 13, 2023, regarding Title I program eligibility requirements and Title I program service requirements to all incumbent, reassigned, and new Title I service provider staff. Documentation must include:

a. dates of the completed remedial training session(s);

b. curriculum and materials used during the training session(s);

c. names of all incumbent Title I staff;

d. names of all incumbent Title I staff that participated in the training session(s); and

e. names of all incumbent Title I staff that did not participate in the training session(s) and reasons why they did not participate.

Note. Remedial training must be provided by Greater Lincoln administrative entity staff in partnership with Dynamic Workforce Solutions, independent of related monthly NEworks technical assistance webinars provided by the Nebraska Department of Labor (NDOL).

Finding V. Lack of notice of disclosure of potential personally identifiable information (PII) to third parties

Indicator 2.g.3. Protected personally identifiable information

Greater Lincoln has contracted with Waitwhile to provide various appointment services for AJC customers and program participants. Reviewers determined that Waitwhile shares user information with third parties. Further review determined that Greater Lincoln's Waitwhile-powered appointment pages do not include a notice of disclosure indicating that Waitwhile shares user information with other third parties.

Greater Lincoln's WIOA Title IB programs must obtain written consent from WIOA Title IB program participants prior to a disclosure of personally identifiable information to third parties.

Reference(s)

2 CFR § 200.1.
20 CFR §§ 679.120(a) and 679.340(a).
20 CFR § 1010.330.

Corrective Action

Within 30 calendar days of the date of this report, Greater Lincoln must submit an action plan, with timelines, to the State Monitoring Unit at ndol.state_monitor@nebraska.gov, copying the SMU Supervisor at derek.ahrens@nebraska.gov, and the SMU Administrator at ashley.pick@nebraska.gov, outlining its plans for resolution of this finding.

To resolve this finding, Greater Lincoln must:

(1) Greater Lincoln must include on all Waitwhile-powered appointment pages a detailed notice indicating that Waitwhile discloses user information to third parties, which must include a description

of the types of user information to be disclosed and information on the third parties to which the information is disclosed.

-- End of Report --

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DEPARTMENT OF LABOR

Pete Ricketts, Governor

August 11, 2022

Sara Hansen
Chair, Greater Omaha Workforce Development Board
5752 Ames Ave
Omaha, NE 68104

RE: Monitoring Report for Heartland Workforce Solutions Single Audit

Dear Chair Hansen,

In 2021, the Nebraska Auditor of Public Accounts (APA) issued a report identifying issues with the expenditure of federal funds by Heartland Workforce Solutions (HWS) during a review period of July 1, 2020 to June 30, 2021. A copy of the audit report was provided to HWS and the Greater Omaha Workforce Development Board (GOWDB), in addition to being publicly inspectable.

In response to the audit findings, the Nebraska Department of Labor (NDOL) State Monitoring Unit (SMU) conducted a single fiscal audit of HWS and their administration of Program Year (PY) 2020 and PY 2021 Workforce Innovation and Opportunity Act (WIOA) funds expended during the period of January 1, 2021 to December 31, 2021. The entity was examined pursuant to the Departments' regulatory authority under 2 CFR 200.332 and conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS).

The monitoring report resulting from this review is provided as Attachment I. Communication between the Department and monitored entity throughout the corrective action period shall occur through email at ndol.state_monitor@nebraska.gov.

We hope that the review and the monitoring report are helpful to you and your team. We thank you for your assistance during the review, as well as that of your staff.

Respectfully,

Bradley J. Pierce

Bradley J. Pierce
Director, Reemployment Services Division
Nebraska Department of Labor

cc: John Albin, Commissioner of Labor, Nebraska Department of Labor
Katie Thurber, General Counsel, Nebraska Department of Labor
Rea Easton, Chief Financial Officer, Nebraska Department of Labor
Ashley Pick, Administrator, Quality Control Unit, Nebraska Department of Labor
Derek Ahrens, State Monitoring Unit Supervisor, Nebraska Department of Labor

Mayor Jean Stothert, City of Omaha, Chief Elected Official, Greater Omaha LWA
Kevin Anderson, City of Omaha, Deputy Chief of Staff- Economic Development and Development Services

Erin Porterfield, Executive Director, Heartland Workforce Solutions
Michael Phillips, Fiscal Agent, Heartland Workforce Solutions
Ronda Newman, Manager of Workforce Integration, Heartland Workforce Solutions

Christopher Mendoza, Federal Project Officer, Unites States Department of Labor

Attachment I: Monitoring Report

Executive Summary

The review resulted in three findings, three areas of concern and one recommendation:

Finding I. Unreasonable Paid Leave and Attendance Policies
Finding II. Noncompliant Provision of Fringe Benefits to Employees
Finding III. Failure to Meet Federal Audit Requirements
Concern I. Insufficient Property Management Policies and Procedures
Concern II. Insufficient Pre-Award Risk Analysis of Subrecipients
Concern III. Potential Improper Classification of Exempt Employees
Recommendation I. Annual Review of Local Area Policies

Please note that the review did not cover areas outside the defined scope. The Nebraska Department of Labor provides no assurance that other issues do not exist.

Scope of Review

- Period under review: January 1, 2021 to December 31, 2021
- Dates of review: January 1, 2022, through June 30, 2022
- Reviewers: Derek Ahrens (SMU Supervisor- NDOL), Ashley Pick (Administrator- NDOL)
- Site reviewed: Heartland Workforce Solutions (GOWDA)
- Date of entrance conference: February 24, 2022
    - Greater Omaha staff attendance: Erin Porterfield, Michael Phillips, Sue DeMoss, Stan Odenthal, Ronda Newman, Kevin Anderson
- Date of exit conference: TBD

Purpose

The purpose of this review was to conduct fiscal monitoring of Heartland Workforce Solutions (HWS) to identify areas of compliance, offer opportunities for technical assistance to help resolve non-compliance issues, and ensure that Federal funds were used responsibly. HWS functions as the administrative entity for the Greater Omaha Local Workforce Development Area. In particular, the review assessed whether the grants were operated in accordance with the Workforce Innovation and Opportunity Act (WIOA), Title I; 2 CFR 200 - Uniform Administrative Requirements; and 2 CFR 2900 DOL Exceptions to 2 CFR Part 200.The review encompassed the following core activities of HWS, including, but not limited to:

- planning and program design;
- implementation of the one-stop delivery system;
- property management;
- procurement and contract administration;
- subrecipient management and oversight;
- records management;
- personnel;
- rights, complaints, grievances, and incident reporting;
- internal controls;

- payment and cash management;
- program income; and
- audits and audit resolution.

Grant/programs reviewed

- CFDA #17.259 WIOA Adult Formula Grant
- CFDA #17.258 WIOA Dislocated Worker Formula Grant
- CFDA #17.278 WIOA Youth Formula Grant

Tools used for review

- NDOL WIOA Title I Core Monitoring Guide

Findings

Finding I. Unreasonable Paid Leave and Attendance Policies

Indicator 2.h.1. Personnel policy and procedure

HWS implemented an unlimited 'flexible' paid leave policy during the period of review as a strategy to reduce allegedly high employee turnover rates. The entity's leave policy states the following:

> "In addition to the 104 days off you receive each year (we like to call those 'weekends'), we believe it's important for you to have flexibility to meet your personal needs including recovering from illness, family obligation and to enjoy your time away from work. Paid time off (PTO) and holiday time is provided for these situations, and it's your responsibility to manage your time off and plan for the unexpected"

This unlimited 'flexible' leave policy was implemented on July 7, 2021 and offered to exempt positions only. Of the nine workers employed by HWS, only two individuals were classified as non-exempt (and were also part-time positions). During the period of review, only one of the seven exempt positions (approximately 10% of the entity's total workforce) experienced a higher-than-average turnover rate. The Department included position turnover experienced by HWS in 2020 to accurately capture historical trends, despite being outside the period of review. Below is a summary of turnover for this timeframe.

SUMMARY OF HWS EMPLOYEE TURNOVER (2020-2021)

Title	Employment Classification	Number of employees during audit period	Turnover
Executive Director	Exempt	1	N
Finance Manager	Exempt	1	N
Operations Manager	Exempt	1	N
Business Services / CRED Coordinator	Exempt	1	N
Workforce Integration Manager	Exempt	3	Y
Business Relations Director	Exempt	2	Y
CRED Navigator	Exempt	2	Y
Accounting Assistant	Non-Exempt	1	N
Monitor	Non-Exempt	1	N

Several partner organizations co-located in the American Job Center (AJC) with HWS reported to the Department that HWS maintains a small physical presence in the building. Partners also indicated that HWS staff appear to work non-traditional hours, often reporting to work well after 8:00am and leaving well before 5:00pm on a regular basis. Interestingly, HWS's Employee Handbook (Rev. July 07, 2021) does not establish hours of operation, time and attendance, or remote work flexibilities for employees.

HWS's Employee Handbook (Rev. July 7, 2021) lacks sufficient internal controls found in traditional human resources policies. Missing controls include:

- Normal business hours
- Time and attendance requirements for staff
- Remote work flexibilities and management expectations
- Criteria for initial and continued staff eligibility for unlimited leave allowances- such as minimum term of employment, job performance, and good- standing requirements
- Criteria for management approval or disapproval of leave requests
- Process for denied leave request dispute resolution

2 CFR § 200.431(a) establishes that the provision of fringe benefits, such as paid leave, are allowable only if the benefits are reasonable and required by law. The justification for the significant change in policy was staff turnover, the Department doubts this justification based on the limited turnover of the positions impacted. The transition failed to address employees existing leave balances and resulted in a questionable payout to long tenured staff, discussed further in Finding 2. There appears to be other reasoning for this decision, which greatly benefited the employees. Further, there is limited to no explanation of how the unlimited paid leave policy was to be implemented. No restrictions were addressed within the policy and based on witness accounts and Department experience no formal rules on number of employees present throughout the day exist. The Department is concerned that HWS employees are abusing unlimited leave and flexible attendance allowances due to a lack of internal controls and oversight. 2 CFR § 200.431(b) specifies that fringe benefits may be provided to employees only when there are established written leave policies in place

The Department further notes that neither the Local Workforce Development Board nor the Chief Elected Official appear to be made aware of this change in policy. As documented in the HWS Executive Committee meeting minutes on July 27, 2021, the Executive Director stated that the neither the committee nor full board must vote on the new policy. 20 CFR § 679.370(i) requires the board and CEO to "ensure the appropriate use and management of the funds provided under WIOA subtitle B for the youth, adult, and dislocated worker activities and one-stop delivery system in the local area;". As drafted, the policy puts the management of WIOA funds in question.

The Department has determined that HWS's adoption of unlimited 'flexible' paid leave is unreasonable due to lack of proper documentation to implement a plan in a reasonable and proper manner. HWS lacked internal controls to prevent abuse of unlimited leave practices.

Reference(s)

2 CFR § 200.431(a)
2 CFR § 200.431(b)

Corrective Action

As recipients of over $3M in federal awards annually, HWS must operate within the constraints of federal regulations. NDOL, as a pass-through entity of federal funds, is responsible for monitoring and enforcing federal award provisions. Taxpayer accountability is essential. To resolve this finding, HWS must:

(1) Provide an objective written justification of reasonableness of their implementation of the unlimited leave policy to the Department **within 60 calendar days**. This document must be approved by the Department to allow the entity's continued use of federal funds for the unlimited paid leave practices in their current form. NDOL recommends that HWS compares their own organization to other non-profits who receive similar federal funds and are of similar workforce size, structure, and scope.

If the entity is unable to provide a sufficient justification of reasonableness within **60 calendar days**, the Department may be required to take disciplinary action until compliance is achieved.

(2) Revise the HWS Employee Handbook (Rev. July 7, 2021) to include sufficient internal control measures within **60 calendar days**, to include the written establishment of:

- Normal business hours
- Time and attendance requirements for HWS staff
- Remote work flexibilities and staff expectations
- Criteria for management approval or disapproval of leave requests including conditions to ensure business needs are met
- Process for denied leave request dispute resolution

Note: All corrective action plan deliverables submitted to the Department for *'Finding 1: Unreasonable Paid Leave and Attendance Policies'* must be approved (in writing) by the full GOWDB and CEO. The Department recommends that HWS submits draft versions to the Department prior to presenting to the LWDB and CEO. Their approval must be documented and included in the submission of corrective action for resolution of this finding to be accepted.

Finding II. Noncompliant Provision of Fringe Benefits to Employees

Indicator 2.h.3. Salaries
Indicator 2.h.1. Personnel policy and procedures

After transitioning from an accrual-based to unlimited paid leave model on July 7, 2022 the entity paid $37,652 to five employees through a special payroll disbursement that liquidating their accumulated vacation leave balances as of July 7, 2021. Three of the five employees occupied positions that performed WIOA activities. Additionally, a sixth employee (also identified as a WIOA administrative position) had their negative PTO balance of 19.23 hours waived, with an estimated cash value of $725.74. The special payroll disbursements were paid out up to 5 pay periods after policy implementation.

Of the five employees who received a special payroll disbursement, two received wages funded with federal dollars. Federal funds were also applied to the salary of the employee who had their negative PTO balance waived.

SUMMARY OF SPECIAL PAYROLL DISBURSEMENTS

Title	Employment Classification	Date of Disbursement	Amount of Disbursement	Wages Paid with WIOA Funds
Executive Director	Exempt	09/27/2021	$ 19,789.48	N
Finance Manager	Exempt	09/27/2021	$ 11,032.86	Y
Operations Manager	Exempt	08/20/2021	$ 4,194.57	Y
Workforce Integration Manager	Exempt	-	$ (725.74)	Y
Business Relations Director	Exempt	-	-	N
Business Services / CRED Coordinator	Exempt	08/20/2021	$2,500.01	N
CRED Navigator	Exempt	08/20/2021	$135.12	N
Accounting Assistant	Non-Exempt	-	-	N
Monitor	Non-Exempt	-	-	N

The HWS Employee Handbook (Rev. July 7, 2021) established that all exempt employees were now eligible for 'flexible PTO', through which employees would not accrue paid leave time (sick or vacation) but were free to take an unlimited amount of unspecified paid leave- subject to management approval. The new policy noted that upon departure from HWS, employees would not receive any payout as there would be no accrued leave balances. The policy failed to describe how current employees would transition between the previous paid leave model and the new unlimited 'flexible' paid leave model.

Prior to the July 7, 2021 revisions, the HWS Employee Handbook (Rev. April 26, 2018) permitted any accrued but unused vacation time to be paid out at the time of employment 'termination'. The HWS employees identified above were not terminated and rehired during this transition. Neither version of the HWS Employee Handbook addressed the reconciliation of negative leave balances upon termination. No supplemental written policy was created to establish how the unlimited 'flexible' paid leave transition would occur. Despite not having policy, HWS paid employees with accrued leave their existing balances and forgave one employee's negative leave balance. The Department was provided no documentation to support this process. The payout was not required by law, as Nebraska law only addresses accrued leave at the time of termination. No employees were terminated and all. Other alternatives such as documenting vacation used until all existing balances were spent were available. The Department is concerned that HWS willing took advantage of the policy transition to benefit themselves financially using taxpayer dollars. At the least, they failed to properly document any justification for the payout.

2 CFR § 200.431 requires that fringe benefits paid to employees during periods of authorized absence are only allowable if they are provided under established written leave policies.

The Department finds the vacation pay disbursements given to the Finance Manager and Office Manager are noncompliant with the provisions of 2 CFR 200.431 for a total of $15,227.43 because insufficient documentation exists to justify the payment. Furthermore, the Department finds that **HWS also violated the provisions of 2 CFR 200.431 by waiving the Workforce Integration Manager's negative leave balance** of 19.23 hours, with an estimated cash value of $725.74 because insufficient documentation exists to justify the payment.

The Department makes no finding regarding other vacation pay distributions not funded with federal funds because it is outside the scope of this audit.

Reference(s)
2 CFR § 200.431

Corrective Action

To resolve this finding, HWS must:

(1) In conjunction with the corrective actions assigned in Finding I, HWS must provide written justification to establish why payment of the vacation distribution was reasonable under 2 CFR § 200.431 **within 60 calendar days.**
(2) Should HWS transition to a new leave system in the future, a documented plan for leave balances must be approved prior to the transition.

Note: All corrective action plan deliverables submitted to the Department for *'Finding 2: Noncompliant Provision of Fringe Benefits to Employees'* must be approved (in writing) by the full GOWDB and CEO. The Department recommends that HWS submits draft versions to the Department prior to presenting to the LWDB and CEO. Their approval must be documented and included in the submission of corrective action for resolution of this finding to be accepted.

Finding III. Failure to Meet Federal Audit Requirements

Indicator 3.h.1 Audit Process

HWS failed to conduct a single or program-specific audit report of its PY20 WIOA Title I Grants, which ended during the period of review on June 30, 2021. Upon completion of this review, and a full year later (June 30, 2022), HWS failed to provide the Department with any documentation that a single or program-specific audit has been completed.

2 CFR § 200.501 requires non-federal entities that expend $750,000 or more in federal funds during the fiscal year to have a single or program-specific audit conducted for that year.

Reference(s)
2 CFR § 200.501

Corrective Action

To resolve this finding, HWS must:

(1) Conduct a single or program-specific audit of its PY20 award, and provide the Department a copy upon completion; and

(2) Ensure single or program-specific audits of future federal awards are conducted annually in accordance with federal regulations. HWS must provide copies of single or program-specific audits to the Department on an annual basis until further notice.

Areas of Concern

Concern I. Insufficient Property Management Policies and Procedures

Indicator 2.c.2. Real property

HWS's current property management policy is outdated and fails to meet federal requirements governing the acquisition, use, and disposition of real property purchased with federal funds. The existing HWS policy has not been substantially updated since 2011. Because of its age, the policy is designed according to the requirements of the Workforce Investment Act (WIA). WIA was replaced by the Workforce Opportunity and Innovation Act (WIOA) in 2014. The current policy also provides citations to outdated federal regulation and regulatory guidance.

References

2 CFR § 200.311

Recommendation

The Department recommends that HWS updates its current Property Management policy to ensure provisions of the Workforce Innovation and Opportunity Act are met and current federal regulations and regulatory guidance is included. Failure to maintain sufficient property management policies and procedures may result in noncompliant procurement, use, and disposition of real property, equipment, and supplies purchased by the entity to conduct grant activities utilizing federal funds.

Concern II. Insufficient Pre-Award Risk Analysis of Subrecipients

Indicator 2.f.2. Pre-award risk analysis
Indicator 2.a.1. Specific award conditions

In PY19 and PY20, the entity's WIOA Title I service providers (National Able - Adult, DLW) and (DESI/DWS -Youth) experienced multiple and repetitive performance failures. Despite these failures, both National Able and DESI/DWS were selected by the GOWDB to remain service providers in PY22 and PY23 with no apparent performance conditions placed on the renewed subaward(s).

Previous year performance is below:

PY19 WIOA Title I Performance Failures (Greater Omaha LWDA)

Adult:	Employment Rate 4Q After Exit (86.5%) Median Earnings (88.1%)
Dislocated Worker:	Employment Rate 2Q After Exit (76.7%) Employment Rate4Q After Exit (66.3%)
Youth:	Credential Attainment Rate (62%) **Aggregate Program Score (83.5%)*

PY20 WIOA Title I Performance Failures (Greater Omaha LWDA)

Adult:	Employment Rate 4Q After Exit (86.2%)
Dislocated Worker:	Employment Rate 4Q After Exit (88.6%) Credential Attainment Rate (51%)
Youth:	Median Earnings (87.2%) Credential Attainment Rate (77.4%) Measurable Skill Gains (37.4%) ****Aggregate Program Score (79%) (Second Consecutive PY)***

Note: Key indicator scores are reflected as the percentage of PY19 and PY20 negotiated local area goal(s) met.

Pre-award risk analysis is a required activity of pass-through entities to minimize risk by objectively evaluating potential subrecipients abilities and by placing specific conditions on subawards as determined necessary. A thorough risk assessment of potential subrecipients is an internal control measure and helps to ensure a subrecipients ability to meet performance standards.

The Department is concerned that HWS does not conduct sufficient pre-award risk analysis of its subrecipients in accordance with 2 CFR § 200.207, despite having this requirement cited in its 'Monitoring Policy, Change 1' (Rev. June 25, 2020).

References
2 CFR § 200.207

Recommendation

Failure to account for risk of non-performance puts potential funding and certification of the board at risk. Pre-award risk monitoring, if done properly, would account for prior grant performance measures and include additional terms and conditions if grant requirements were not previously met.

The Department recommends that HWS and the GOWDB closely follows its current 'Monitoring Policy, Change 1' (Rev. June 25, 2020). Although HWS has placed its service providers on corrective action plans due to underperformance, it is recommended that the entity and local board consider placing enhanced conditions of award on current and future subrecipients who have demonstrated a repeated pattern of underperformance.

Concern III Potential Improper Classification of Exempt Employees

Indicator 2.h.1. Personnel policy and procedures

Section 13(a)(1) of the Fair Labor Standards Act (FLSA) provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, and outside sales employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties. Job titles do not determine exemption status. For an exemption to apply, an employee's specific job duties and salary must meet all requirements of FLSA regulations.

HWS employed 9 employees during the period of review. Of the 9 positions, only two were classified as non-exempt:

Title	Employment Classification
Executive Director	Exempt
Finance Manager	Exempt
Operations Manager	Exempt
Workforce Integration Manager	Exempt
Business Relations Director	Exempt
Business Services / CRED Coordinator	Exempt
CRED Navigator	Exempt
Accounting Assistant	Non-Exempt
Monitor	Non-Exempt

The Department observed that the Business Service/CRED Coordinator and CRED Navigator positions were classified as exempt positions. Based off the job descriptions received by NDOL, only an administrative exemption is applicable to test. The percentage of exempt employees indicates possible misclassification. Both the Business Services/CRED Coordinator and CRED Navigator positions standout as potentially misclassified.

Reference(s)
Fair Labor Standards Act (FLSA)
29 CFR Part 541

Recommendation

The Department does not enforce the Fair Labor Standards Act but recommends HWS reach out to USDOL for technical assistance on the classification of their positions. Justification as to the administrative function and duties of all exempt positions should be documented.

Recommendations

Recommendation I. Annual Review of Local Area Policies

Indicator 3.a.1. Effectiveness and efficiency of operations

Reviewers discovered multiple examples of outdated and/or missing policies throughout the course of this monitoring event. Examples include, but are not limited to:

- Grant Closeout
- Record Retention
- Monitoring
- Complaints and Grievances

The Department recommends that HWS conducts an annual review of all local area policies to ensure they are sufficiently updated and compliant with current federal and state policies.

The Department recommends the local area administrator be more actively engaged in the maintenance and development of the local area policies. While NDOL recognizes a integration manager position exists, direct involvement by the administrator demonstrates the importance of maintaining and following the local area policies.

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DEPARTMENT OF LABOR

Jim Pillen, Governor

April 12, 2023

Lisa Wilson
Chair, Greater Nebraska Workforce Development Board
105 East Norfolk Ave
Norfolk, NE 68701

RE: Monitoring report for annual comprehensive monitoring of the Greater Nebraska Workforce Development Area

Dear Chair Wilson,

During the period of January 18, 2023 through March 29, 2023, the Nebraska Department of Labor State Monitoring Unit (SMU) conducted annual comprehensive monitoring of the Greater Nebraska Workforce Development Area (Greater Nebraska) for the following programs:

- CFDA #17.259 WIOA Adult Formula Grant
- CFDA #17.258 WIOA Dislocated Worker Formula Grant
- CFDA #17.278 WIOA Youth Formula Grant

The monitoring report resulting from this review is provided as Attachment I. Please respond to the findings and requested corrective actions identified in the report within 30 calendar days from the date of this letter. Greater Nebraska's responses must be submitted to the SMU by email to ndol.state_monitor@nebraska.gov, copying me at derek.ahrens@nebraska.gov.

We hope that the review and monitoring report are helpful to you and your team. We thank you for your assistance during the review, as well as that of your staff.

Respectfully,

Derek Ahrens

Derek Ahrens
Interim State Monitoring Unit Administrator
Nebraska Department of Labor

cc: John Albin, Commissioner of Labor/State WIOA Liaison, Nebraska Department of Labor
Katie Thurber, General Counsel, Office of the General Counsel, Nebraska Department of Labor
Dr. John O'Keefe, Director, Reemployment Services, Nebraska Department of Labor
Dawn Carrillo, Interim Administrator, Reemployment Services, Nebraska Department of Labor
Stanley Clouse, Chair, Chief Elected Officials Board, Greater Nebraska Workforce Development Area
Bobbi Jo Howard, Administrator, Greater Nebraska Workforce Development Area
Jami Canham, Program Coordinator, Greater Nebraska Workforce Development Area

Attachment I: Greater Nebraska Monitoring Report

Executive Summary

The review resulted in two findings, two areas of concern, and two best practices.

Finding I. Inconsistent case management policies and procedures pertaining to provision of Equal Opportunity and nondiscrimination, grievances and complaints information and procedures to participants
Finding II. Lack of local area fiscal management policies and procedures
Concern I. Insufficient IEP development for dislocated worker program participants
Concern II. Insufficient local area monitoring
Best Practice I. Walk-in Wednesdays
Best Practice II. Employer-focused on the job training strategy

Please note that the review did not cover areas outside the defined scope. However, the State Monitoring Unit (SMU) provides no assurances that other issues do not exist.

Scope of Review

- Dates of review: January 18, 2023, through March 29, 2023
- Reviewers: Derek Ahrens, Ashley Pick
- Site reviewed: Greater Nebraska Workforce Development Area
  - Local area office onsite review: Beatrice American Job Center
- Date of entrance conference: January 18, 2023
  - Greater Nebraska staff attending entrance conference: Lisa Wilson, BobbiJo Howard, Jami Canham
  - NDOL staff attending entrance conference: Derek Ahrens, Ashley Pick, Janell Daughenbaugh, Aaron Moreno, Yvette Montes Jung
- Date of exit conference: March 29, 2023
  - Greater Nebraska staff attending exit conference: Lisa Wilson, Stan Clouse, BobbiJo Howard, Jami Canham, Karen Stohs
  - NDOL staff attending exit conference: John O'Keefe, Derek Ahrens, Deb Andersen, Aaron Moreno

Purpose

The purpose of the review was to conduct monitoring of the Greater Nebraska Workforce Development Area (Greater Nebraska) Title I programs, encompassing review the following core activities of Greater Nebraska, including, but not limited to:

- planning and program design;
- implementation of the one-stop delivery system;
- business services and employer engagement;
- participant services;
- property management;
- procurement and contract administration;
- subrecipient management and oversight;
- records management;
- personnel;
- rights, complaints, grievances, and incident reporting;
- internal controls;
- payment and cash management;

- program income; and
- audits and audit resolution.

Grant/programs reviewed

- CFDA #17.259 WIOA Adult Formula Grant
- CFDA #17.258 WIOA Dislocated Worker Formula Grant
- CFDA #17.278 WIOA Youth Formula Grant

Review period

- January 18, 2023, through March 29, 2023

Tools used for review

- NDOL Comprehensive Monitoring Guide
    - Note. Monitoring guide indicators are labeled (C) for compliance requirements that must be met or (E) for effectiveness factors that may result in an area of concern or a finding later if not addressed.

Background

- Service delivery area of grant: Greater Nebraska Workforce Development Area
- Period under review: January 1, 2022, to December 31, 2022

Findings

Finding I. Inconsistent case management policies and procedures pertaining to provision of Equal Opportunity and nondiscrimination, grievances and complaints information and procedures to participants

(C) Indicator 2.i.1. Policies and procedures
(C) Indicator 2.i.4. Grievance and complaint system

The Nebraska Department of Labor (NDOL) is required to submit reports to the US Department of Labor (USDOL) concerning the operations and expenditures WIOA Title I programs at NDOL and local levels.[1] The required reports must include information necessary to comply with the nondiscrimination provisions of WIOA Sec. 188 and its implementing regulation, 29 CFR Part 38. In order for NDOL to prepare and submit the required reports, local Title I programs must create, manage, and maintain records concerning the operations and expenditures of their respective programs. NDOL's *Records Management Change 2* policy requires that local areas use NDOL's required records management systems to enable uniform compilation of data necessary to comply with the nondiscrimination provisions of WIOA Sec. 188 and 29 CFR Part 38.[2] Further, local areas receiving an allocation from NDOL under WIOA Title I must establish and maintain a procedure for grievances or complaints from participants and other interested or affected parties alleging violations of the requirements of WIOA Title I;[3] and local areas must provide information about the content of the grievance and complaint procedures to participants and other interested parties.[4]

[1] WIOA Sec. 185(c) and (d)(1)(E)
[2] 29 CFR § 38.34 requires that recipients [including local area subrecipients] of WIOA Title I financial assistance must provide initial and continuing notice to participants that they do not discriminate on any prohibited basis.
[3] WIOA Sec. 181(c)(1)
[4] 20 CFR § 683.600(b)(1)-(2)

Review of 67 randomly sampled Title I adult and youth case files revealed inconsistencies in documenting the provision of information and procedures to participants concerning Equal Opportunity (EO) and nondiscrimination and grievances and complaints. While EO and nondiscrimination and grievances and complaints information and procedures were found in OnBase for all (67) case files reviewed, reviewers were unable to find case notes documenting the provision of this information to 13 of the 67 (19.4%) participants.

During review of local area policy and procedure manuals, reviewers were unable to find consistent written case-management requirements across the manuals describing case noting requirements for documenting the provision of EO and nondiscrimination and grievances and complaints information and procedures to Title I participants.

Reference(s)

- WIOA Secs. 181(c)(1), 185(c), (d)(1)(E), and 188
- 29 CFR Part 38
- 20 CFR § 683.600(b)(1)-(2)
- State Records Management Change 2 policy:[5]
- Greater Nebraska policy and procedure manuals

Corrective Action

Within 30 calendar days of the date of this report, Greater Nebraska must submit to the State Monitoring Unit at ndol.state_monitor@nebraska.gov (copying derek.ahrens@nebraska.gov) a *plan* outlining actions that will be taken to resolve this finding, which must include timelines.

To resolve this finding, Greater Nebraska must submit revised policies and procedures, as applicable, to the State Monitoring Unit (ndol.state_monitor@nebraska.gov) pertaining to requirements for case noting the provision of EO and nondiscrimination and grievances and complaints information and procedures to Title I participants.

Finding II. Lack of local area fiscal management policies and procedures

(C) Indicator 3.c.2. Improper payments
(C) Indicator 3.e.1. Program income policies and procedures

Greater Nebraska does not have established policies or procedures in place regarding identification, recovery, and repayment of improper payments. There is a strong emphasis under 2 CFR Part 200 regarding avoidance of and recovery and repayment of improper payments and questioned costs; and 2 CFR Part 200 requires both grant subrecipients and their subawardees to establish documented processes for tracking, reporting, and collecting improper payments. Further, Greater Nebraska does not have local area policies and procedures addressing program income and the allowability of costs in accordance with the cost principles described in 2 CFR Part 200 Subpart E. The local area must have written policies or procedures addressing, pursuant to 2 CFR Part 200 Subpart E:

- identification, recovery, and repayment of improper payments;
- program income; and
- allowability of costs.

[5] The State's policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

Reference(s)

2 CFR § 200.428.
2 CFR § 200.307.

Corrective Action

Within 30 calendar days of the date of this report, Greater Nebraska must submit to the State Monitoring Unit at ndol.state_monitor@nebraska.gov (copying derek.ahrens@nebraska.gov) a *plan* outlining actions that will be taken to resolve this finding, which must include timelines.

To resolve this finding, Greater Nebraska must submit the following to the State Monitoring Unit at ndol.state_monitor@nebraska.gov:

(1) a new or revised local area fiscal management policy that includes *improper payments* provisions to account for:

   a. payments that should have not been made or that were made in an incorrect amount under statutory, contractual, administrative, or other legally applicable requirements;

   b. payments made to an ineligible party, including;

      i. payment for an ineligible good or service;
      ii. duplicate payments; and
      iii. payment for a good or service not received;

   c. questioned costs non-compliantly expended in relation to participants or individuals not eligible for WIOA Title I program services; and

(2) a new or revised local area fiscal management policy that includes *program income* provisions to account for:

   a. proper recording and use of program income, including;

      i. determination of allowability under 2 CFR Part 200 Subpart E – Cost Principles;
      ii. income that is verifiable from the grant subrecipient's records;
      iii. identification of program income expended on grant activities to meet program objectives; and
      iv. identification of program income is expended for immediate use.

Areas of Concern

Concern I. Insufficient IEP development for dislocated worker program participants

(C/E) Indicator 1.e.5. Participant IEP/ISS

During review of randomly sampled WIOA Title I dislocated worker participant case files, it was determined that local area dislocated worker program staff failed to consistently establish clear and effective individual employment plans (IEPs) for 4 of the 31 (12.9%) sampled program participants. The majority of these instances involved IEPs denoting "obtain full-time employment" as an IEP goal with no additional information indicating what steps would be taken and services provided to support participant goals to "obtain full-employment". This is noted as an area of concern, rather than a finding,

as reviewers found the randomly sampled case IEPs for Title I adult worker participants and ISSs for Title I youth participants to be clear and effective overall.

Reference(s)

WIOA Section 134(c)(2)(A)(xii)(II).
20 CFR § 680.170.

Recommendation

To resolve this concern, the State Monitoring Unit recommends that Greater Nebraska enhance policy(ies) and procedures to ensure the development of clear and effective IEPs for Title I dislocated worker program participants.

Concern II. Insufficient local area monitoring

(C/E) Indicator 2.a.1. Specific award conditions
(C) Indicator 2.e.2. Progress monitoring
(C) Indicator 2.f.4. Subrecipient monitoring

During the review period, reviewers determined that Greater Nebraska does not sufficiently conduct local area monitoring as required. Specifically, local area monitoring does not include:

- review of local area policies relating to WIOA Title I and compliance with such policies, including compliance concerning Title I adult, dislocated workers, and youth programs; or
- evaluation of priority of service practices, one-stop operations, or local Rapid Response services.

Further, at quarterly meetings of the Greater Nebraska Workforce Development Board, the Greater Nebraska administrative entity provides only verbal updates on the results and findings of quarterly reviews.

Reviewers were provided with Greater Nebraska's local workforce development board-approved local area monitoring policy on March 20, 2023. At the time of this report, the policy is pending review from United States Department of Labor (USDOL) Region 5, as resolution to a finding received from the USDOL WIOA monitoring of Greater Nebraska conducted November 28, 2022, through December 2, 2022. The items below are listed as recommendations to enhance local area monitoring policy, as prescribed by the State Monitoring Unit, in tandem with the WIOA State Policy Unit.

Reference(s)

2 CFR §§ 200.07, 200.331, and 200.328(b)(2)(i).
20 CFR §§ 679.310(i) and 683.410.
NDOL policies:[6]

- One-stop Operator Competitive Selection;
- Priority of Service, Change 1;
- Records Management, Change 2
- Workforce Development Boards and Chief Elected Officials, Change 1

Recommendation

[6] Ibid.

To resolve this concern, the State Monitoring Unit recommends that Greater Nebraska enhance local area monitoring policy and procedures to include each the items listed below:

(1) Develop and implement comprehensive local area monitoring policy(ies) and procedures that define requirements for regular monitoring of local area Title I operations and programs:

(a) identifying the local area review team responsible for conducting regular monitoring;

(b) that include an outline of the scope of regular local area monitoring processes, procedures, and timelines for:

(i) local board activities;
(ii) programmatic monitoring, including priority of service practices, one-stop operations, and Rapid Response services;
(iii) contractor monitoring;
(iv) financial monitoring of local area subrecipients and their subawardees;
(v) quarterly manual data validation;
(vi) requirements for resolution of corrective actions;
(vii) development and issuance of regular written monitoring reports to appropriate Title I staff, including one-stop operator and business services staff, that define requirements for resolution of findings and corrective actions; and
(viii) development and issuance of regular written monitoring reports to the Greater Nebraska Local Workforce Development Board that define requirements for resolution of findings and corrective actions to ensure local area compliance and continuous improvement of the Greater Nebraska one-stop delivery system.

Best Practices

Best Practice I. Walk-in Wednesdays

(C/E) Indicator 1.d.1. Sector strategies

Greater Nebraska has had notable success through implementation of *Walk-in Wednesday* workshops and hiring events. The *Walk-in Wednesday* initiative connects employers, job seekers, and Title I participants.

Walk-in Wednesday was originally piloted in the Grand Island American Job Center and has since expanded to other local area one-stop centers. *Walk-in Wednesdays*:

- provide in-person opportunities for job seekers and participants to directly engage with employers and explore available local career and occupational possibilities;
- include access to skilled one-stop center staff who assist employers, job seekers, and participants with hiring processes and assistance with job applications and resume development; and
- have resulted in increased engagement among local area employers, job seekers, and participants.

Local area business service representatives connect with local area businesses to tailor *Walk-in Wednesday* workshops and events for specific employment sectors. *Walk-in Wednesday* is regularly promoted to the public through local radio station broadcast segments.

Reference(s)

20 CFR § 678.435(c).

Best Practice II. Employer-focused on the job training strategy

(C/E) Indicator 1.d.3. Business services

In November 2022, *Malco Tools* announced that they would be closing their facility in DeWitt, Nebraska. Because of this, sixty-four of workers employed there were in danger of losing their jobs by the end of May 2023.

In response, staff at the Beatrice American Job Center quickly set up a Rapid Response event for the individuals soon to be displaced. As the office started receiving many calls from employers interested in hiring these workers, the decision was made hold a hiring fair concurrently with Rapid Response event. Due to the likelihood of each of the individuals in attendance at the hiring fair to be identified as dislocated workers, the local area decided to proceed with strongly promoting the On the Job Training (OJT) program to employers hosting at the event on December 8, 2022.

Sixty employees attended the event to get the information needed to help them look for other employment, training opportunities, filing unemployment, and more. After the event, twenty-four employers were ready to talk to the employees about possible opportunities they would have available.

At the time of this report, the local area has enrolled twenty-one of these individuals into the WIOA Title I dislocated worker program. Eighteen of these participants presently have OJT contracts in place.

Reference(s)

20 CFR § 680.700.
20 CFR § 682.300(b).

– End of Report –

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

Nebraska Department of Labor
Division of Reemployment Services
550 South 16th Street
Lincoln, NE 68508
402.471.9000
ndol.state_monitor@nebraska.gov

Effective date
June 30, 2023

Supersedes
WIOA Comprehensive Monitoring Schedule
July 1, 2022 – June 30, 2023
(effective date June 30, 2022)

WIOA Title I Annual Comprehensive Monitoring and Data Validation Schedule

July 1, 2023 – June 30, 2024

As the WIOA Title I grant recipient for the State of Nebraska, the Governor is required to oversee and monitor the activities of Nebraska's Title I subrecipients to ensure that Title I subawards are used for authorized purposes in compliance with Federal laws, regulations, rules, and guidance; terms and conditions of subaward agreements; and applicable State policies.[1] NDOL's State Monitoring Unit (SMU) meets this requirement, on behalf of the Governor, by conducting annual comprehensive monitoring of Nebraska's Title I subrecipients in accordance with NDOL's current Comprehensive Monitoring Guide, which is accessible on the WIOA Manuals, Plans, and Reports page under the *WIOA Monitoring and Oversight* section, as well as:

- WIOA and its implementing rules, regulations and guidance;
- other applicable Federal laws, rules, regulations, and guidance; and
- applicable State policies.

NDOL's annual Title I comprehensive monitoring events involve monitoring based on three core monitoring activities, which are defined in the Comprehensive Monitoring Guide.

- Core activity 1. Service design and delivery.
    - Core activity 1 addresses service design and delivery that guides and supports grant subrecipient strategy for accomplishing the goals of the grant subaward. It also addresses the systems, procedures, and program operational elements that are essential to the effective delivery of participant and employer services and the development of a subaward delivery product, such as a regional or local plan.
- Core activity 2. Grant operations.
    - Core activity 2 addresses grant operations supporting successful administration of subawards. Programmatic and fiscal operations under subawards support

[1] WIOA Sec. 184(a)(4); 2 CFR §§ 200.303(c), 200.329(a), 200.332(b), and 2 CFR § 200.332(d)

effective management of subrecipient activities required pursuant to WIOA and its implementing rules, regulations and guidance; other applicable Federal laws, rules, regulations, and guidance; terms and conditions of subaward agreements with the subrecipient; and applicable State policies.

- Core activity 3. Financial Management.
    - Core activity 3 addresses the financial management systems and funds used by subrecipients to administer subawards in a manner that promotes transparency and accountability and in compliance with the requirements of WIOA and its implementing rules, regulations and guidance; other applicable Federal laws, rules, regulations, and guidance; terms and conditions of subaward agreements with the subrecipient; and applicable State policies.

In addition to annual comprehensive monitoring, NDOL is also required to validate data included in its annual Title I quantitative performance reports to the US Department of Labor to ensure data is valid and reliable.[2] In addition to system-automated data validation performed on quarterly and annual bases within NEworks,[3] NDOL's Reemployment Services Division annually conducts manual data validation to ensure that program services and activities recorded by Nebraska's Title I program subrecipients are supported by acceptable source documentation. Data element validation is conducted in accordance with the State's records management policy.

The schedule for comprehensive monitoring and manual data validation during Program Year 2023 (July 1, 2023 – June 30, 2024) is provided in Table 1.

Table 1. Title I comprehensive monitoring and Title I data validation schedule, July 1, 2023 – June 30, 2024[4]

Start and end dates	Purpose
July 1, 2023 to September 30, 2023	PY22[5] manual data validation: Local area Title I adult, dislocated worker, and youth programs
October 1, 2023 to December 31, 2023	Greater Lincoln Workforce Development Area: Annual Title I comprehensive monitoring
January 1, 2024 to March 31, 2024	Greater Nebraska Workforce Development Area: Annual Title I comprehensive monitoring
April 1, 2024 to June 30, 2024	Greater Omaha Workforce Development Area: Annual Title I comprehensive monitoring

Local workforce development areas will be notified of the specific focus of their respective comprehensive monitoring events.

If there are questions about or comments on this schedule, please contact the SMU by email at ndol.state_monitor@nebraska.gov, copying Derek Ahrens, SMU Administrator, at derek.ahrens@nebraska.gov.

[2] WIOA Sec. 116(d)(5)
[3] Information on system-automated data validation processes is provided in the State's records management policy. The State's policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[4] This schedule is subject to revision based on business needs.
[5] PY22 refers to the 12-month period beginning on July 1, 2022 and ending on June 30, 2023.

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DEPARTMENT OF LABOR

Jim Pillen, Governor

WIOA Title I Monitoring
Equal Opportunity & Nondiscrimination Review

LOCAL AREA: GREATER OMAHA WORKFORCE DEVELOPMENT AREA

OFFICE LOCATION: _____

- This interview is to be used to assist in monitoring local area compliance with the provisions of 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Innovation and Opportunity Act.

Section I. Equal Services to a Limited English Proficient (LEP) individual

(1) What languages, other than English, do populations in the Greater Nebraska Workforce Development area speak?

(2) Approximately how often does the local area office provide services to Limited English Proficient (LEP) participants?

(3) What are the first steps taken if you do not recognize the language the LEP individual speaks?

(4) Please describe the process or accommodations that the local area has available to help serve Limited English Proficient (LEP) participants participating in WIOA programs.

(5) What arrangements does the local area office make or perform to provide services to limited English proficient individuals? Please identify staff and partners used to help customers.
Bi-lingual staff member or Language Line.

Section II. Equal Services to an individual who is deaf, hard-of-hearing, deaf-blind, and/or speech disabled

(1) Approximately how often does the local area office provide services to participants that are deaf, hard-of-hearing, deaf-blind, and/or speech disabled?

(2) What is the process used to serve participants who are deaf, hard-of-hearing, deaf-blind, and/or speech disabled?

a. What auxiliary aid(s) does the local area use? Is it readily available?

b. Specifically, what arrangements are made to provide services to the visually impaired, deaf clients, and non-ambulatory clients?

(3) Does the local area feel like the process described gives individuals who are deaf, have hearing impairments, or speech disabilities needing interpreter services equal and adequate access to participate in WIOA programs, as offered to non-disabled individuals?

(4) What is the local area office's process for assisting customers who bring in service animals?

Section III. Equal services to an individual who is blind or low-sighted

(1) What are the first steps are taken when a blind or low-sighted individual arrives and seeks services at a local area office?

(2) What training has local area staff received on addressing the accessibility needs of blind or low-sighted individuals?

(3) What are the tools or resources used to aid a blind or low-sighted individual's access to services at local area offices?

(4) If an individual who is blind or low-sighted comes into your local area office and needs assistance with writing a resume, what does this process look like?

Section IV. Discrimination Complaints

(1) What is the process used if an individual tells you that he or she feels they have been discriminated against by you or someone in your office because of his or her race/ethnicity, color, religion, sex, national origin, age, disability, political affiliations or belief, or for WIOA Title I program beneficiaries, his or her citizenship or participation in a WIOA Title I financially assisted program? How does that process work?

a. Please briefly explain what his or her rights are.

(2) Has Greater Nebraska established a system at the local level for periodically monitoring its compliance with Equal Opportunity law?

(3) Does the local area office have a documented process for providing information regarding Equal Opportunity grievance and complaint procedures to program participants, including local administrative staff, one-stop partners, and participants and other one-stop center customers?

(4) In addition to the logging of complaints in the Complaint Log, please describe what steps the local area takes to work towards resolution of alleged complaints?

(5) What training has local area staff received regarding Equal Opportunity requirements and procedures related to their work?

(6) Do you or your staff have any questions or comments for us, pertaining to Equal Opportunity or nondiscrimination items?

Tools

Use Tool R: Documentation of personal services to assist in completing the indicator.

(E) Indicator 2.h.4. Organizational chart

The local CEO, local board, local area administrative entity, and subawardee staff members and their respective job descriptions sufficiently demonstrate ability to perform grant functions and implement the grant award pursuant to Federal and State law, rules, regulations, guidance, and policies; the WIOA grant agreement (including its Attachment I); and subawardee agreements.

Instructions

Interview local area administrative entity staff and subawardee management staff responsible for the direction and management of grant and subawardee staff.

Review the grant subrecipient's organizational chart, including all staff at the:

- local area administrative entity level; and
- subawardee level.

Questions for review and discussion

1. Is the grant subrecipient organizational chart current for all local area administrative entity and subawardee staff?
2. Does the organizational chart represent a staffing structure that provides capacity for execution of the grant?
    a. In the event that high turnover is discovered within the subawardee staffing structure, how is the grant subrecipient addressing high turnover rates within the subawardee staff structure?
3. Are there evident or apparent gaps in staffing structures of the grant subrecipient, local area administrative entity, and subawardee organizations?
4. Review job descriptions for key/primary staff responsible for key grant award functions.
    a. Do the job descriptions delineate responsibilities; duties; and required experience, skills, and qualifications that clearly describe the expectations and requirements of the positions sufficient to provide organizational capacity in key functional areas?

Objective 2.i. Civil rights, complaints, grievances, and incident reporting

The grant subrecipient has a system in place to ensure that Federal Civil Rights complaints, program complaints, grievances, and incidents are handled properly and in accordance with Federal requirements.

(C) Indicator 2.i.1. Policies and procedures

Policies and procedures are in place that demonstrate grant subrecipient compliance and commitment to requirements of applicable Federal and State laws (including civil rights laws), rules, regulations, guidance, and policies.

Citation

- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975
- The Americans with Disabilities Act of 1990
- ADA Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973
- WIOA Sec. 188
- 2 CFR §§ 200.300 and 2900.4
- 29 CFR Parts 31, 32, 35, 37, and 38
- 49 CFR Part 25

Instructions

There are three types of allegations:

- discrimination;
- program related complaints and grievances; and
- fraud or other forms of criminal misconduct.

Each allegation type has its own unique requirements and actions that the grant subrecipient must take.

- Discrimination. Interview the grant subrecipient's EO officer and staff assigned with responsibility for ensuring the organization's compliance with the following requirements:
    - Title VI and Title VII of the Civil Rights Act of 1964;
    - Title IX of the Education Amendments of 1972;
    - Age Discrimination Act of 1975;
    - The Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008;

- Section 504 of the Rehabilitation Act of 1973;
- WIOA Sec. 188;
- 2 CFR §§ 200.300 and 2900.4;
- 29 CFR Parts 31, 32, 35, 37, and 38; and
- 49 CFR Part 25.

- Program related complaints and grievances. Interview the grant subrecipient's EO officer and staff who are responsible for ensuring the organization's compliance with the following requirements:
  - WIOA Sec. 181; and
  - 20 CFR §§ 683.600 and 683.610.
- Fraud and other forms of criminal misconduct. Interview the grant subrecipient's EO officer and staff responsible for ensuring the organization's compliance with the following requirements:
  - 20 CFR § 683.620; and
  - TEGL 2-12.

Policies and forms distributed by the grant subrecipient and its subawardees must refer to the new regulations at 29 CFR Part 38, 20 CFR §§ 683.600 – 683.650, and 20 CFR Part 658, wherever applicable.

Tips

- An essential element of the workforce development system is its accessibility to everyone. Regulations at 29 CFR Part 37 were released in 1999 and updated in 2016 and eventually replaced by requirements established under WIOA Sec. 188 and 29 CFR Part 38.
- In short, programs and activities covered under 29 CFR Part 38 may not refuse to offer or provide services to individuals because of their race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Beneficiaries, applicants, and participants, as defined by 29 CFR Part 38, cannot be denied covered services because of their citizenship status and cannot be denied their rights because of participation in a WIOA Title I financially assisted program or activity.
- Additionally, requirements relating to complaints and grievances reporting and management are required for all Title I grant subrecipients and may be found at 20 CFR §§ 683.600 – 683.650 and 20 CFR Part 658.

Questions for review and discussion

1. Does the grant subrecipient have written discrimination, grievances and complaints, and incident procedures?

2. Does the grant subrecipient maintain a log of submitted discrimination, grievances and complaints, and incidents? If not, why?

3. How does the grant subrecipient resolve the alleged complaints, regardless of logging of the complaints?

4. Are services provided at the grant subrecipient's one-stop centers accessible to all eligible individuals?

5. Does the grant subrecipient use wording required by 29 CFR § 38.34 in publications, materials, and brochures?

    a. Grant subrecipients must indicate that the Title I financially assisted program or activity in question is an "equal opportunity employer/program", and that "auxiliary aids and services are available upon request to individuals with disabilities."

6. Has the grant subrecipient established a system for periodically monitoring its compliance with the EO law?

7. Does the grant subrecipient prominently post an "EO is the Law" notice with wording mirroring 29 CFR § 38.35?

8. Does the grant subrecipient have any previously submitted cases awaiting decision from the Civil Rights Center? If yes, contact the Civil Rights Center Office of External Enforcement at 202.693.6502 for updates on the cases.

(C/E) Indicator 2.i.2. Notices

Notices (in languages appropriate to the populations served) are visibly posted to inform staff, service providers, participants, and other individuals of the discrimination complaint process, EO, and Section 504 policies (policies addressing the requirements of Section 504 of the Rehabilitation Act of 1973).

Citation

- Section 504 of the Rehabilitation Act of 1973
- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Age Discrimination Act of 1975
- The Americans with Disabilities Act of 1990
- ADA Amendments Act of 2008
- WIOA Sec. 188
- 2 CFR § 200.300

- 2 CFR § 2900.4
- 29 CFR Part 31
- 29 CFR Part 32
- 29 CFR Part 35
- 29 CFR Part 37
- 29 CFR Part 38
- 49 CFR Part 25

Instructions

- Do a walkthrough of the grant subrecipient's office and observe the notices that the grant subrecipient has posted to inform individuals of their rights related to complaints regarding compliance with EO and Section 504 of the Rehabilitation Act of 1973.

Questions for review and discussion

1. Are notices prominently posted in a reasonable number of places, including electronic medium, to include administrative and service delivery areas, and are they available in appropriate formats to individuals with visual impairments?

2. If a significant number of the population eligible to be served speaks a language or languages other than English, has the grant subrecipient taken reasonable steps to provide the notice in the appropriate language(s)?

3. Do employment notices, participant recruitment flyers, or other written materials published by the grant subrecipient contain a statement providing the required written EO notice?

(C) Indicator 2.i.3. Facilities

The grant subrecipient's location and facility, or part of the facility, is physically accessible to and usable by people with disabilities, individuals with limited English proficiency, individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child or have related medical conditions.

Citation

- Section 504 of the Rehabilitation Act of 1973
- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Age Discrimination Act of 1975
- The Americans with Disabilities Act of 1990

- ADA Amendments Act of 2008
- WIOA Sec. 188
- 2 CFR §§ 200.300 and 2900.4
- 29 CFR Parts 31, 32, 35, 37, and 38
- 49 CFR Part 25

Instructions

- Perform a "walkthrough" of the grant subrecipient's office(s) and make observations of the location.

Tips

- Facilities for workforce programs or other programs subject to the requirements of 29 CFR Part 38 must ensure and enhance access to the workforce system, in particular for people with disabilities, individuals with limited English proficiency, individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child or have related medical conditions.
- For additional information, please refer to US Department Office of Disability Employer Policy website.

Questions for review and discussion

1. Does the grant subrecipient's location(s) and facility(ies) meet physical accessibility requirements?
2. Are services provided at the grant subrecipient's location(s) and facility(ies) accessible to individuals with disabilities?
3. Does the grant subrecipient's location(s) and facility(ies) meet the requirements for individuals with limited English proficiency?
4. Does the grant subrecipient's location(s) and facility(ies) provide accommodations for participants and other beneficiaries of the workforce system?
5. One-stop partners in a local one-stop delivery system must share in the costs of assistive technology for participants and beneficiaries of the workforce system. Are such costs being appropriately shared by the one-stop partners? (Refer to Indicator 1.b.4. Required one-stop partners.)

(C) Indicator 2.i.4. Grievance and complaint system

If ETA or NDOL has imposed additional specific award conditions on the grant subrecipient, the grant subrecipient is adhering to the conditions.

Citation

- WIOA Sec. 188
- 20 CFR Part 658
- 20 CFR §§ 683.600 – 683.650 and 683.700

grant agreement between NDOL and the grant subrecipien

Instructions

- Review the grant subrecipient's complaint and appeal procedures.
- Review recent complaints and grievances.

Questions for review and discussion

1. Does the grant subrecipient have a written procedure for grievances or complaints alleging violations of the WIOA?
2. Does the grant subrecipient have a documented process for providing information on the procedures to participants and other interested or affected parties, including local administrative staff, subawardees, one-stop partners, and program participants and other one-stop center customers?
3. Does the grant subrecipient ensure that the information is understood by affected individuals, including youth and individuals with limited English proficiency?
4. Were received complaints and/or grievances recorded in a log or other written document? If not, why?
5. Were received complaints and /or grievances reviewed resolved in a timely manner and consistent with local policy and Federal and State laws, rules, regulations, guidance, and policies?
6. Do the grant subrecipient's grievance and complaint policies and procedures provide for informal resolution and hearing to be completed within 60 days of date of filing?
7. Does the grant subrecipient adhere to the 120-day deadline for appeals?

(C) Indicator 2.i.5. Incident reporting

The grant subrecipient has a formal procedure in place for timely submission of incident reports.

Citation

- 2 CFR §§ 200.331(a)(5), 200.333, and 200.343
- 2 CFR § 2900.15

- 20 CFR § 683.620
- TEGL 2-12

Instructions

Review the grant subrecipient's incident reporting policy.

Tips

- The Uniform Guidance establishes a mandatory disclosure requirement for grant subrecipients and subawardees to disclose in writing to the Federal awarding agency or PTE violations of Federal criminal law involving fraud, bribery or gratuity violations that potentially affect the Federal award.
- Incidents, on the other hand, involve actions that may be criminal in nature, or at least there are suspicions that criminal activity is occurring. Incidents are events involving:
    - fraud, misfeasance, nonfeasance, or malfeasance;
    - misapplication of funds;
    - gross mismanagement;
    - employee or participant misconduct;
    - waste and program abuse; and
    - other criminal activities.
- TEGL 2-12 describes fraud and various "feasances" (misfeasance, nonfeasance, and malfeasance) as any alleged deliberate act which may violate federal statutes or regulations, including but not limited to:
    - bribery;
    - forgery;
    - extortion;
    - embezzlement;
    - theft of participant checks;
    - kickbacks from participants or contractors;
    - intentional payments to a contractor without the expectation of receiving services;
    - payments to ghost enrollees;
    - misuse of appropriated funds; and

- misrepresenting information in official reports.

Questions for review and discussion

1. Is the grant subrecipient aware of any incident described above and were these allegations immediately reported through the US Department of Labor incident reporting system?

    a. Notes.

        i. The grant subrecipient is not expected to be able to determine whether the allegations or suspicions are true or not before reporting them to the Office of the Inspector General (OIG).

        ii. The grant subrecipient is not allowed to delay reporting such allegations or suspicions.

        iii. The grant subrecipient must report, in addition to explicit allegations of criminal wrongdoing, all complaints that raise questions about criminal wrongdoing or even suspicions of such wrongdoing.

        iv. It is the grant subrecipient's responsibility to report these events, and not determine whether they are true or not.

2. Did the grant subrecipient document and report these incidents consistent with form DL 1-156 and submit them to OIG and ETA?

    a. Notes.

        i. When the threat is immediately imminent or involves a substantial amount of funds, incidents must be reported to OIG even more quickly.

        ii. Where imminent health or safety concerns exist and/or imminent loss of funds exceeds $50,000, they must be reported to the OIG and ETA immediately by telephone followed by a written Incident Report (IR) no later than one working day. The incident reports may be filed through the US Department of Labor Hotline - Office of Inspector General 1-800-347-3756 or 202-693-6999.

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DEPARTMENT OF LABOR

americanjobcenter network

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

Nebraska Department of Labor (NDOL)
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Policy category
One-stop Delivery System

Effective
May 3, 2023

Supersedes
One-stop Delivery System Assessment and One-stop Center Certification, Change 3 (effective February 15, 2023)

One-stop Delivery System Assessment and One-stop Center Certification, Change 4

REFERENCE

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

BACKGROUND

WIOA 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 jobseekers, workers, and employers can access.[1] 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 assessing and certifying one-stop centers for effectiveness, physical and programmatic accessibility, and continuous improvement.[2]

CHANGES

Under this Change 4, footnotes have been revised for clarity and links have been updated where necessary.

[1] 20 CFR § 678.300(b)
[2] 20 CFR § 678.800(a)

ACTION

This policy supersedes and cancels the State's policy titled One-stop Delivery System Assessment and One-stop Center Certification, Change 3 (effective February 14, 2023). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

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 based on the requirements established in this policy,[3] as well as the requirements established in the State's policy on security and the one-stop delivery system.[4] As part of that assessment, the local board must also assess and certify at least one comprehensive one-stop center based on the same requirements.[5] During the triennial assessment of the local one-stop delivery system and assessment and certification of one-stop centers, including any designated affiliate sites and specialized centers, each local board must follow the requirements and procedures established in this policy and the requirements of WIOA and its implementing regulations and guidance, including WIOA Sec. 188 and 29 CFR Part 38, and the applicable provisions of the Americans with Disability Act of 1990 (42 USC 12101 et seq.).[6]

In addition to the triennial assessments described above, each local board must *annually* assess the physical and programmatic accessibility of all one-stop centers in the local area.[7] During its annual assessment of the physical and programmatic accessibility of all one-stop centers in the local area, each local board must follow the requirements and procedures established in this policy, the requirements established in the State's policy on security and the one-stop delivery system, and the requirements of WIOA and its implementing regulations and guidance, including WIOA Sec. 188 and 29 CFR Part 38, and the applicable provisions of the Americans with Disability Act of 1990 (42 USC 12101 et seq.).[8]

POLICY

This policy establishes requirements regarding assessment of local one-stop delivery systems and certification of one-stop centers and has three sections and two appendices.

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[3] WIOA Sec. 121(g)(1) and (4); 20 CFR § 678.800(d)
[4] The State's policy on security and the one-stop delivery system is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[5] 20 CFR § 678.800(d); TEGL 16-16
[6] 20 CFR §§ 678.800 and 679.370(p); TEGL 16-16
[7] 20 CFR § 679.370(p)
[8] 20 CFR §§ 678.800 and 679.370(p); TEGL 16-16

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Section I. Criteria requirements

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 based on the requirements established in this policy[9] and the requirements established in the State's *Security and the One-stop Delivery System* policy. As part of that assessment, the local board must also assess and certify at least one comprehensive one-stop center based on the same requirements.[10] If the local board designates affiliate sites or specialized centers for inclusion in the local one-stop delivery system, the local board must certify the sites and centers for those sites and centers to be eligible for infrastructure funding support from partner programs.[11]

In addition to the *triennial* assessment described above, each local board must *annually* assess the physical and programmatic accessibility of all one-stop centers in the local area based on the requirements of this policy[12] and the requirements established in the State's *Security and the One-stop Delivery System* policy.

Criteria and requirements for assessments and certifications are described below in subsections (a) through (d).

(a) Effectiveness

The local board's assessment of the effectiveness of the local one-stop delivery system and local one-stop centers must include how well the system and centers:[13]

1. operate in a cost-efficient manner;

2. integrate available services for jobseekers, workers, and employers;

3. meet the workforce development needs of jobseekers, workers, and employment needs of local employers;

4. coordinate services among the one-stop partner programs; and

5. 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 identified by the local board.

[9] WIOA Sec. 121(g)(1) and (4); 20 CFR § 678.800(d)
[10] 20 CFR § 678.800(d); TEGL 16-16
[11] WIOA Secs. 121(g)(1) and 121(h)(1)(A)(i). The State's policy on memorandums of understanding and funding agreements is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[12] 20 CFR § 679.370(p)
[13] 20 CFR § 678.800(b)

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, .[14]

(b) Physical and programmatic accessibility

The local board's assessment of the physical and programmatic accessibility of its local one-stop delivery system and one-stop centers must address 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 that must be assessed include how well the system and centers, including affiliate sites and specialized centers:[15]

1. provide reasonable accommodations for individuals with disabilities;

2. make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against individuals with disabilities;

3. administer programs in the most appropriate integrated setting;

4. communicate with individuals with disabilities as effectively as with other individuals;

5. provide appropriate auxiliary aids and services, including assistive technology devices and services when necessary, to provide individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity;

6. provide physical accessibility for individuals with disabilities;

7. provide meaningful access for individuals who are limited English proficient (LEP) and ensure LEP individuals are effectively informed about program services and able to participate in those services;[16]

8. use the common identifier (*American Job Center* or *a proud partner of the American Job Center network*) on all:[17]

    a. products, programs, activities, services, electronic resources, facilities, and related property and new materials used within the one-stop delivery system; and

    b. interior and exterior branding, including signage;

9. ensure the physical security of system facilities and property.

All one-stop centers, including affiliate sites and specialized centers, must comply with the physical and programmatic accessibility requirements described in this policy, the requirements of the

[14] 20 CFR § 678.800(b)
[15] 20 CFR §§ 678.800(b)(1) – (6) and 678.900
[16] 29 CFR § 38.9(b)
[17] 20 CFR § 678.900. 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)].

State's *Security and the One-stop Delivery System* policy, as well as WIOA Sec. 188, 29 CFR Part 38, and the applicable provisions of the Americans with Disability Act of 1990.[18]

(c) Continuous Improvement

The local board's assessment of continuous improvement of the local one-stop delivery system and one-stop centers:[19]

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

(d) Local criteria[21]

A local board may establish additional assessment and certification criteria or set higher standards for service coordination than those established in this policy and the State's *Security and the One-stop Delivery System* policy. If additional criteria and standards are established, the local board must review and update the criteria and standards every two years as part of regional and local plan development and modification processes.

Section II. Processes and procedures

(a) Triennial assessment and certification

The local board's processes for assessment and certification of one-stop centers must:

- be established in writing by the local board *prior* to commencement of triennial assessment and certification processes;
- comply with the requirements of this policy and the State's *Security and One-stop Delivery System* policy;

[18] 20 CFR §§ 678.800(e) and 679.370(p)
[19] 20 CFR § 678.800(c)
[20] The State's performance accountability policy provides information on performance indicators and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[21] 20 CFR § 678.800(d); TEGL 16-16

- require use of the assessment and certification forms provided as APPENDIX II.A. and APPENDIX II.C., in accordance with APPENDIX II.B.; and

- require submission of a notification to NDOL regarding the outcome of the assessment and certification processes and such submission must be submitted by email to ndol.wioa_policy@nebraska.gov and ndol.state_monitor@nebraska.gov and include:

    - a fully signed *one-stop delivery system and one-stop center assessment and certification assurances* form (included as APPENDIX II.A.); and

    - digital copies of all forms completed during the assessment and certification processes, including all required attachments identified in the review form (APPENDIX II.C.).

(b) Annual assessments

As mentioned above, the local board must use the forms included with this policy as APPENDIX II. In APPENDIX II, Sections D.II. and D.III. of the review form must be completed during the annual assessment process.

Local boards are not required to notify NDOL of the outcomes of annual assessments of the physical and programmatic accessibility of local area one-stop centers. However, conduct and documentation of the outcomes of the annual assessments are subject to review by the State EO Officer and the State WIOA Monitor, as well as the US Department of Labor and other applicable Federal agencies. Documentation resulting from assessments and certification is subject to the record retention requirements described in the State's policy on records management.[22]

(c) Recertification of relocated one-stop centers

If the location of a certified one-stop center changes, the one-stop center must be recertified within 90 day of the opening of the new location. The local board must follow the requirements of this policy to recertify the one-stop.

Section III. Timelines

Effective July 1, 2017, each local board must:

- assess its local one-stop delivery system and one-stop centers *at least once every three years* (triennially) based on the requirements established in this policy;

- certify at least one comprehensive one-stop center *at least once every three years* (triennially) based on the requirements established in this policy; and

[22] The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies. .

- *annually* assess the physical and programmatic accessibility of local area one-stop centers based on the requirements established in this policy.

In addition, relocated one-stop centers must be recertified within 90 day of the opening of the new location, as stated above in Section II(c).

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.

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. access

Providing *access* to each partner program and its services means:[23]

- 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 that is 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)[24]

An *affiliate site* (affiliate one-stop center) is a site that makes available to jobseekers, workers, and employers one or more one-stop partner programs, services, and activities. An *affiliate site* must be connected to a comprehensive one-stop center.

3. comprehensive one-stop center (comprehensive American Job Center or AJC)[25]

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

4. direct linkage[26]

Direct linkage means providing a direct connection to a comprehensive one-stop center (or certified affiliate site or specialized center) and 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, web address for services or information, pamphlets, or other materials *does not* constitute direct linkage.

[23] 20 CFR § 678.305.(d)(1) – (3)
[24] 20 CFR § 678.310(a)
[25] 20 CFR § 678.305(a)
[26] 20 CFR § 678.305(d)(3)(i) – (ii)

5. specialized center[27]

A *specialized center* is a center that addresses specific needs, including those of dislocated workers, youth, Veterans, employers, key industry sectors or clusters, or other groups specified by a local board. A *specialized center* must be connected to a comprehensive one-stop center and any appropriate affiliate site.

[27] 20 CFR § 678.300(d)(3); TEGL 16-16

APPENDIX II. One-stop center assessment and certification forms

Each local board must assess the effectiveness, physical and programmatic accessibility, and continuous improvement of its local one-stop delivery system and local area one-stop centers at least *once every three years* (triennially).[28] As part of the *triennial* assessment process, the local board must certify at least one comprehensive American Job Center. If the local board designates affiliate sites or specialized centers for inclusion in its local one-stop delivery system, the local board must certify those sites and centers in order for those locations to be eligible for infrastructure funding.

[28] 20 CFR § 678.800(b) and (d)

A. Instructions: One-stop center triennial assessment and certification

For triennial assessment and certification of each local area American Job Center (AJC), affiliate site, and specialized center, the local board must complete and submit the following forms, as described in and required under Section II of the State's current *One-stop Delivery System Assessment and One-stop Center Certification* policy:[29]

- one-stop center triennial assessment and certification assurances form (APPENDIX II.B.);
- one-stop center triennial assessment and certification outcome form for each certified AJC, affiliate site, and specialized center (APPENDIX II.C.); and
- one-stop partner program triennial assessment form for each program evaluated for certification of an AJC, affiliate site, and specialized center (APPENDIX II.D.).

[29] The State's policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

B. Form: One-stop center triennial assessment and certification assurances

By signing and submitting this form, along with the documentation required under the State's current *One-stop Delivery System Assessment and One-stop Center Certification* policy,[30] the undersigned chief elected official for the local workforce development area (CEO) and chair of the local workforce development board (Chair) assure that the requirements established under the aforementioned policy have been met regarding certification of the local AJC(s), affiliate site(s), and specialized center(s) identified below. Further, the CEO and Chair assure their understanding that onsite and/or virtual reviews will be conducted by the Nebraska Department of Labor State Monitoring Unit to verify compliance with the requirements established under the policy.

1. Local workforce development area

2. Triennial period for which the certification(s) apply (example: Program Years 2022 through 2024)

3. Certified one-stop center(s) (enter *not applicable* as appropriate)

Center type	Center name and physical address
Comprehensive American Job Center 1	
Comprehensive American Job Center 2	
Affiliate site 1	
Affiliate site 2	
Specialized center 1	
Specialized center 2	

4. CEO signature (must be digital)

Digital signature of CEO	

5. Chair signature (must be digital)

Digital signature of Chair	

[30] The State's policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies

C. Form: One-stop center triennial assessment and certification outcome

As stated in APPENDIX II.A., the local board must complete and submit this form to document the outcome of its triennial assessment and certification processes for each local area AJC, affiliate site, and specialized center.

1. **AJC** considered for certification (provide name and physical address of AJC)

☐ certified
☐ conditionally certified
☐ failed certification

Reasons for conditional certification (provide concise description, attach additional pages if necessary)

Reasons for failure to certify (provide concise description and supporting documentation, attach additional pages if necessary)

2. **Affiliate site** considered for certification (provide name and physical address)

☐ certified
☐ conditionally certified
☐ failed certification
☐ not applicable

Reasons for conditional certification (provide concise description, attach additional pages if necessary)

Reasons for failure to certify (provide concise description and supporting documentation, attach additional pages if necessary)

3. **Specialized center** considered for certification (provide name and physical address)

☐ certified
☐ conditionally certified
☐ failed certification
☐ not applicable

Reasons for conditional certification (provide concise description, attach additional pages if necessary)

Reasons for failure to certify (provide concise description and supporting documentation, attach additional pages if necessary)

D. Form: One-stop partner program triennial assessment

As stated in APPENDIX II.A., the local board must complete and submit the following form to document assessment of *each* required one-stop partner program and additional one-stop partner program with which the local boar[31]d has established a memorandum of understanding, including a funding agreement.[32]

[31] This form is available upon written request to ndol.wioa_policy@nebraska.gov.

[32] Refer to the State's policy on memorandums of understanding and funding agreements policy for additional information. The policy is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.

Provide the following information *for all individuals* involved in assessment and certification processes.

Name	Title and business affiliation	Role on or affiliation with the local board	Role in assessment and certification processes

I. Effectiveness criteria

Requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
1. Governance	• A governance agreement among all local area CEOs is in place. • A written agreement between the CEO and the local board is in place. • All MOUs, including funding agreements, between the local board and required and additional one-stop partners are fully executed.	• The governance agreement among all local area CEOs reflects: o processes for appointment of local board members and describes their roles; o designation of a grant recipient and fiscal agent regarding funding allocated to the local area by the State; o processes for collaboration during regional and local planning activities; and o other governance functions. • The written agreement between the CEO and local board defines CEO and local board roles and responsibilities, including roles and responsibilities regarding conflict of interest. • All MOUs must comply with requirements established in the State's current *Memorandums of Understanding and Funding Agreements* policy.		
2. Governance	• One-stop operator procurement documents clearly delineate requirements for daily operations of the local one-stop delivery system and one-stop centers, as well as the roles and responsibilities of the one-stop operator and its staff. • If the one-stop operator is participating in assessment procedures *and* fulfills one or more additional roles within the one-stop delivery system, a written agreement between the local board and the one-stop operator has been established, defining the one-stop operator's roles and responsibilities regarding assessment and certification of one-stop centers. • The local board and one-stop operator have established a written continuity-of-service plan that will be initiated if an AJC is not certified.	• The local board has documentation demonstrating that one-stop operator procurement and selection: o complied with Federal rules, regulation, and guidance and State policies on One-Stop Operator Selection and Procurement; o was based on a compliant process that was in place prior to selection, including clear conflict of interest policies and procedures demonstrating internal controls during selection and procurement; and o resulted in a written agreement among the selected one-stop operator, the local board, and CEO, clarifying how the one-stop operator will carry out its responsibilities while demonstrating compliance with WIOA and its corresponding rules and regulations, including those regarding conflict of interest.		

Requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
		• Local board policies and procedures identify one-stop operator roles and responsibilities, including: o requirements for coordination of service delivery by one-stop partner programs and service providers; o requirements regarding disclosure of potential conflicts of interest arising from the one-stop operator's relationship with particular services providers; o requirements regarding compliance with Federal rules, regulations, and procurement policies relating to the calculation and use of profits; and o additional roles and responsibilities established by the local board for the one-stop operator; and o prohibitions against: ▪ establishing practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; ▪ convening system stakeholders to assist in the development of the local plan; ▪ preparation and submission of local plans; ▪ self-oversight; ▪ managing or significantly participating in the competitive selection process for a one-stop operator; ▪ selecting or terminating a one-stop operator, career services providers, and youth providers; ▪ negotiating local performance accountability measures; and ▪ developing and submitting budgets for activities of the local board.		

Requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
		• When the entity serving as the one-stop operator is also serving 1 or more additional roles within the one-stop delivery system, such as Title I service provider, the local board has established sufficient firewalls and conflict of interest policies and procedures. • The written continuity-of-service plan that will be initiated if an AJC is not certified is documented and available for review.		
3. Responsiveness to needs of jobseekers, workers, and program participants	One-stop partners, in coordination with the one-stop operator, have identified specific methods for: • coordinating one-stop partner program services that meet the needs of jobseekers, workers, and program participants; and • reporting the performance of their respective programs to the local board regarding service delivery for jobseekers, workers, and program participants.	• One-stop partner policies and procedures for service delivery for jobseekers, workers, and program participants identify standards and processes for coordination of services and referrals. • Each one-stop partner has identified and documented goals for serving jobseekers, workers, and program participants. • Regular one-stop partner program performance reports regarding services for jobseekers, workers, and program participants are provided to the local board, available, and reflected in the minutes of local board meetings.		
4. Responsiveness to needs of employers	One-stop partners, in coordination with the one-stop operator, have identified specific methods for: • responding to economic and labor force needs within the one-stop delivery system; • matching employers with skilled workers; and • reporting performance of their respective programs to the local board regarding service delivery for employers.	• One-stop partner policies and procedures for service delivery for employers identify standards and processes for coordination of services and referrals. • Each one-stop partner has identified and documented goals for serving employers. • Regular one-stop partner program performance reports regarding services for employers are provided to the local board, available, and reflected in the minutes of local board meetings.		
5. Operational coordination	• Resource room teams consist of representatives from one-stop center partner programs. • Resource room materials are accurate current materials describing all one-stop partner	• Regarding resource room teams: o Rosters of resource room teams include representatives from one-stop center partner programs.		

Requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
	program services are readily available to customers. • One-stop delivery system and one-stop center websites and resource materials provide accurate current information about all programs and services available to all customers. • Business services teams include representatives from all core partner[33] programs to avoid duplication of effort, minimize employer fatigue, and encourage collaboration.	o Job descriptions for resource team staff reflect cross-program functions and responsibilities. • Resource room materials are: o accurate, current, and regularly updated; o include a date or other method for determining the materials are current; and o readily available. • One-stop delivery system and one-stop center websites provide accurate current information on services available to customers through all one-stop partner programs and: o information on the websites is current; and o resource room materials include a date or other method for determining the materials are current. • Rosters of business services teams include representatives from all one-stop delivery system and one-stop center partner programs. • A record of business services team meetings reflect participation by representatives of all core partner programs.		
6. Service hours: The one-stop delivery system and one-stop centers provide maximum access to required one-stop partner program services during regular business hours (8a – 5p) and any other predictable timeframes outside of regular business	The local board considers optimum business hours to accommodate the needs of jobseekers, workers, and employers, including business hours, work schedules, childcare, and transportation.	• Regular business hours are clearly visible on the exterior and interior of one-stop centers. • Directions for arranging for services outside of regular business hours are clearly stated and widely available to the public, including persons with disabilities. • Local board meeting minutes reflect discussions and decisions regarding regular business hours and the availability of services outside of regular business hours.		

[33] Core partners means WIOA Title IB adult, dislocated worker, and youth programs; WIOA Title II Adult Education and Family Literacy Act programs; WIOA Title III Wagner-Peyser Employment Service; and WIOA Title IV programs provided by the Nebraska Vocational Rehabilitation Program and the Nebraska Commission for the Blind and Visually Impaired.

Requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
hours, as determined by the local board to be feasible and effective.				
7. Equal opportunity and non-discrimination: One-stop delivery system and one-stop center staff are familiar with and comply all applicable Federal, state, and local laws, rules, regulations, and policies regarding non-discrimination and equal opportunity for persons with disabilities.	• One-stop delivery system and one-stop center staff training covers the following topics: o obligation to inform one-stop delivery system customers that auxiliary aids and accommodations are available; o instructions for using TDD/TTY and other adaptive technologies; o reasonable modifications to avoid discrimination and meet individual needs, such as allowing an individual with a cognitive disability extra time to complete forms; and o effective strategies for communicating with persons with disabilities. • One-stop delivery system and one-stop center partners ensure customers have access to services, in accordance all applicable Federal, state, and local laws, rules, regulations, and policies.	• One-stop delivery system and one-stop center staff members demonstrate they: o inform one-stop delivery system customers of the availability of auxiliary aids and accommodations; o know how to use the adaptive technologies and are aware of available resources; o are familiar with the modification of procedures to avoid discrimination; and o utilize effective strategies for communicating with persons with disabilities. • Corrective action plans are developed if partners or customers identify barriers to participation in services.		
8. Customer feedback: Customer feedback from jobseekers, workers, and employers is actively sought and utilized.	One-stop delivery system and one-stop center staff actively collect customer feedback from jobseekers, workers, and employers.	• Customer feedback data is provided to the local board, and documentation on the data is readily available. • Minutes of local board meetings reflect the provision and review of customer-feedback reports.		
9. Branding: The common identifier (*American Job Center* or *a proud partner of the American Job Center network*) is used, as required under WIOA Sec. 121(e)(4) and 20	All products, programs, activities, services, electronic resources, facilities, and all related property and new materials include the common identifier.	• The common identifier is found on all products, programs, activities, services, electronic resources (including websites), facilities, related property (including signage), and all new materials used in the one-stop delivery system and at one-stop centers, including brochures, business cards, publications, promotional materials, and all other electronic or tangible materials.		

Requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
CFR § 678.900, at each AJC, affiliate sites, and specialized centers, and by one-stop partners connected to AJCs, affiliate sites, and specialized centers through direct linkage.				
10. Protection of personal identifiable information (PII): The local board ensures that PII is protected as required under Federal, state, and local laws, rules, regulations, and policies.	PII is protected in accordance with Federal, state, and local laws, rules, regulations, and policies.	• The local board has established policies and procedures for protection of PII throughout the one-stop delivery system and all one-stop centers, in accordance with Federal, state, and local laws, rules, regulations, and policies.		
11. Additional comments on effectiveness				

II. Physical accessibility criteria

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
1. Physical layout access: The physical layout of one-stop centers eliminates structural barriers and is accessible to the public, including	The physical layout of one-stop centers is physically accessible in accordance with Federal, state, and local laws, rules, and regulations, including WIOA Sec. 188 and 29 CFR part 38.	The layout of all one-stop centers is easily accessible, usable by persons with disabilities and is absent of physical barriers, as defined by the ADA Standards for Accessible Design and Uniform Federal Accessibility Standards (UFAS).[34]		

[34] The UFAS are accessible at https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/background/ufas .

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
individuals with disabilities.				
2. Equal opportunity access: One-stop delivery system and one-stop center staff provide equal access to the system and centers in compliance with the requirements established in WIOA Sec. 188 and 29 CFR Part 38.	▪ One-stop delivery system and one-stop center staff: o provide reasonable accommodations for persons with disabilities; o administer programs in the most appropriate integrated setting; o communicate with persons with disabilities as effectively as with others. ▪ One-stop delivery system and one-stop center partners reasonably modify policies, practices, and procedures to avoid discrimination and to meet individual needs.	▪ One-stop delivery system and one-stop center staff demonstrate: o availability of auxiliary aids and accommodations, including assistive technology devices and services; o they inform customers of the availability of auxiliary aids and accommodations, including assistive technology devices and services; o how to use the adaptive technologies and are aware of available resources; o familiarity with modification of procedures to avoid discrimination; and o use of effective strategies for communicating with persons with disabilities. ▪ One-stop delivery system and one-stop center partners demonstrate that each has reasonably modified policies, practices, and procedures to avoid discrimination and to meet individual needs		
3. Location: Locations of one-stop centers are accessible by public transportation, driving, or walking.	▪ Customers who use public transportation can access one-stop centers within a reasonable walking distance. ▪ Adequate parking is available and accessible for customers who drive to one-stop centers. ▪ Locations of one-stop centers are identifiable in high-traffic areas.	▪ One-stop centers have dedicated parking lots suitable for the anticipated number of customers. ▪ One-stop center parking lots have spaces closest to the door that are dedicated to and marked for persons with disabilities. ▪ One-stop center signage is easily visible on the exterior and in the interior of the facility. ▪ Meeting minutes demonstrate the local board has considered whether the locations of one-stop centers are within reasonable walking distance from public transportation stops.		
4. Signage and logos: The common identifier (*American Job Center* or *a proud*	Signage and logos include the common identifier, making the physical location of one-stop centers simple to find and identifiable.	The common identifier is highly visible on signage and logos, with easy-to-see signage on the exterior and interior one-stop centers.		

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
partner of the American Job Center network) are used on signage and logos, as required under WIOA Sec. 121(e)(4) and 20 CFR § 678.900.				
5. Annual assessment of physical accessibility: The local board has annually assessed the physical accessibility of all one-stop centers.	Since Program Year 2017, the local board has annually assessed the physical accessibility of all one-stop centers, as required under 20 CFR 679.370(p).	For the 3 full program years preceding the triennial certification process, documentation for annual assessments of physical accessibility of all one-stop centers is readily available and includes results of the assessments.		
6. Additional comments on physical accessibility				

III. Programmatic accessibility criteria

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
1. Career services: Basic and individualized career services, including supportive services and follow-up services, are accessible throughout the one-stop delivery system and at all one-stop centers, as required under 20 CFR § 680.150.	All basic and individualized career , including supportive services and follow-up services, are available and accessible throughout the one-stop delivery system and at all one-stop centers for all eligible individuals, including individuals with disabilities.	• The local board's MOUs with one-stop partners demonstrate that all basic and individualized careers, including supportive services and follow-up services, are accessible through the one-stop delivery system and one-stop centers and available on demand and in real-time in person or through technology. • Clear descriptions of the availability of all basic and individualized careers, including supportive services and follow-up services, are readily available in accessible formats, including formats accessible to individuals with disabilities.		
2. Youth program services: Youth	All youth program services, including supportive and follow-up services, are available and	• The local board's MOUs with one-stop partners demonstrate that all youth program		

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
program services, including supportive services and follow-up services, are accessible throughout the one-stop delivery system and at all one-stop centers, as required under 20 CFR § 681.460.	accessible throughout the one-stop delivery system and at all one-stop centers for all eligible individuals, including individuals with disabilities.	services, including supportive and follow-up services, are accessible throughout the one-stop delivery system and at all one-stop centers and available on demand and in real-time in person or through technology. • Clear descriptions of the availability of all youth program services, including supportive and follow-up services, are readily available in accessible formats, including formats accessible to individuals with disabilities.		
3. Other services: Training services, education services, employment services, and business services are accessible throughout the one-stop delivery system and at all one-stop centers.	• All training services and education services are available and accessible throughout the one-stop delivery system and at all one-stop centers for all eligible individuals, including individuals with disabilities. • All employment services provided by WIOA Title III Wagner-Peyser Employment Service services are available and accessible throughout the one-stop delivery system and at all one-stop centers for all eligible individuals, including individuals with disabilities. • All business services are available and accessible throughout the one-stop delivery system and at all one-stop centers for all eligible employers and individuals, including individuals with disabilities.	• The local board's MOUs with one-stop partners demonstrate that all training services, education services, employment services, and business services are available and accessible throughout the one-stop delivery system and at all one-stop centers available on demand and in real-time in person or through technology. • Clear descriptions of the availability of all training services, education services, employment services, and business services are readily available in accessible formats, including formats accessible to individuals with disabilities.		
4. Accommodations: The one-stop delivery system and all one-stop centers provide reasonable accommodations for individuals with disabilities and individuals with language barriers.	The one-stop delivery system and all one-stop centers provide reasonable accommodations for individuals with disabilities and individuals with language barriers.	• The local board has implemented one or more policies regarding accommodations for individuals with disabilities and individuals regarding with language barriers. • Assistive technology devices or other auxiliary aids are readily available throughout the one-stop delivery system and at all one-stop centers. • The local board has implemented one or more policies regarding accommodations for individuals with language barriers.		

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
		• Bilingual resources, including on-demand translation services, are available and accessible throughout the one-stop delivery system and at all one-stop centers.		
5. Annual assessment of programmatic accessibility: The local board has annually assessed the programmatic accessibility of all one-stop centers.	Since Program Year 2017, the local board has annually assessed the programmatic accessibility of all one-stop centers, as required under 20 CFR 679.370(p).	Documentation of the local board's annual assessment for Program Years 2018 and 2019 of the programmatic accessibility of all one-stop centers is readily available and provides the results of the assessment.		
6. Additional comments on programmatic accessibility				

IV. Continuous improvement criteria

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
1. Negotiated levels of performance: The local board includes one-stop partners in decision making regarding strategic improvements to achieve negotiated levels of performance for the primary indicators of performance established under WIOA Sec. 116(b)(2)(A) and 20 CFR §.677.155.	• The local board requires periodic performance reports from one-stop partners regarding negotiated levels of performance for the primary indicators of performance. • One-stop partners and the one-stop operator use periodic performance reports to identify specific goals and tactics for improving performance.	• The local board has identified specific goals and metrics in work plans for continuous improvement regarding negotiated levels of performance for the primary indicators of performance, based on periodic performance reports submitted by one-stop partners and the one-stop operator. • Local board meeting minutes demonstrate decision making regarding strategic improvements to achieve negotiated levels of performance for the primary indicators of performance.		

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
2. Customer feedback: The local board has established a systematic method for collection and analysis of feedback from customers, including jobseekers, workers, and employers; and the feedback is used to continuously improve service delivery and operations throughout the one-stop delivery system and at all one-stop centers.	• Customer satisfaction surveys are provided to jobseekers, workers, and employers and ask for input on the following topics: o the way in which customers access the services; o overall satisfaction with services provided; o satisfaction level regarding the courteousness, knowledge, and responsiveness of staff; o timeliness of services provided; o accessibility and availability of program services; o physical accessibility of the one-stop delivery system and one-stop centers; and o ideas for improvement. • Results of customer satisfaction surveys are reported to the local board. • The local board has a systematic process for identifying customer complaints and developing appropriate responses and corrective actions.	• Customer satisfaction survey data indicates regular collection by the local board. • Customer satisfaction survey data can be disaggregated by service, program, and category of customer, including customers with disabilities. • Customer satisfaction survey data can be disaggregated to determine whether individuals with disabilities are prevented or inhibited from participating in each program and service. • Local board meeting minutes reflect that customer satisfaction data was considered in decision-making regarding continuous improvement. • The local board has established a mechanism for customers to provide feedback outside of the routine customer feedback survey. • Receipt of customer complaints is dated, tracked, and provided the local board. • Corrective action plans addressing customer complaints are documented with plans for implementation. • Note: Any disaggregation of data must comply with all Federal, state, and local laws, regulations, and policies regarding protection of personal identifiable information (PII).		
3. Internal and external evaluation of operations: The local board's internal procedures and systems monitor operational effectiveness and identify opportunities for improvement.	• The local board has established internal mechanisms for identification of the operational efficiency and effectiveness of the one-stop delivery system and all one-stop centers. • The local board has established external mechanisms for identification of the operational efficiency and effectiveness of the one-stop delivery system and all one-stop centers.	• The local board has established policies and procedures regarding internal evaluation systems and identification and tracking of operational efficiency and effectiveness of the one-stop delivery system and all one-stop centers. • The local board has established policies and procedures regarding external evaluation systems and identification and tracking of operational efficiency and effectiveness of the		

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
		one-stop delivery system and all one-stop centers. • Local board meeting minutes reflect that internal and external evaluations of operational efficiency and effectiveness of the one-stop delivery system and all one-stop centers is considered in decision-making regarding continuous improvement efforts.		
4. Professional development for staff: The local board ensures that continual professional development for staff is available throughout the one-stop delivery system and at all one-stop centers.	• Training on new policies, procedures, or regulatory guidance is available to staff throughout the one-stop delivery system and at all one-stop centers in a timely manner. • Roles and responsibilities of one-stop delivery system and all one-stop center staff are made clear, starting with orientation and continuing throughout employment as roles and responsibilities change. • The one-stop delivery system and all one-stop centers have systems and procedures in place to assess staff skills and core competencies, as well as gaps. • One-stop delivery system and one-stop center staff demonstrate motivation to advance professional skills.	• Documentation of training provided to staff throughout the one-stop delivery system and at all one-stop centers is available and identifies staff attendance and dates of training. • Materials used during training sessions are provided to staff throughout the one-stop delivery system and at all one-stop centers following training sessions, as evidenced by training records. • A local policy manual or other guidance is current and easily accessible by staff throughout the one-stop delivery system and at all one-stop centers. • Staff orientation materials are available and describe each staff member's function and how that staff member fits into the integrated operations of the one-stop delivery system and all one-stop centers. • A method for skills-gap analysis for one-stop delivery system and at all one-stop centers staff is documented and available. • Goals and opportunities for one-stop delivery system and one-stop center staff skills development are documented. • Training documentation verifies that one-stop delivery system and one-stop center staff participated in professional development opportunities.		

Minimum requirement	Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions
5. Additional comments on continuous improvement				

V. Additional certification requirements or criteria established by the local board

If the local board has not established additional criteria, enter “not applicable.”

Minimum certification criteria	Indicator demonstrating requirement is met	Criteria met yes or no	Comments/planned corrective actions

VI. Attachments

Attach and list (below) all relevant information that substantiates outcomes the regarding one-stop delivery system assessment and one-stop center certification.

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NEBRASKA
Good Life. Great Connections.
DEPARTMENT OF LABOR

Procurement Procedures– Goods and Services

Effective Date: September 4, 2018

Purpose

To establish guidelines regarding the acquisition of Goods and Services needed to carry out the responsibilities of the Nebraska Department of Labor (NDOL). To provide overall direction for agency-wide procurement policies, regulations and procedures and to promote economy, efficiency, and effectiveness in the acquisition processes. To ensure NDOL's compliance with the Department of Administrative Services (DAS) and Payroll & Financial Center procedures and guidelines.

Definitions

- Approver – An individual who has the authority to purchase goods and services on behalf of NDOL.
- Commodity – A marketable item produced to satisfy wants or needs. Economic commodities comprise goods and services.
- Goods – A commodity you can see; a physical, tangible item.
- Request for Proposal (RFP) – A document utilized for soliciting competitive proposals.
- Services – A commodity usually provided by another person; a non-physical, intangible item. For example, services provided to maintain, repair, or perform a function
- Sole Source-Services or Goods – A service or good of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service or good. Determination that the contractor selected is justifiably the sole source is based on either the uniqueness of the service or good and sole availability at the location required

Policy

(1) Goods

(a) Quotes

Please contact Purchasing for assistance in obtaining quotes so we can utilize any State Contracts or provide a list of possible vendors.

Per state statute (LB 371), "it should be the policy of this state that, whenever possible, quotes should be obtained from Nebraska vendors. Taxpayer dollars should be reinvested with its individual and employer taxpayers in order to foster job retention and growth and to ensure a broad and healthy tax base for future investments vital to the state's infrastructure."

(b) State Contracts

DAS Purchasing has entered into Contracts for Goods with specific vendors in order to provide efficiencies in procurement across state government. NDOL is required to use vendors under these agreements.

(c) Procurement Guidelines for Goods:

Contracts for the acquisition of goods must contain IRS Publication 1075 Exhibit 7

language, as appropriate.

<$2,000	Agency Level Decision (only 1 quote is required).
$2,000 thru $24,999	Agency Level Decision (3 quotes required) if not a State Contract item.
$25,000 thru $49,999	Obtain 3 quotes if not a State Contract item. Order will route to DAS Purchasing for an informal bid if not on a State Contract. DAS may not need to bid out informally if we provide the three (3) comparable quotes.
>$49,999	Order will route to DAS Purchasing for a formal bid if item is not on a State Contract.

(d) Procurement Procedures

Individuals who have purchasing authority (Supervisor and/or Manager, Administrator, Director, or Commissioner) shall submit an approved Purchase Request Form for any goods (with the exception of general office supplies and toner for leased copiers) and submit it to the Office of Finance/Procurement (Purchasing) after appropriate approval signatures have been completed.

(i) Submit orders for Goods on an approved Purchase Request form to Purchasing with quote(s) attached (refer to quote section for more information).

(ii) Purchasing will process the order in accordance with DAS procedures & guidelines.

(iii) Exceptions are made when there is a State contract with a vendor (i.e. Dell, EnPointe, etc.).

(iv) Emergency or unique requests will be processed on a case by case basis. This may require additional documentation and guidance from DAS Purchasing.

(v) Any questions about orders should be directed to Purchasing. Purchasing is the liaison with DAS and individuals may not contact DAS Purchasing directly.

- **Technology-related purchases**:
  - Includes electronic equipment and upgrades to equipment, regardless of whether or not they will/will not connect to the NDOL network directly/indirectly.
  - Include, but are not limited to, computer hardware/software, USB/flash/thumb/pen drives, computer peripherals, PDA's, tablets.
  - All electronic equipment is considered an Office of Administrative Services/Information Technology (IT) purchase.
  - Hardware/software purchases require obtaining quotes by submitting a Service Portal Ticket request via the State of NE Service Portal ([1] C-Agency Services, [2] NDOL IT Equipment Quotes, [3] NDOL IT Equipment/Software Quote Service). If the item is on a State Contract only one (1) quote needs to be attached (IT will know this contract information when obtaining your quote(s). If not on State Contract, attach all three (3) quotes to the Purchase Request form.
    1) IT researches the technology solution and options, obtains price quotes, and emails quote to the user.
    2) User completes the Purchase Request form, and submits to their Approver.
    3) Submit the approved Purchase Request form to the Administrative Services Director for signature, who then forwards it to Purchasing for processing the Purchase Order.
- **Phone Equipment purchases (cell, land-line & phone accessories):** Contact the agency Communications Coordinator for assistance with ordering phones, headsets and all phone accessories.

- **General office supply purchases:**
  General office supplies may be requested on an approved Office Supply Order Form and submitted to Purchasing to be ordered from Office Depot's State Contract. **Please note that items found on the Office Depot website may not be available and you should use the catalog for your selections.** Each office should have an Office Depot catalog to select items from.
- **Promotional Items utilizing agency logo/branding:**
  Contact Purchasing for assistance in obtaining quotes who will coordinate artwork with Public Information Office (PIO).
- **Copier Toner purchases:**
  Toner for copiers is at no charge through the lease & can be ordered direct by calling Capital Business Systems at **800-221-0604**. The 500 & 550 building staff should also send an email to the Mailroom & Front Desk to notify them of these toner deliveries.

(e) Shipping/Receipt of Order

(i) Item(s) will be shipped directly to the requested shipping address.

(ii) If the Goods are to be received at the Administrative Office, the Mailroom will call the designated person to pick up the order and send the packing slips to Purchasing.

(iii) All CPUs, laptops, and network printers will be shipped to IT to be configured before they are delivered.

(iv) If the Goods are shipped directly to the local office, the local office manager/ designee shall verify the shipment.

(v) The local office will be sent a copy of the order with a Goods Received Stamp.

(vi) The manager/designee **must sign** the designated area of the Goods Received Stamp and send the original to Purchasing along with the packing slip. **The office manager/designee must verify Goods have been received to ensure proper payment of the invoice and inventory tagging.**

(vii) An example of the Goods Received Stamp is below.



(f) Vendor Invoices/Billings

(i) All vendor invoices/billings must be sent to Purchasing. When all paperwork is received and verified, the Office of Finance will process payment to the vendor.

(ii) If the proper receiving information is not on file, Purchasing will contact the appropriate office designee to determine if the items have been received and verified.

(iii) Purchasing does not process payments from vendor statements. Original invoices/billings are required.

(2) Services

(a) State Contracts

Contact Purchasing to confirm if the Service you need is available through an existing State Contract. DAS Purchasing has entered into Contracts for Services with specific vendors in order to provide efficiencies in procurement across state government. DOL is required to use these vendors under these agreements.

(b) Procurement Guidelines for Services:

Contracts for the acquisition of services must contain IRS Publication 1075 Exhibit 7 language, as appropriate.

<$2,000	Agency Level Decision (only 1 quote is required).
$2,000 thru $49,999	Agency Level Decision (3 quotes required). These purchases may be completed by the Agency with authorized approvals and three documented vendor quotes.
>$49,999	Service procurements greater than $50,000 shall be bid through the Request For Proposal (RFP) process. Allow a minimum of 5-6 months for this process. Contact Purchasing for the form.
>$49,999 and Sole Source	Sole Source - Service procurements $50,000 & over must be submitted on a Sole Source-Deviation form attached to the Purchase Request form, and include all necessary justification and meet the requirements. The Sole Source request must be signed by the Commissioner prior to submission and review by DAS Purchasing.

(c) Quotes

Per state statute (LB 371), "it should be the policy of this state that, whenever possible, quotes should be obtained from Nebraska vendors. Taxpayer dollars should be reinvested with its individual and employer taxpayers in order to foster job retention and growth and to ensure a broad and healthy tax base for future investments vital to the state's infrastructure."

(d) Procurement Procedures

Individuals who have purchasing authority (Supervisor and/or Manager, Administrator, Director, or Commissioner) shall submit requests for the procurement of Service to the Office of Finance/Procurement (Purchasing) by using the Purchase Request form.

Be sure to think about the full scope of your Service project so you can include any and all potential work or future enhancement possibilities up front. Determine if ongoing maintenance is something you also need to include in your quotes. Even if your program does not have the funds now, it is recommended to include the option for any possible enhancements you may need later in case dollars become available. Enhancements can always be included in a contract extension and if dollars aren't available at that time, then we are not committed to contracting those services. This will save going back through the approval processes in the future and causing a contract to be over $50,000, which would necessitate DAS approvals.

(i) **Services < $2,000**

- Check with Purchasing to see if the service you need maybe on a State Contract. If not on a Contract, contact a vendor who can provide the service and obtain one (1) quote.
- Prepare and submit to Purchasing a Purchase Request form, including all Approver signatures and attach the quote.

(ii) **Services $2,000 thru $49,999**

- Contact the IT Director/Manager prior to submitting a request for IT-related services.
- Check with Purchasing to see if the service you need may be on a State Contract.
- If not on a Contract, prepare your specifications & contact potential vendors to obtain three (3) quotes.
- Prepare and submit to Purchasing a Purchase Request form, including all Approver signatures, attach your specifications and the three quotes, indicating the lowest responsible bidder desired.
- If you are requesting a Sole Source – Service **in lieu of other quotes**,

complete the Sole Source form Sole Source-Deviation form, which requires the justification. Have Purchasing review the Sole Source before sending the final version with the approved Purchase Request form. The justification must include why the service is of such a unique nature that the contractor selected is clearly and justifiably the only practicable source to provide the service.

- Purchasing will then direct you to contact the Office of General Counsel with all supporting documentation to prepare your contract with the selected bidder.
- The Office of General Counsel will prepare the contract, route a draft internally for review & when approved will send to the vendor & copy appropriate staff.
- Inform Purchasing of Acceptance of Deliverables and provide invoices for payment.

(iii) **Services > $49,999**

- Contact the IT Director/Manager prior to submitting a request for IT-related services. IT-related RFP procurements must be submitted to the Office of the Chief Information Officer (OCIO) for review.
- Check with Purchasing to see if the service you need may be on a State Contract.
- If the service is $50,000 or higher, **and does not qualify for a sole source**, submit specifications to Purchasing for the RFP boilerplate form.
- Submit an approved Purchase Request form to Purchasing requesting the service with estimated dollars, Cost Center & Business Unit. Purchasing staff will work directly with Office designees through the entire RFP process.
- **Plan at least 5-6 months for the RFP process.** Purchasing staff will keep the Office designee informed of RFP progress, receipt of proposals, and contract award.
- Purchasing will work with the Office of General Counsel with all supporting documentation to prepare a contract with the selected bidder.
- The Office of General Counsel will prepare the contract, route a draft internally for review & when approved will send to the vendor & copy appropriate staff.
- Inform Purchasing of Acceptance of Deliverables and provide invoices for payment.

(iv) **Services > $49,999 AND Sole Source**

- Contact the IT Director/Manager prior to submitting a request for IT-related services.
- Check with Purchasing to see if the service you need may be on a State Contract.
- Obtain a quote from the vendor for the desired service. Contact other vendors to determine if they can provide the same desired service. If the service is unique, it may qualify as a Sole Source service. A Sole Source service is of such a unique nature that the contractor selected is clearly and justifiably the only practical source to provide the service based on either the uniqueness of the service or sole availability at the location required.
- Contact Purchasing to review your documentation that supports this is the only vendor able to provide this service, and to determine if the request may qualify as a Sole Source service.
- If your request qualifies as a Sole Source service, submit the Sole Source-Deviation form and justification with the approved Purchase Request form to Purchasing.

- Purchasing will obtain required Commissioner's signature on the Sole Source-Deviation form.
- Once approved, Purchasing will then direct you to contact the Office of General Counsel with all supporting documentation to prepare a DRAFT contract with the selected bidder.
- The Office of General Counsel will prepare the DRAFT contract.
- Purchasing submits the DRAFT contract & Sole Source-Deviation form to DAS Purchasing for their review and approval. **Plan for this review/approval process to take several weeks.**
- Once approved, Purchasing notifies Office of General Counsel to proceed with a FINAL service contract.
- Requestor informs Purchasing of Acceptance of Deliverables and provides invoices for payment.

Greater Nebraska WIOA Title I Policies

Updated 10/13/2022

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	**Policy Category** Administrative Guidelines
	Effective Date 5/28/2020
	Supersedes
	Review/Revision Date 3/16/2023

Monitoring (3/16/2023)

Reference

WIOA Section 116, 121, 129, & 134. 20 CFR 678.800 & 679.370. TEGL 16-16. Nebraska Department of Labor's One-stop Delivery System Assessment and One-stop Center Certification, Change 1.

Policy

Monitoring and technical assistance are integral parts of the Greater Nebraska Workforce Development Area's (GNWDA) oversight responsibilities. Monitoring is an essential part of program and financial management to ensure compliance with applicable laws, regulations, regional and local plans, policies, and procedures. Monitoring identifies areas of strength and weakness in operations with the intent of developing program performance. Technical assistance improves program operation and management capabilities.

The Greater Nebraska Workforce Development Board (GNWDB), also referred to as the "Board" in partnership with the Chief Elected Officials Board (CEOB) is required to conduct oversight of youth workforce investment activities, adult and dislocated worker employment and training activities, and the entire one-stop delivery system in the local area. The GNWDB must also ensure the appropriate use and management of funds provided for these activities. For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes.

All programs and activities in the GNWDA are subject to monitoring. The GNWDB and Administrative Entity may visit any facility, speak with any management, staff, or participants associated with WIOA services or operations within the local area.

One-Stop Delivery System

Local boards must assess the effectiveness, physical and programmatic accessibility, and continuous improvement of its local one-stop delivery system at least once every three years. The Board must also certify at least one comprehensive one-stop center at least once every three years. If the Board has designated an affiliate site or specialized center for inclusion in the local One-Stop delivery system, the local board must certify the sites and centers for those sites and centers to be eligible for infrastructure funding support from partner programs.

Required Criteria

The assessment of the effectiveness of the local one-stop delivery system and one-stop centers must include how well the system and centers:

- Integrate available services for job seekers and employers;
- 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 Board.

In addition, the assessment must take into account feedback from one-stop customers.

The 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 action to comply with equal opportunity and non-discrimination requirements, including:

- Providing reasonable accommodations for persons with disabilities;
- Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
- Administering programs in the most appropriate integrated setting;
- Communicating with person with disabilities as effectively as with others;
- Providing appropriate auxiliary aids and services, including assistive technology devices and services when necessary, to afford person with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity;
- Providing physical accessibility for persons with disabilities; and
- Utilizing the common identifier (American Job Center or a proud partner of the American Job Center Network) on all:
  - Products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system; and
  - Exterior branding, including signage.
- Ensure the physical security of system facilities and property

All one-stop centers, including affiliate sites and specialized centers, must comply with the physical and programmatic accessibility requirements.

Additional assessment criteria or higher standards of service coordination may be established by the board. If additional criteria are established, the board must review and update the criteria every two years as part of its regional and local plan development process. The GNWDB has not set any additional assessment criteria.

Procedures

Greater Nebraska will use a checklist provided by the State that includes the required criteria listed above. The Board will appoint a committee consisting of at least five board members and partners to complete an on-site assessment. The results are compiled into a single report and provided to the board for review. The board reviews the outcomes of the assessments, provides any recommendations for improvement, and the final certification recommendation. Lastly, the Board will provide the certification recommendation to the Nebraska Department of Labor by email no later than June 1 of the applicable year.

Continuous Improvement

The local board's assessment of continuous improvement of the local One-Stop delivery system and One-Stop centers:

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

Surveys

Greater Nebraska distributes voluntary customer satisfaction and employer surveys on an ongoing basis to extend job seeker and business customers the opportunity to provide feedback. Surveys are kept open on an ongoing basis and cards with QR codes to the survey are provided in the offices. The link to the survey is also emailed to job seekers and businesses after they have been provided a services. Additionally, a report is run and the survey link is sent via NEworks monthly for those who received a service the prior month. Results are pulled weekly and provided to the respective Manager, UI partner, and other relevant partners. The results are compiled into a single report to the Board for review during Board meetings. Any customers requesting further assistance are followed up with by the local office.

Greater Nebraska will distribute an annual survey of One-Stop partner program representatives to gauge their satisfaction with the implementation of:

- local area service provision
- security policies and procedures
- effectiveness of mandatory security training and other training offerings

This survey will also provide local area staff the opportunity to provide written input and suggestions to ensure continuous improvement.

Programmatic Monitoring

The Administrative Entity will conduct programmatic monitoring through desk reviews and other monitoring techniques.

Data Validation Monitoring (DVM) will be conducted on all new enrollments. Case Managers will use the DVM as their checklist for enrollment and Managers will review the DVM and file as part of the enrollment approval process. These DVMs will be sent to the Program Coordinator for final review. Quarterly Data Validation Monitoring will be conducted on a randomized selection of cases, with at least one active case included for each case manager

Quarterly Quality Assurance (QA) reviews will be conducted on a randomized selection of cases, with at least three active cases for each case manager. Each file review will include a comprehensive review of a participant's file including the eligibility determination, Individual Employment Plan/Individual Service Strategy, proper documentation, and ongoing case management. A file review report will be provided to the Reemployment Services Coordinator and their Supervisor with any findings and areas of concern noted. Any corrective actions must be completed by the Reemployment Services Coordinator and their Supervisor within two weeks of receiving the review. Once all corrective actions are completed, the Reemployment Services Coordinator will provide a response to the Administrative Entity. The Administrative Entity will

provide a report to the System Coordination Committee on the status of monitoring activities, findings, requested corrective action, and resolution of findings at regularly scheduled committee meetings.

Technical assistance will be provided by the Administrative Entity to field staff on any areas of concern. Mandatory training will be provided for all case managers and office Managers for any QA/DVM that receives a score of less than 80%.

Quarterly reports (January, April, July, and October) will be completed to ensure priority of service guidelines are followed. The Administrative Entity will provide a report to the System Coordination Committee on the status.

The Program Coordinator will review and issue final approval of all expenditures prior to submission to Finance; followed by review and recording of all expenditures paid out by Finance.

At each regularly scheduled board meeting, the GNWDB will review the budget, including current obligations and expenditures, enrollment numbers, and the most recent quarterly performance report.

Annual Physical & Programmatic Accessibility and Safety and Security Assessment

An annual assessment of the physical and programmatic accessibility is required. Additionally, the One-Stop Center Risk Assessment Tool must be completed and will be done concurrently. The assessments will be conducted by the Administrative Entity and/or One-stop Operator annually no later than March of each year. The Administrative Entity will provide a report to the System Coordination Committee and any corrective action necessary to meet requirements will be issued by the Board.

Disclaimer

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

HEARTLAND WORKFORCE SOLUTIONS
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Policy: Monitoring Policy	Program: All
Policy No: 26	Effective Date: 06/23/22
Approval: HWS, Greater Omaha Workforce Development Board	Supersedes: Monitoring Policy, Change 1, 06/25/20

Reference

- Workforce Innovation and Opportunity Act (WIOA) [link, pg 47 start]
  - Section 116, 129, 134, 188
- 20 CFR § 679.370 [link]
- Uniform Guidance
  - 2 CFR § 200 [link]
  - 2 CFR § 2900 [link]
- NE Dept. of Labor (DOL) WIOA Comprehensive Monitoring Guide [link]
- Dept. of Labor (DOL) Training & Employment Guidance Letters (TEGL)
  - No. 19-16 [link]

Purpose

Monitoring and technical assistance are integral parts of Heartland Workforce Solutions' oversight responsibilities. Monitoring is an essential part of program and financial management to ensure compliance with applicable laws, regulations, regional and local plans, policies, and procedures. Monitoring identifies areas of strength and weakness in operations with the intent of developing program performance. Technical assistance improves program operation and management capabilities.

Policy

Heartland Workforce Solutions (HWS) is assigned the responsibility of program oversight.

HWS conducts monthly oversight of WIOA Adult, Dislocated Worker, and Youth service delivery activities and monthly oversight of the One Stop Operator (OSO) and AJC functions. This monthly oversight includes but is not limited to review of

expenditures, obligations, enrollments, and performance.

Monitoring activities of HWS are in addition to the monthly oversight performed. HWS accepts its responsibilities to conduct monitoring; to select qualified sub-recipients; to ensure accurate financial and performance reporting; and to ensure compliance with all grant and sub-award terms and conditions.

HWS conducts monitoring to:

- Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Act and the regulations in this part;
- Determine whether there is compliance with other provisions of the Act and the regulations and other applicable laws and regulations;
- Assure compliance with 2 CFR § 200;
- Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of WIOA Section 188;
- Take timely corrective actions and identify technical assistance and training needs; AND
- Attain performance and financial goals.

The Board is committed to conducting monitoring activities on a regular basis as follows:

- Pre-Award review to identify requirements and methods to conduct a risk assessment and select sub-recipients;
- Post-Award oversight to conduct desk-top and on-site monitoring and issue reports on monitoring findings, and
- Post-Award resolution to define management decisions and identify remedies for resolving findings

HWS recognizes the consequences of ineffective monitoring and that failure to monitor can leave the program open to unallowable activities and costs. To this end, HWS is committed to identify and maintain the resources necessary to fulfill its monitoring responsibilities. These essential resources include:

- Operational procedures as outlined in HWS' Monitoring Plan & Procedures (see below);
- Guides and formats found in federal and state tools, AND
- Knowledgeable staff with training on monitoring and report writing.

MONITORING PLAN & PROCEDURES

Heartland Workforce Solutions conducts monitoring to ensure that funds are used

for authorized purposes, in compliance with Federal statutes and regulations, State policies, and the terms and conditions of the sub-award, and to ensure that performance goals are met. Monitoring serves to identify trends, assess progress in achieving goals, predict progress and identify performance issues.

Monitoring methods may be desk-top, on-site, or both. Desk-top monitoring may be an alternative to, preparation for, or supplemental to on-site monitoring. On-site monitoring incorporates interviewing of staff, open-ended questions, and sampling of transactions with a view of source documents. Each Program Year, the Board will provide a schedule of monitoring activities to NDOL and will post the schedule on its web page.

The Manager of Solutions Integration and the HWS Quality and Performance Specialist on behalf of HWS are responsible for managing the oversight and monitoring activities and presenting results to the Board. As appropriate, other individuals may participate in monitoring activities including Board members, Board committee members, individuals contracted under professional service agreements, and local, state, and regional representatives with subject matter expertise.

Functions to be monitored by HWS at a minimum of one time per Program Year include:

- One Stop System Operator fiscal and program performance per award agreement, including pre-award selection process;
- WIOA Youth Provider fiscal and program performance per award agreement, including pre-award selection process; and
- Adult & Dislocated Worker fiscal and program performance per award agreement, including pre-award selection process.

Included in these functions are review of EO and accessibility requirements as well as service to priority populations and priority of service. Each function will have its own written procedures which will include regulatory references, scope, methods of review, frequency, interview questions, and data to be collected through summary and source documents.

Written notification of monitor reviews will be issued to that function's provider seven (7) or more calendar days before each review. The Manager of Solutions Integration and the HWS Quality and Performance Specialist will make every effort to accommodate the provider's schedule when possible.

Once all information has been collected and reviewed by the Manager of Solutions Integration and the Quality and Performance Specialist, a written report will be

issued within thirty (30) calendar days. If the report identifies findings that require corrective action, the report is referred to the Board's Executive Committee and the program provider must respond with a corrective action plan to the Executive Committee within thirty (30) calendar days. A written progress report is required from the provider every thirty (30) calendar days until the corrective action has been accomplished.

Should the Board's Executive Committee and the provider fail to reach a resolution, the matter will be referred to the local area's Chief Elected Official.

Disclaimer

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

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Monitoring Guide

Revised: December 2022

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CITY OF LINCOLN NEBRASKA

Overview

The Greater Lincoln Workforce Development Board (Board) will provide regular oversight and monitoring to ensure that funds are used for authorized purposes, in compliance with Federal statutes and regulations, State policies, and the terms and conditions of the sub-award, and to ensure that performance goals are met. Monitoring serves to identify trends, assess progress in achieving goals, predict progress and uncover problems.

Monitoring methods may be desk-top, on-site or both. Desk-top monitoring may be an alternative to, preparation for, or supplemental to on-site monitoring. On-site monitoring—now
a hybrid format, rarely occurring in-person—incorporates interviewing of staff, open-ended questions, and sampling of transactions with a view of source documents.

The Workforce Administrator for the Board is responsible for managing the oversight and monitoring activities in collaboration with the Board's Compliance and Accountability Committee.
The Compliance and Accountability Committee is appointed by the Chairperson of the Board and is composed of a minimum of three Board members, with a majority being business representatives. As appropriate, other individuals may participate in monitoring activities including Board members, Board committee members, individuals contracted under professional service agreements, and local, state, and regional representatives with subject matter expertise.

Functions

Functions to be monitored by the Board are:

- One Stop System Operator fiscal and program performance per award agreement, including pre-award selection process
- WIOA Youth Provider fiscal and program performance per award agreement, including pre-award selection process
- Adult & Dislocated Worker Provider fiscal and program performance
- Administrative functions regarding property management, grievance procedures and Equal Opportunity (E)O)/non-discrimination.

Included in these functions are review of accessibility requirements as well as service to priority populations and priority of service.

Each function will have its own written procedures which will include regulatory references, scope and method of review, frequency, interviews to be conducted, and data to be collected.

Monitoring Schedule

Each Program Year (PY), the Board will provide a schedule of monitoring activities to NDOL and will post the schedule on its web page. Generally, the schedule below will be followed*.

Planned	Area of Review
July-September Q1 (Due 10/14/YY)	• Year-End Review (Closeout), including performance review • Adult File Review, including Eligibility, Priority of Service, and Data Validation for Adult Elements
October-December Q2 (Due 01/13/YY)	• Workforce Development Board • Dislocated Worker File Review, including Eligibility, Priority of Service, and Data Validation for Dislocated Worker Elements • One Stop System • Procurement • ITA Processes
January-March Q3 (Due 04/14/YY)	• Youth File Review, including Eligibility, Priority of Service, and Data Validation for Youth Elements • Work-Based Learning Processes (Youth) • Equal Opportunity/ Non-discrimination and Grievance Procedures
April – June Q4 (Due 07/14/YY)	• Financial Management Systems • Property Management • OJT File Review, including Eligibility, Data Validation Elements, Processes, and Participant and Employer Reviews

The monitoring schedule is a plan of when the activities and other related reviews will be conducted. It may become necessary to adjust planned timeframes because of outside developments as well as the number of follow-ups and corrective actions occurring.

Each monitoring activity will be confirmed with a seven-day notification to the required parties to provide requested materials, review plan, interview questions or questionnaire to be completed.

* Due dates will be adjusted to ensure reports are submitted prior to the Greater Lincoln Workforce Development Board's quarterly Compliance & Accountability Committee meetings.

General Monitoring Procedures

Case file reviews will include both current participants and recently exited participants to ensure follow up and performance outcomes are properly documented. Entrance interviews will be held if requested. Electronic participant records require no action by the Service Provider and may be examined at any time on or after the date of review notification.

The sample pool list and results will be provided upon completion of the review. Onsite activities will be scheduled as necessary and may include the primary review, portions of other upcoming and/or current reviews. File review questions may be conducted by emailing Greater Lincoln Workforce Administrator, Fiscal Agent, and/or Service Provider, telephone discussion or other means determined appropriate. Exit interviews are planned as virtual meetings, when possible, scheduled through the Greater Lincoln Workforce Administrator; extended participation is at their invitation. Exit interviews may be recorded.

Once all information has been collected to the satisfaction of the Administrator, the Compliance and Accountability Committee, or it's designee, will issue a written monitor report by the planned due date listed in the monitoring schedule. If the report identifies findings that require corrective action, the report is referred to the Board's Executive Committee and the provider must respond with a corrective action plan to the Executive Committee within thirty calendar days. A written progress report is required from the provider every thirty calendar days until the corrective action has been accomplished. Should the Board's Executive Committee and the provider fail to reach a resolution, the matter will be referred to the local area's Chief Elected Official.

Monitoring Guides and Tools

To ensure adherence to operational procedures, the following guides and tools may be reviewed, referenced, and used during quarterly reviews:

- U.S. Department of Labor Core Monitoring Guide: Core Monitoring Guide (dol.gov)
- NDOL WIOA Comprehensive Monitoring Guide (NDOL Core Monitoring Guide): Official Nebraska Department of Labor | Reemployment Services
- Operational Guidance found on Lincoln AJC website Operations Guidance -

American Job Center - Lancaster and Saunders Counties (ne.gov) which includes:
    - Lincoln Policy Manual
    - Adult & Dislocated Worker Program Manual
    - Youth Program Manual
    - American Job Center Operations Manual
    - Fiscal Management
    - Monitoring Forms, including, but not limited to:
        - WIOA Adult Participant File Review (GL)
        - WIOA DW Participant File Review (GL)
        - WIOA Youth Participant File Review (GL)
- AJC Resource Room Observation Guide
- Staff Interview Questions
- OJT Monitoring Tool
- WEX Interview Guides

One Stop System Monitoring Procedures

Regulatory References

WIOA Sections 3,121 and 188

NDOL Policy Manual Section 2. One-stop Delivery System; One-stop Delivery System Assessment and One-stop Center Certification, Change 2, and NDOL One-stop Operator Competitive Selection.

Scope and Method of Review

Items to be reviewed may include Local Area Plan/ Policy, One Stop Operations manual, programs and services offered in the One Stop, accessibility of services, observation of staff and customer interactions in the One Stop, staff interviews, review of customer satisfaction survey results, and printed materials available within the One Stop.

Frequency

The One Stop System review will be conducted a minimum of once per year, following the published Program Year (PY) Monitoring Schedule.

Interviews to be Conducted

Interviews may be conducted with front-line staff members, leadership team, and partners to determine the effectiveness of services delivered within the One Stop.

Data to be Collected

Data may include customer traffic and services counts, survey results, and printed materials.

WIOA Youth Monitoring Procedures

Regulatory References

WIOA Sections 3, 116, 128, 129, and 188

NDOL Policy Manual, Section 2. One-stop Delivery System, Priority of Service, Change 1; NDOL Policy Manual Section 3. Performance Accountability, Change 3; NDOL Policy Manual Section 5. Youth, Adult and Dislocated Worker

Scope and Method of Review

Items to be reviewed may include Local Area Plan/ Policy, Youth Operations manual, availability of 14 youth elements, data validation of eligibility criteria and performance outcomes, work-based learning activities, staff, participant and worksite interviews, comparison of ISY / OSY %'s, cost allocation methodology, and program performance.

Frequency

The WIOA Youth Program review will be conducted a minimum of once per year, following the published Program Year (PY) Monitoring Schedule.

Interviews to be Conducted

Interviews may be conducted with front-line staff members, leadership team, program participants and worksite supervisors.

Data to be Collected

Data may include enrollment and services activity, performance reports, and outreach materials.

Adult and Dislocated Worker Monitoring Procedures

Regulatory References

WIOA Sections 3, 116, 133, 134, and 188

NDOL Policy Manual, Section 2. One-stop Delivery System, Priority of Service, Change 1; NDOL Policy Manual Section 3. Performance Accountability, Change 3; NDOL Policy Manual Section 5. Youth, Adult and Dislocated Worker

Scope and Method of Review

Items to be reviewed may include Local Area Plan/ Policy, Adult and Dislocated Worker Operations manual, data validation of eligibility criteria and performance outcomes, On-the-Job Training (OJT) activities, ITA Process, staff, participant and employer interviews, priority of service, cost allocation methodology, and program performance.

Frequency

The Adult and Dislocated Worker Program review will be conducted a minimum of once per year, following the published Program Year (PY) Monitoring Schedule.

Interviews to be Conducted

Interviews may be conducted with front-line staff members, leadership team, program participants and employer supervisors.

Data to be Collected

Data may include enrollment and services activity, performance reports, and outreach materials.

Administrative Functions Monitoring Procedures

Regulatory References

WIOA Section 3, 183, 184, 184, 185, and 188

NDOL Policy Manual Section 4. Administrative Requirements; 4.1 Administrative Rules, Costs and Limitations, 4.2 Nondiscrimination and Equal Opportunity, and 4.3 Grievances, Complaints and Appeals.

Scope and Method of Review

Items to be reviewed may include Local Area Plan/ Policy, Fiscal Operations manual, policies related to property management, grievance procedures and Equal Opportunity (E)O)/non-discrimination, staff interviews, and priority of service.

Frequency

The Administrative Functions review will be conducted a minimum of once per year, following the published Program Year (PY) Monitoring Schedule.

Interviews to be Conducted

Interviews may be conducted with front-line staff members and leadership team.

Data to be Collected

Data may include complaint logs, inventory reports and fiscal reports.

The CRT will conduct an on-site assessment using information provided by the One Stop Operator, one stop staff, partner staff, and Board staff. The CRT will also take a tour of the One Stop including the Resource Room and any other service sites.

Interviews with staff are conducted to determine the knowledge base of all WIOA core partner programs and services, state and local policies and procedures, contributions to performance outcomes, and awareness of accessibility requirements and the availability of adaptive technologies. The on-site visit also includes a review of customer satisfaction survey data and completion of the One Stop Certification Form.

The Certification Team will determine if the Center has sufficiently met the certification criteria. The team will utilize the One Stop Certification Form to document findings and to provide a recommendation to the GLWDB. The certification form requires the signature of the CRT Chairperson and members of the CRT. Written recommendations are requested to be submitted to the GLWDB within 30 days of completion of the review.

The GLWDB may fully certify, conditionally certify or deny certification. Should the GLWDB receive and accept a CRT certification recommendation of Partially Met or Did Not Meet, a Corrective Action Plan from the One Stop Operator is required within 30 days from the GLWDB's written notification to the Operator.

The GLWDB will notify the Nebraska Department of Labor (NDOL) of the outcomes of the assessments of the system and center(s) and certification of center(s). The notification must be made by email submitted to ndol.wioa_policy@nebraska.gov

This notification will include a clear and descriptive written analysis of the systems and centers' compliance with the criteria established and will identify all certified one-stop centers in Greater Lincoln including affiliate sites, and provide, for each center, the physical address, phone number, website address, and contact information for the one-stop operator.

The GLWDB will complete the assessment and certification process once every three years and will certify at least one comprehensive one-stop center at least once every three years. The GLWDB recognizes the requirement that the notification described above must be submitted to NDOL no later than June 1 of the applicable year.

Monitoring

The Greater Lincoln Workforce Development Board (Board) conducts monitoring activities in compliance with the Uniform Guidance 2 CFR Parts 200 and 2900; the Workforce Innovation and Opportunity Act (WIOA); WIOA Final Rules; Nebraska Department of Labor (NDOL) WIOA Policies and Issuances; and the Nebraska Department of Labor Monitor Manual.

The Board conducts monthly oversight of WIOA Adult, Dislocated Worker and Youth service delivery activities and monthly oversight of the One Stop Operator and AJC functions. This monthly oversight includes but is not limited to review of expenditures, obligations, enrollments, and performance.

Monitoring activities of the Board are in addition to the monthly oversight performed. The Board accepts its responsibilities to conduct monitoring; to select qualified sub-recipients; to ensure accurate financial and performance reporting; and to ensure compliance with all grant and sub-award terms and conditions.

The Board conducts monitoring in order to:

- Determine that expenditures have been made against the proper cost categories and within the cost limitations specified in the Act and the regulations in this part.
- Determine whether there is compliance with other provisions of the Act and the regulations and other applicable laws and regulations.
- Assure compliance with 2 CFR part 200; and
- Determine compliance with the nondiscrimination, disability, and equal opportunity requirements of WIOA Section 188.
- Take timely corrective actions and identify technical assistance and training needs; and
- Attain performance and financial goals

The Board is committed to conducting monitoring activities as follows:

- Pre-Award review to identify requirements and methods to conduct a risk assessment and select sub-recipients,
- Post-Award oversight to conduct desk-top and on-site monitoring and issue reports on monitoring findings, along with identifying best practices for continuous improvement, and
- Post-Award resolution to define management decisions and identify remedies for resolving findings and assuring that the delivery of employment and training services is working well and meeting the needs of different groups of customers.

The Board recognizes the consequences of ineffective monitoring and that failure to monitor can leave the program open to unallowable activities and costs. To this end, the Board is committed to identify and maintain the resources necessary to fulfill its monitoring responsibilities. These essential resources include:

- Operational procedures as outlined in the Board's Monitoring Plan & Procedures and Monitoring Guide,
- Guides and formats found in federal and state tools, and
- Knowledgeable staff with training on monitoring and report writing.

Monitoring Plan & Procedures

The Greater Lincoln (GL) Workforce Development Board (Board) conducts monitoring to ensure that funds are used for authorized purposes, in compliance with Federal statutes and regulations, State policies, and the terms and conditions of the sub-award, and to ensure that performance goals are met. Monitoring serves to identify trends, assess progress in achieving goals, predict progress and uncover problems.

Monitoring methods may be desk-top, on-site or both. Desk-top monitoring may be an alternative to, preparation for, or supplemental to on-site monitoring. On-site monitoring incorporates interviewing of staff, open-ended questions, and sampling of transactions with a view of source documents. Each Program Year, the Board will provide a schedule of monitoring activities to NDOL and will post the schedule on its web page.

The Workforce Administrator for the Board is responsible for managing the monitoring activities in collaboration with the Board's Compliance and Accountability Committee. The Compliance and Accountability Committee is appointed by the Chairperson of the Board. The committee is chaired by a Board member and includes non-Board members with expertise and interest in the work of the committee. As appropriate, other individuals may participate in monitoring activities including Board members, Board committee members, individuals contracted

under professional service agreements, and local, state, and regional representatives with subject matter expertise.

Functions to be monitored by the Board at a minimum of one time per Program Year include:

- One Stop System Operator fiscal and program performance per award agreement, including pre-award selection process
- WIOA Youth Provider fiscal and program performance per award agreement, including pre-award selection process
- Adult & Dislocated Worker fiscal and program performance per award agreement, including pre-award selection process
- Administrative functions regarding property management, grievance procedures and Equal Opportunity (EO)/non-discrimination

Included in these functions are review of accessibility requirements as well as service to priority populations and priority of service. Each function will have its own written procedures, which will include regulatory references, scope, methods of review, frequency, interview questions, and data to be collected through summary and source documents. These are to be outlined in the Monitoring Guide.

Written notification of monitor reviews will be issued to that function's provider seven or more calendar days before each review. The Workforce Administrator and the Compliance and Accountability ~~Team~~ Committee will make an effort to accommodate the provider's schedule when possible.

Once all information has been collected and a written monitor report received to the satisfaction of the Workforce Administrator, the Compliance and Accountability Committee will review the report and notify the Board of their recommendations within thirty calendar days.

Findings that require corrective action will be referred to the Board's Executive Committee and the Service Provider or other appropriate entity must respond with a detailed corrective action plan to the Executive Committee within thirty calendar days of the notice of findings. A written progress report is required from the provider every thirty-calendar days until the corrective action has been accomplished.

Should the Board's Executive Committee and the Service Provider or other identified entity fail to reach a resolution, the matter will be referred to the local area's Chief Elected Official.

Fiscal Management

Reporting

The fiscal agent will submit quarterly financial reports to the Nebraska Department of Labor (NDOL) in accordance with NDOL policy, which outlines required information, procedures, and timelines.

CITY OF LINCOLN NEBRASKA
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CITY OF LINCOLN NEBRASKA

Monitoring Schedule for PY23

Planned	Area of Review
July-September 2023 (Due 10/11/23)	• Year-End Review (Closeout), including performance review • Adult File Review, including Eligibility, Priority of Service, and Data Validation for Adult Elements
October-December 2023 (Due 01/10/23)	• Workforce Development Board • Dislocated Worker File Review, including Eligibility, Priority of Service, and Data Validation for Dislocated Worker Elements • One Stop System • Procurement, including subrecipient annual review • ITA Processes
January-March 2024 (Due 04/10/24)	• Youth File Review, including Eligibility, Priority of Service, and Data Validation for Youth Elements • Work-Based Learning Processes (Youth) • Equal Opportunity/ Nondiscrimination and Grievance Procedures
April – June 2024 (Due mid-July *TBD based on Board Meeting date*)	• Financial Management Systems • Property Management • OJT File Review, including Eligibility, Data Validation Elements, Processes, and Participant and Employer Reviews • Incumbent Worker Training / Customized Training annual review

The monitoring schedule is a plan of when the activities and other related reviews will be conducted. It may become necessary to adjust planned timeframes because of outside developments as well as the number of follow-ups and corrective actions occurring. Each monitoring activity will be confirmed with a seven-day notification to the required parties to provide requested materials, review plan, interview questions or questionnaire to be completed. Entrance interviews will be held if requested. Electronic participant records require no action by the Service Provider and may be examined at any time on or after the date of review notification. The sample pool list and results will be provided upon completion of the review. Onsite activities will be scheduled as necessary and may include the primary review, portions of other upcoming and/or current reviews. File review questions may be conducted by emailing Greater Lincoln Workforce Administrator, Fiscal Agent, and/or Service Provider, telephone discussion or other means determined appropriate. Exit interviews are planned as virtual meetings, when possible, scheduled through the Greater Lincoln Workforce Administrator; extended participation is at their invitation. Exit interviews may be recorded.

WIOA Title I Financially assisted programs and activities are equal opportunity employer/programs. Auxiliary aids and services are available upon request to individuals with disabilities.

PY22 Monitoring Schedule for HWS

Planned	Area of Review
July - September (report due mid-October)	• Youth File Review • Work-Based Learning Processes (Youth) • Equal Opportunity/Non-discrimination and Grievance Procedures
October - December (report due mid-January)	• Financial Management Systems • Property Management • OJT Processes/Customer Reviews
January – March (report due mid-April)	• Workforce Development Board • One Stop System • Procurement • ITA Processes
April – June (report due mid-July)	• Year-End Review • Adult / Dislocated Worker File Review

PY22 Monitoring Schedule

Quarter	Month	GO
PY22Q1	July, 2022	**D**ata **V**alidation **W**orkbooks PY21Q3 (catch up); **begin PY21Q4 review** "Procurement, Prop Mgmt, EEO" (catch up)
PY22Q1	August, 2022	**D**ata **V**alidation **W**orkbooks PY21Q4 available late-July
PY22Q1	September, 2022	PY22Q1 "Youth/WBL/EEO"
PY22Q2	October	**PY22Q1 due mid-Oct; D**ata **V**alidation **W**orkbooks PY22Q1 available late-Oct
PY22Q2	November, 2022	PY22Q2 "Financial/Property Mgmt/OJT"
PY22Q2	December, 2022	
PY22Q3	January, 2023	**PY22Q2 due mid-Jan; D**ata **V**alidation **W**orkbooks PY22Q2 available late-Jan
PY22Q3	February, 2023	PY22Q3 "One Stop System/Procurement/ITAs"
PY22Q3	March, 2023	
PY22Q4	April, 2023	**PY22Q3 due mid-April; D**ata **V**alidation **W**orkbooks PY22Q3 available late-April
PY22Q4	May, 2023	PY22Q4 "Year-End Review/ADW"
PY22Q4	June, 2023	*Propose monitor schedule like GL*
PY23Q1	July, 2023	**PY22Q4 due mid-July; D**ata **V**alidation **W**orkbooks PY22Q2 available late-Jul
PY23Q1	August, 2023	
PY23Q1	September, 2023	

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	**Policy Category** Administrative Guidelines
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	Supersedes
	Review/Revision Date 3/16/2023

Monitoring (3/16/2023)

Reference

WIOA Section 116, 121, 129, & 134. 20 CFR 678.800 & 679.370. TEGL 16-16. Nebraska Department of Labor's One-Stop Delivery System Assessment and One-Stop Center Certification, Change 1.

Policy

Monitoring and technical assistance are integral parts of the Greater Nebraska Workforce Development Area's (GNWDA) oversight responsibilities. Monitoring is an essential part of program and financial management to ensure compliance with applicable laws, regulations, regional and local plans, policies, and procedures. Monitoring identifies areas of strength and weakness in operations with the intent of developing program performance. Technical assistance improves program operation and management capabilities. Local boards must ensure monitoring of local area administrative entity staff, One-Stop operator staff, and One-Stop partner program staff for compliance with established security policies and procedures, including training requirements and schedules and such monitoring must occur on a regular basis.

The Greater Nebraska Workforce Development Board (GNWDB), also referred to as the "Board" in partnership with the Chief Elected Officials Board (CEOB) is required to conduct oversight and monitoring of Adult, Dislocated Worker, and Youth program activities and the entire One-Stop delivery system in the local area to ensure compliance.[75] The GNWDB must monitor the creation, management, and maintenance of records according to the requirements of State policy and WIOA and its implementing rules, regulations, guidance, the Uniform Guidance, and the terms and conditions of the local area's respective Title I subawards issued by Nebraska Department of Labor. The GNWDB must also ensure the appropriate use and management of funds provided under WIOA Title IB for adult, dislocated worker, and youth activities and the One-Stop delivery system in the local area.[76] For workforce development activities, the GNWDB must ensure the appropriate use, management, and investment of funds to maximize performance outcomes described under WIOA Sec. 116.[77] The GNWDB has established a Local Area Monitor position. The Local Area Monitor reports directly to and is solely accountable to the CEOB and GNWDB, functioning independently of Greater Nebraska staff.

All programs and activities in the GNWDA are subject to monitoring.[78] The GNWDB and Administrative Entity may visit any facility, speak with any management, staff, or participants associated with WIOA

[75] 20 CFR § 679.370(i)(1)
[76] 20 CFR § 679.370(i)(2)
[77] 20 CFR § 679.370(i)(3)
[78] 2 CFR § 200.328

services or operations within the local area.

One-Stop Delivery System

Local boards must assess the effectiveness, physical and programmatic accessibility, and continuous improvement of its local One-Stop delivery system at least once every three years[79] as well as the requirements established in the State's policy on security and the One-Stop delivery system. The Board must also certify at least one comprehensive One-Stop center at least once every three years. If the Board has designated an affiliate site or specialized center for inclusion in the local One-Stop delivery system, the local board must certify the sites and centers for those sites and centers to be eligible for infrastructure funding support from partner programs. During the triennial assessment of the local One-Stop delivery system and assessment and certification of One-Stop centers, including any designated affiliate sites and specialized centers, each local board must follow the requirements and procedures established in State policy and the requirements of WIOA and its implementing regulations and guidance, including WIOA Sec. 188 and 29 CFR Part 38, and the applicable provisions of the Americans with Disability Act of 1990 (42 USC 12101 et seq.).[80]

In addition to the triennial assessments described above, each local board must annually assess the physical and programmatic accessibility and security of all One-Stop centers in the local area.[81] During its annual assessment of the physical and programmatic accessibility of all One-Stop centers in the local area, each local board must follow the requirements and procedures established in this policy, the requirements established in the State's policy on security and the One-Stop delivery system, and the requirements of WIOA and its implementing regulations and guidance, including WIOA Sec. 188 and 29 CFR Part 38, and the applicable provisions of the Americans with Disability Act of 1990 (42 USC 12101 et seq.).[82] Greater Nebraska shall utilize the Physical and Programmatic Accessibility and Risk Assessment Tools provided by the State. The assessments shall be completed concurrently by the local area monitor and/or One-Stop Operator no later than March of each year. The Administrative Entity will provide a report to the System Coordination Committee and any corrective action necessary to meet requirements will be issued by the Board.

Required Criteria

The assessment of the effectiveness of the local One-Stop delivery system and One-Stop centers must include how well the system and centers:

- Integrate available services for job seekers and employers;
- 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 Board.

In addition, the assessment of the effectiveness of the local One-Stop delivery system and One-Stop centers must take into account feedback from One-Stop customers.[83]

[79] WIOA Sec. 121(g)(1) and (4); 20 CFR § 678.800(d)
[80] 20 CFR §§ 678.800 and 679.370(p); TEGL 16-16
[81] 20 CFR § 679.370(p
[82] 20 CFR §§ 678.800 and 679.370(p); TEGL 16-16
[83] 20 CFR § 678.800(b)

The 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 action 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 that must be assessed include how well the system and centers, including affiliate sites and specialized centers:[84]

- Provide reasonable accommodations for persons with disabilities;
- Make reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
- Administer programs in the most appropriate integrated setting;
- Communicate with person with disabilities as effectively as with others;
- Provide appropriate auxiliary aids and services, including assistive technology devices and services when necessary, to afford person with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity;
- Provide physical accessibility for persons with disabilities;
- Provide meaningful access for individuals who are limited English proficient (LEP) and ensure LEP individuals are effectively informed about program services and able to participate in those services;[85]
- Use the common identifier (*American Job Center or a proud partner of the American Job Center Network*) on all:
    - Products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the One-Stop delivery system; and
    - Interior and exterior branding, including signage.
- Ensure the physical security of system facilities and property

All One-Stop centers, including affiliate sites and specialized centers, must comply with the physical and programmatic accessibility requirements, the requirements of the State's Security and the One-Stop Delivery System policy, as well as WIOA Sec. 188, 29 CFR Part 38, and the applicable provisions of the Americans with Disability Act of 1990.[86]

Additional assessment criteria or higher standards of service coordination may be established by the board.[87] If additional criteria are established, the board must review and update the criteria every two years as part of its regional and local plan development and modification process. The GNWDB has not set any additional assessment criteria.

Procedures

Greater Nebraska will use a checklist provided by the State that includes the required criteria listed above. The Board will appoint a committee consisting of at least five board members and partners to complete an on-site assessment. The results are compiled into a single report and provided to the board for review. The board reviews the outcomes of the assessments, provides any recommendations for improvement, and the final certification recommendation. Lastly, the Board will provide the certification recommendation to the Nebraska Department of Labor by email no later than June 1 of the applicable year.

[84] 20 CFR §§ 678.800(b)(1) – (6) and 678.900
[85] 29 CFR § 38.9(b)
[86] 20 CFR §§ 678.800(e) and 679.370(p)
[87] 20 CFR § 678.800(d); TEGL 16-16

Continuous Improvement

The local board's assessment of continuous improvement of the local One-Stop delivery system and One-Stop centers:

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

Greater Nebraska has identified the following factors, including but not limited to:

- an annual survey of One-Stop partner program representatives to gauge their satisfaction with the implementation of security policies and procedures and effectiveness of mandatory security training. Such survey must provide local area staff the opportunity to provide written input and suggestions to ensure continuous improvement.
- regular surveys of job seekers, participants, employers, and other customers to gauge satisfaction with accessibility and provision of services

Surveys

Greater Nebraska distributes voluntary customer satisfaction and employer surveys on an ongoing basis to extend job seeker and business customers the opportunity to provide feedback. Surveys are kept open on an ongoing basis and cards with QR codes to the survey are provided in the offices. The link to the survey is also emailed to job seekers and businesses after they have been provided a services. Additionally, a report is run and the survey link is sent via NEworks monthly for those who received a service the prior month. Results are pulled weekly and provided to the respective Manager, UI partner, and other relevant partners. The results are compiled into a single report to the Board for review during Board meetings. Any customers requesting further assistance are followed up with by the local office.

Greater Nebraska will distribute an annual survey of One-Stop partner program representatives to gauge their satisfaction with the implementation of:

- local area service provision
- security policies and procedures
- effectiveness of mandatory security training and other training offerings

This survey will also provide local area staff the opportunity to provide written input and suggestions to ensure continuous improvement.

Programmatic Monitoring

The Administrative Entity will conduct programmatic monitoring through desk reviews and other monitoring techniques.

Data Validation Monitoring

Data Validation Monitoring (DVM) will be conducted on all new enrollments. Case Managers will use the DVM as their checklist for enrollment and Managers will review the DVM and file as part of the enrollment approval process. These DVMs will be sent to the Program Coordinator for final review.

Annual and Quarterly Data Validation Monitoring will be conducted on a randomized selection of cases by the Local Area Monitor. The DVM workbook shall be provided by the State. Annual data validation must:

- be performed and submitted according to the schedule provided in the table below
- be performed according to the record sampling and validation processes described in State policy to insure that recorded program activities are accurately supported by acceptable source documentation as required by WIOA Title Ib legislation, implementing regulations, subregulatory guidance, subawards, and applicable requirements of the Uniform Guidance;
- include provision of technical assistance to program staff when data validation reveals invalid or inaccurate data;
- include timely submission of record corrections when data validation reveals invalid data, subject to the requirements and limitations described in State policy.

Local Title I quarterly data validation and reporting schedule

Validation Period	Start date	End date	Report due date
July 1 – March 30	April 1	June 30	July 1

Greater Nebraska will also conduct smaller scale quarterly DVMs to provide the CEOB and GNWDB with ongoing data regarding the health of each program.

Quality Assurance

Quarterly Quality Assurance (QA) reviews will be conducted on a randomized selection of cases, with at least three active cases for each case manager. Each file review will include a comprehensive review of a participant's file including the eligibility determination, Individual Employment Plan/Individual Service Strategy, review of expenditures, proper documentation, and ongoing case management. A file review report will be provided to the Reemployment Services Coordinator and their Supervisor with any findings and areas of concern noted. Any corrective actions must be completed by the Reemployment Services Coordinator and their Supervisor within two weeks of receiving the review. Once all corrective actions are completed, the Reemployment Services Coordinator will provide a response to the Administrative Entity. The Administrative Entity will provide a report to the System Coordination Committee on the status of monitoring activities, findings, requested corrective action, and resolution of findings at regularly scheduled committee meetings.

Quarterly reports (January, April, July, and October) will be completed by the local monitoring unit to ensure local area administrative entity staff, One-Stop operator staff, and One-Stop partner program staff remain in compliance with policies and procedures. The local monitoring unit will provide a report to System Coordination Committee on the status. Technical assistance will be provided by the Administrative Entity to field staff on any areas of concern. Mandatory training will be provided for all case managers and Regional Managers for any QA/DVM that receives a score of less than 80%.

Scope

The Greater Nebraska Local Area Monitor conducts monitoring events based on three core monitoring activities, which are described in detail in the Comprehensive Monitoring Guide. A summary of the focus of the core activities is provided below.

Core activity 1. Service design and delivery

Core activity 1 addresses service design and delivery that guides and supports grant subrecipient strategy for accomplishing the goals of the grant subaward. It also addresses the systems, procedures, and program

operational elements essential to the effective delivery of participant and employer services and the development of a subaward delivery product, such as a regional or local plan.
Core activity 1 is dissected into five objectives that help the monitor determine compliance and effectiveness of subrecipient service design and delivery.

1. Objective 1.a. Planning and program design
2. Objective 1.b. Implementation
3. Objective 1.c. Products and deliverables
4. Objective 1.d. Business services and employer engagement
5. Objective 1.e. Participant services

Core activity 2. Grant operations

Core activity 2 addresses grant operations supporting successful administration of subawards. Programmatic and fiscal operations under subawards support effective management of subrecipient activities required pursuant to WIOA and its implementing rules, regulations, and guidance; other applicable Federal laws, rules, regulations, and guidance; terms and conditions of subaward agreements with the subrecipient; and applicable State policies.

Core activity 2 is divided into nine objectives to help the monitor determine compliance and effectiveness of grant operations.

1. Objective 2.a. Project management
2. Objective 2.b. Budget
3. Objective 2.c. Property management
4. Objective 2.d. Procurement and contract administration
5. Objective 2.e. Performance management
6. Objective 2.f. Subrecipient management and oversight
7. Objective 2.g. Records management
8. Objective 2.h. Personnel
9. Objective 2.i. Civil rights, complaints, grievances, and incident reporting

Core activity 3. Financial management

Core activity 3 addresses the financial management systems and funds used by subrecipients to administer subawards in a manner that promotes transparency, accountability, and compliance with the requirements of WIOA and its implementing rules, regulations and guidance; other applicable Federal laws, rules, regulations, and guidance; terms and conditions of subaward agreements with the subrecipient; and applicable State policies.

Core activity 3 is broken down into eight objectives to help the monitor determine compliance and effectiveness of financial management.

1. Objective 3.a. Internal controls
2. Objective 3.b. Accounting system and financial reporting
3. Objective 3.c. Payment and cash management
4. Objective 3.d. Match and leveraged resources
5. Objective 3.e. Program income
6. Objective 3.f. Allowable costs and cost classification
7. Objective 3.g. Cost allocation/indirect costs
8. Objective 3.h. Audits and audit resolution

Priority of Service Monitoring

Local boards must establish policies and procedures that address oversight and monitoring of priority of service for covered entrants and covered persons receiving services through its adult and dislocated worker programs. Priority of Service Monitoring must include:

- performing quarterly monitoring of implementation of the requirements of the State and local board's priority-of-service policies and procedures by local area adult and dislocated worker program staff, in accordance with Federal laws and regulations and State policies, which must include review of randomly sampled participant records in NEworks and source documentation in NEworks or ECM, as applicable;
- submitting accurate quarterly priority-of-service monitoring reports to the local board, subject to limitations necessary to protect PII; and
- developing and implementing corrective action as required to ensure priority of service for covered entrants and covered persons (Veterans and eligible spouses) under adult and dislocated worker programs.

Quarterly reports (January, April, July, and October) will be completed to ensure priority of service guidelines are followed. The Administrative Entity will provide a report to the System Coordination Committee on the status.

Disclaimer

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

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

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Policy category
Administrative Requirements

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Procurement
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Procurement, Change 1

REFERENCE

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

BACKGROUND

WIOA and the Uniform Guidance[1] establish administrative requirements, procurement standards, and methods of procurement for WIOA Title I programs (youth, adult, and dislocated worker).

CHANGES

Under this Change 1, footnotes have been revised for clarity and links have been updated where necessary.

[1] Uniform Guidance refers collectively to 2 CFR Parts 200 and 2900.

ACTION

This policy supersedes and cancels the State's policy titled Procurement (effective February 23, 2018). Questions and comments on this policy may be submitted in writing to the policy mailbox at ndol.wioa_policy@nebraska.gov.

Each local board must establish local procurement policies and procedures for procurement of property and services required to carry out WIOA Title I programs (youth, adult, and dislocated worker). The policies and procedures must adhere to state and local procurement laws and the following laws, regulations, and guidance:[2]

- Uniform Guidance;
- 2 CFR Part 180, guidelines on debarment and suspension;[3] and
- other applicable Federal laws, regulations, and guidance, including requirements for procurement established under WIOA and its implementing rules, regulations, and guidelines.

POLICY

This policy establishes requirements applying to administrative entities[4] regarding procurement of property and services required to carry out WIOA Title I programs, except for the procurement of one-stop operators.[5]

This policy has three sections and one appendix.

Section I. Administrative requirements....3
Section II. Procurement standards....3
Section III. Procurement methods....4
(a) Leveraged resources....5
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[2] 2 CFR § 200.318; 20 CFR § 681.400
[3] 2 CFR § 200.213
[4] The CEO, local board, administrative representatives, and fiscal agent(s) for a local area are collectively referred to as administrative entity throughout this policy.
[5] Procurement of one-stop operators is addressed in the State's policy on one-stop operator competitive selection and is available in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies..

Section I. Administrative requirements

The provisions of this policy apply to administrative entities in their role as pass-through entities that award:

- subawards to subrecipients to carry out part of the local WIOA Title I program; and
- contracts to contractors for purchasing property or other services needed to carry out WIOA Title I programs.

Section II. Procurement requirements

Administrative entities must follow the procurement standards established in the Uniform Guidance, key provisions of which are summarized below to stress their importance.

Each administrative entity must:

1. use its own documented procurement policies and procedures, provided they conform to the standards identified in the Uniform Guidance;[6]
2. maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of subawards and contracts;[7]
3. maintain written standards of conduct covering organizational conflicts of interest if the administrative entity has a parent, affiliate, or subsidiary organization that is not a state or local government;[8]
4. maintain, retain, and provide access records detailing the history of procurement;[9]
5. make case-by-case determinations on:
    a. whether the third party qualifies as a subrecipient or a contractor based on the substance of the administrative entity's relationship with that party;[10] and

[6] 2 CFR § 200.318
[7] 2 CFR § 200.318(c). The State's policies on workforce development boards and chief elected officials and internal controls and conflicts of interest provide additional information pertaining to conflict of interest requirements. The State policy manual is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[8] Ibid.
[9] 2 CFR §§ 200.318(c)(1), 200.333, 200.336, 200.337. The State's policy on records management provides additional information on requirements pertaining to records maintenance, retention, and access and is included in the State policy manual, which is accessible at https://dol.nebraska.gov/ReemploymentServices/Training/WIOA/Policies.
[10] 2 CFR § 200.330

b. the appropriate legal instrument for procurement (grant agreement, pay-for-performance contract, cooperative agreement, contract) and ensure that the provisions required under the Uniform Guidance are included;[11]

6. conduct all procurement transactions in a manner providing full and open competition;[12]

7. take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and firms in labor surplus areas[13] are used when possible;[14]

8. ensure that subawards and contracts are not awarded to third parties that are debarred, suspended, or excluded from or ineligible for participation in Federal programs;[15]

9. award subawards and contracts only to third parties capable of successful performance under the provisions of their respective agreement or contract;[16]

10. maintain oversight to ensure that subrecipients perform according to the provisions of their respective grant agreement, pay-for-performance contract, or cooperative agreement;[17] and

11. be responsible for the settlement of all contractual and administrative issues arising out of agreements and contracts.[18]

Section III. Procurement methods

Table 1 provides an overview of permitted procurement methods, which are described in detail in 2 CFR § 200.320. Local boards must use one of these methods or the leveraged-resources method described in Section III(a).

Table 1. Methods of procurement[19]

Method	Description
1. Micro-purchase	Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.[20] To the extent possible, local boards must distribute micro-purchases equitably among qualified third parties. Micro-purchases may be awarded without soliciting competitive quotations if the local board considers the price to be reasonable.

[11] Uniform Guidance, including 2 CFR §§ 200.331 and 200.326 and Appendix II to 2 CFR Part 200 provide information on required provisions. In addition, refer to 20 CFR Parts 680, 681, and 683 for regulations on pay-for-performance contracts contract strategies.
[12] 2 CFR § 200.319
[13] Information on labor surplus areas is accessible at https://www.dol.gov/agencies/eta/lsa.
[14] 2 CFR § 200.321
[15] 2 CFR § 200.213
[16] 2 CFR § 200.318
[17] Ibid.
[18] Ibid.
[19] 2 CFR § 200.320; 20 CFR § 681.400(b)(4); TEGL 21-16
[20] Refer to 2 CFR § 200.320 and 48 CFR Part 2 Subpart 2.1 for information on micro-purchase thresholds.

Method	Description
2. Small purchase procedure	The small purchase procedure is the relatively simple and informal procurement method for securing services that do not cost more than the Simplified Acquisition Threshold.[21] If small purchase procedure is used, price or rate quotations must be obtained from an adequate number of qualified third parties.
3. Sealed bid (formal advertising)	Under the sealed bid procedure, bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the third party whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price.
4. Competitive proposal	The technique of the competitive proposal is normally conducted with more than one provider submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.
5. Noncompetitive (sole-source) proposal	The noncompetitive (sole-source) proposal method is procurement through solicitation of a proposal from only one third party. Noncompetitive procurement may be used only when: ▪ the item is available only from a single source; ▪ public exigency or emergency will not permit a delay resulting from competitive solicitation; ▪ the US Department of Labor Employment and Training Administration *or* NDOL expressly authorizes noncompetitive proposals in response to a written request from the administrative entity; ▪ after solicitation of a number of sources, competition is determined inadequate; or ▪ there are an insufficient number of eligible youth providers or Eligible Training Providers in the local area, which is determined according to local procurement policies and procedures.[22]

(a) Leveraged resources

Local Title I programs are not required to use program funds for procurement of program services and may leverage partner resources to provide some or all services. If a program service is not funded with program funds, the local board or applicable Title I program provider must:[23]

- have a written agreement with the partner to ensure that the service will be offered; and
- ensure that the service is closely connected to and coordinated with the program.

[21] Refer to 2 CFR § 200.320 and 48 CFR Part 2 Subpart 2.1 for information on simplified acquisition thresholds.
[22] 20 CFR §§ 679.370(l)(1), 680.320(a)(2), and 681.400(b)(4)
[23] 20 CFR § 681.470

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.

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.[24]

1. contract[25]

Contract means a legal instrument by which an administrative entity purchases property or services needed to carry out WIOA Title I programs. The term contract does not apply to transactions that meet the definition of a Federal award or subaward, even if the administrative entity considers it a contract.

2. contractor

Contractor means an entity that receives a contract (defined above).[26]

3. cooperative agreement

Cooperative agreement means a legal instrument of financial assistance between a pass-through entity and a non-Federal entity that is:[27]

- used to enter into a relationship, the principal purpose of which is to transfer anything of value (typically money) from the pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (i.e., WIOA);
- not used to acquire property or services for the pass-through entity's direct benefit or use;
- distinguished from a grant in that it provides for substantial involvement between the pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

4. grant agreement

Grant agreement means a legal instrument of financial assistance between a pass-through entity and a non-Federal entity that is:[28]

- used to enter into a relationship, the principal purpose of which is to transfer anything of value (typically money) from the pass-through entity to the non-Federal entity to carry out a public purpose authorized by a law of the United States (i.e., WIOA);

[24] Definitions for terms used in this policy that are not included in this appendix are provided in 2 CFR Part 200 Subpart A. Also, different definitions may be found in Federal statutes, regulations, and TEGLs that apply more specifically to particular WIOA Title I programs or activities.
[25] 2 CFR § 200.22
[26] 2 CFR § 200.23
[27] 2 CFR § 200.24
[28] 2 CFR § 200.51

- not used to acquire property or services for the pass-through entity's direct benefit or use;
- distinguished from a cooperative agreement in that it does not provide for substantial involvement between the pass-through entity and the non-Federal entity in carrying out the activity contemplated by the Federal award.

5. pass-through entity

Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program (i.e., WIOA Title I).[29]

6. pay-for-performance contract

A pay-for-performance contract is a type of performance-based contract that are entered into only when they are part of a WIOA pay-for-performance contract strategy.[30]

7. subaward[31]

Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity (i.e., WIOA Title I Federal award). It does not include contracts with contractors or payments or benefits provided to WIOA Title I program participants.

8. subrecipient[32]

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program (i.e., WIOA Title I programs). The term does not include WIOA Title I program participants.

[29] 2 CFR § 200.74
[30] 2 CFR §§ 683.510 and 683.520
[31] 2 CFR § 200.92
[32] 2 CFR § 200.93