

Greater Nebraska WIOA Title I Policies

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Administrative Cost Limitations Policy

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
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Administrative Cost Limitations

Reference

Workforce Innovation and Opportunity Act (WIOA) Section 3
 Uniform Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule
 2 CFR Part 200
 20 CFR § 683.205, 683.215
 TEGL 12-14
 Nebraska Department of Labor (NDOL) Interim Policy on Administrative Cost Limitation

Purpose

This policy defines administrative cost limitations.

Background

WIOA and 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule (Uniform Guidance) provide administrative cost limitations that apply to local area Workforce Innovation and Opportunity Act (WIOA) expenditures.

Policy

Limit

For a fiscal year not more than 10 percent of the amount of program funds (Adult, DLW, & Youth) may be used by the local board for the administrative costs of carrying out youth workforce development activities or adult and dislocated worker employment and training activities.¹

Cost of Administration

¹ WIOA Section 128(b)(4)(A)

The costs of administration, or “administrative costs,” are expenditures incurred by the Chief Elected Officials Board, Greater Nebraska Workforce Development Board, Administrative Entity, program service providers, and One-Stop Operator that are associated with following functions:

1. Performing overall general administrative functions and coordination of those functions under Title I of WIOA:
 - Accounting, budgeting, financial and cash management functions;
 - Procurement and purchasing functions;
 - Property management functions;
 - Personnel management functions;
 - Payroll functions;
 - Coordinating the resolution of findings arising from audits, reviews, investigations, and incident reports;
 - Audit functions;
 - General legal services functions; and
 - Fiscal agent responsibilities;
2. Performing oversight and monitoring responsibilities related to WIOA administrative functions;
3. Costs of goods and services required for administrative functions of the program, including goods and services such as rental or purchase of equipment, utilities, office supplies, postage, and rental and maintenance of office space;
4. Travel costs incurred for official business in carrying out administrative activities or the overall management of the WIOA system; and
5. Costs of information systems related to administrative functions (for example, personnel, procurement, purchasing, property management, accounting and payroll systems) including the purchase, systems development and operating costs of such systems.²

These costs can be both personnel and non-personnel, and both direct and indirect.

Activities that can be Administrative, Programmatic, or Both

Awards to subrecipients or contractors that are solely for the performance of administrative functions are classified as administrative costs.³

Personnel and related non-personnel costs of staff that perform both administrative functions specified in 20 CFR § 683.215(b) (the bulleted list above) and programmatic services or activities must be allocated as administrative or program costs to the benefitting cost objectives/categories based on documented distributions of actual time worked or other equitable cost allocation methods.⁴

Specific costs charged to an overhead or indirect cost pool that can be identified directly as a program cost are to be charged as a program cost. Documentation of such charges must be maintained.⁵ These charges are most commonly found on invoices and accounts payable documents.

² 20 CFR § 683.215(b)

³ 20 CFR § 683.215(c)(1)

⁴ 20 CFR § 683.215(c)(2)

⁵ 20 CFR § 683.215(c)(3)

Except for awards to local area or contractors that are solely for the performance of administrative functions, all costs incurred for functions and activities of subrecipients (other than a subrecipient appointed pursuant to 107(d)(12)(B)(i)(II)) and contractors are program costs.⁶

Continuous improvement activities are charged to the administration or program category based on the purpose or nature of the activity to be improved.⁷

Costs of the following information systems including the purchase, systems development, and operational cost (e.g. data entry) are charged to the program category:

- Tracking and monitoring of participant and performance information;
- Employment statistics information, including job listing information, job skills information, and demand occupation information;
- Performance and program cost information on eligible providers of training services, youth activities, and appropriate education activities;
- Local area performance information; and
- Information relating to supportive services and unemployment insurance claims for program participants.⁸

Streamlining

Where possible the local area makes every effort to streamline services in order to reduce administrative cost by minimizing duplication and effectively using information technology to improve services.

Direct & Indirect Costs under the Uniform Guidance

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect Facilities and Administration (F&A) costs of federal awards. Typical costs charged directly to a federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the federal award. If directly related to a specific award, certain costs that otherwise would be treated as indirect costs may also include extraordinary utility consumption, the cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations.⁹ Administrative costs are allowable when they are included in the approved budget or have prior approval by the federal awarding agency.

There is no universal rule for classifying certain costs as either direct or indirect (F&A) under every accounting system. A cost may be direct with respect to some specific service or function, but indirect with respect to the federal award or other final cost objective. Therefore, it is essential that each item of cost incurred for the same purpose be treated consistently in like circumstances either as a direct or an indirect (F&A) cost in order to avoid possible double-charging of federal awards.¹⁰ Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect (F&A) costs.¹¹

⁶ 20 CFR § 683.215(c)(4)

⁷ 20 CFR § 683.215(c)(5)

⁸ 20 CFR § 683.215(c)(6)

⁹ 2 CFR § 200.413(b)

¹⁰ 2 CFR § 200.412

¹¹ 2 CFR § 200.413(a)

Administrative Costs may be Associated with Direct Costs

Direct costs are those costs that can be specifically identified to a federal award, project, or activity; or that can be directly assigned to such activities relatively easily with a high degree of accuracy.¹² Examples of direct costs include direct labor and related fringe benefit cost, direct material, supplies, consultants, sub-awards, and travel.¹³

The salaries of administrative and clerical staff should normally be treated as indirect (facilities & administrative (F&A)) costs. Direct charging of these costs may be appropriate only if all of the following conditions are met:

- Administrative or clerical services are integral to a project or activity;
- Individuals involved can be specifically identified with the project or activity;
- Such costs are explicitly included in the budget or have the prior written approval of the federal awarding agency; and
- The costs are not also recovered as indirect costs.¹⁴

Administrative Costs may be Associated with Indirect Costs

The Uniform Guidance provides that indirect (F&A) costs means those 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 (F&A) costs. Indirect (F&A) cost pools must be distributed to benefitted cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.¹⁵

Indirect costs are costs not directly identified with a single final cost objective (grant), but instead relate to two or more final cost objectives/grants.¹⁶ Such costs cannot be economically traced to each grant so they must be placed in a cost pool to be allocated on a causal-beneficial basis to the final cost objective or grant.

One-Stop Administrative Cost Limits

In a One-Stop environment, administrative costs borne by other sources of funds, such as the Wagner-Peyser Act, are not included in the administrative cost limit calculation. Each program's administrative activities are chargeable to its own grant and subject to its administrative cost limitations.¹⁷

The costs of negotiating a memorandum of understanding or infrastructure agreement under Title I of WIOA are excluded from administrative cost limitations.¹⁸

¹² Id.

¹³ 2 CFR § 200.413(b), Appendix IV B.3.b(4)

¹⁴ 2 CFR § 200.413(c)

¹⁵ 2 CFR § 200.56

¹⁶ 2 CFR Part 200, Appendix IV A.1

¹⁷ 20 CFR § 683.205(a)(4)

¹⁸ 20 CFR § 683.205(a)(5)

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.

Adult, DLW, & Youth Eligibility

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Adult, Dislocated Worker & Youth Eligibility

Reference

Workforce Innovation and Opportunity Act (WIOA) 134, 194(12), 194(1), 189(h); 20 CFR §§ 680.120-683.285; TEGL 19-16, TEGL 23-14, TEGL 21-16; Nebraska Department of Labor (NDOL) Program Eligibility for Youth, Adults, and Dislocated Workers Policy.

Policy

The purpose of this policy is to provide guidelines regarding the eligibility criteria for WIOA Title 1 Adult, Dislocated Worker (DLW) and Youth programs.

Eligibility is determined based on information collected during registration and these criteria follow the participant through the entire course of WIOA programs and services attached to that application. If the participant's circumstances change during the WIOA registration cycle (such as a change in economic status, employment status, etc.), the participant remains eligible.

Eligibility for services should not be construed as a guarantee of services. The WIOA program is not an entitlement program.

Employment and training opportunities must be provided to Adults, DLWs, and Youth who can benefit from, and are most in need of, such opportunities.

Section 1. General Eligibility Requirements

All Adults, DLWs, and Youth must meet the following general eligibility criteria:

- Citizens or nationals of the United States; or
- Lawfully admitted permanent resident non-citizen, refugees, asylees, parolees, or other immigrants authorized to work in the United States by the Secretary of Homeland Security, or the Secretary's designee.

All individuals who are male and age 18 or older have complied with the requirements of the Military Selective Service Act.

Section 2. Adult Program Eligibility

To be eligible for career services through the Adult program, an individual must be age 18 or older and meet the general eligibility criteria in section one.

The priority of service policy must be followed.

Section 3. Dislocated Worker Program Eligibility

To be eligible for career and training services through the DLW program, an individual must meet the criteria outlined in one of the following five categories and the general eligibility criteria in section one.

Category 1- Ordinary Layoff

This eligibility category covers an individual who has been terminated or laid off, or who has received a notice of termination or layoff from employment, but not because of a permanent closure or mass layoff, and is either:

- eligible for or has exhausted entitlement to unemployment compensation; or
- has been employed long enough to demonstrate an attachment to the workforce even if not eligible for unemployment compensation due to:
 - insufficient earnings; or
 - having performed services for an employer that is not covered under state unemployment compensation laws.

The individual must also be unlikely to return to a previous industry or occupation.

Category 2- Permanent Closure of Mass Layoff

This eligibility category covers an individual who has been dislocated because of a permanent closure or mass layoff, meaning an individual who:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment because of any permanent closure of or any substantial layoff at a plant, facility, or enterprise; or
- is 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, is employed at a facility at which the employer has made a general announcement that the facility will close.

Category 3- Conditions Affecting Self-employment

This eligibility category covers a self-employed individual, including family members and farm workers or ranch hands, who are unemployed as a result of general economic conditions in the community in which the individual resides or a natural disaster.

Category 4- Displaced Homemaker

This eligibility category covers an individual who is dislocated as a displaced homemaker, meaning the individual has been providing unpaid services to family members in the home and:

- has been dependent on the income of another family member but is no longer supported by that income; or
- is the dependent spouse of a member of the US Armed Forces on active duty and whose family income is significantly reduced because of a:
 - deployment;
 - call or order to active duty; or
 - permanent change of duty station or the service-connected death or disability of the service member.

The individual must also be unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.

Category 5- Service Member or Military Spouse

Service Member

This eligibility category covers a service member who has separated or is separating from the US Armed Forces with a discharge that is anything other than dishonorable and:

- has received a notice of separation, a Form DD-214 from the Department of Defense, or other documentation showing a separation or imminent separation from the US Armed Forces;
- is eligible for or has exhausted unemployment compensation; and
- is unlikely to return to a previous industry or occupation.

Military Spouse

An individual who is the spouse of a member of the US Armed Forces on active duty is a dislocated worker if that individual:

- has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in the duty station of the service member; or
- is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

Section 4. Youth Program Eligibility

In-school Youth Eligibility

To qualify for the In-school Youth (ISY) program, an individual must meet the criteria outlined below and the general eligibility criteria in section one.

An individual must meet all of the following criteria:

- The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability;

- The individual must be between the ages of 14-21;
- The individual must be attending school, including secondary school or postsecondary school; and
- The individual is a low-income individual.

In addition, the individual must meet at least one of the following criteria:

- The individual is basic skills deficient;
- The individual is an English language learner;
- The individual is an offender;
- 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 a and b of this list;
 - d. Lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, similar settings; or
 - e. Is a runaway;
- 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;
- The individual is pregnant or parenting;
- The individual is an individual with a disability; or
- The individual requires additional assistance to complete an educational program or to secure or hold employment.

School Status

School status is determined at the time of eligibility and remains the same throughout the individual's participation in the ISY program. Once enrolled, an ISY may continue to receive services beyond age 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 the public K–12 school system; and
- classify the individuals as still enrolled in school.

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 program classifies the individual as still enrolled in school.

Additional Assistance Limitation

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. Administrative approval is required to enroll an individual who qualifies solely on a need for additional assistance to complete an educational program or to secure or hold employment.

Out of School Youth Program Eligibility

To qualify for the Out-of-school Youth (OSY) program, an individual must meet the criteria outlined below and the general eligibility criteria in section one.

An individual must meet all of the following criteria:

- The individual must provide equal opportunity data on race, ethnicity, age, sex, and disability;
- The individual must be between the ages of 16-24; and
- The individual is not attending school, including secondary school or postsecondary school.

In addition, the individual must meet at least one of the below criteria:

- The individual is a school dropout;
- 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;
- The individual is a recipient of a secondary school diploma or its recognized equivalent, a low-income individual, and either basic skills deficient or an English language learner;
- The individual is an offender;
- 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 a and b of this list;

- d. Lives in cars, parks, public spaces, abandoned buildings, substandard housing, bus or training stations, or similar settings; or
 - e. Is a runaway;
- 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.
- The individual is pregnant or parenting;
- The individual is an individual with a disability; or
- The individual requires additional assistance to enter or complete an educational program or secure or hold employment and is a low-income individual.

School Status

School status is determined at the time of eligibility determination and remains the same throughout the individual's participation in the youth program. Once enrolled, OSY may continue to receive services beyond age 24.

Low-income Requirements

An individual must be low-income if the individual is the recipient of a secondary school diploma or a recognized equivalent and eligibility as an OSY is based on:

- Basic skills deficiency;
- Being an English language learner; or
- A need for additional assistance to enter or complete an educational program or to secure or hold employment.

Low-income Exception

Up to five percent of all youth (in-school and out-of-school) program participants, 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. Administrative approval is required to enroll an individual who does not meet the low-income guidelines.

Documentation

All eligibility criteria must be documented in the participant file prior to the provision of WIOA services.

Disclaimer

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Definitions

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

1. active duty

The term active duty 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.

2. age of compulsory school attendance

An individual who is within the age of compulsory school attendance is an individual who is subject to compulsory school attendance according to state law. In Nebraska, individuals ages six 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.

3. attachment to the workforce

The phrase attachment to the workforce 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.

4. attending postsecondary school

Attending postsecondary school 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.

5. attending school (secondary school)

The phrase attending school is defined by state law. Nebraska State Law defines attending

school 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
- 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.

6. basic skills deficient

An individual who is basic skills deficient is:

- 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.

Criteria used to determine whether a youth or adult is basic skills deficient includes the following:

- English, reading, writing, or computing skills below the 8th grade level based on a generally accepted standardized test or accepted documentation; or
- Determined to have limited English skills based off staff documented observations or a generally accepted ESL test.

Reasonable accommodations in the assessment process will be provided to individuals with disabilities, if necessary. Allowable accommodations may vary based on the chosen assessment and should follow the assessment author's guidelines.

7. call or order to active duty

The phrase call or order to active duty refers to the call or order or retention on active duty for members of the uniformed services under 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.

8. deployment

A member of the US Armed Forces is considered to be deployed 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 deployed 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; or
- 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.

9. dropout

A school dropout is an individual who:

- is no longer attending any school; and
- has not received a secondary school diploma or a recognized equivalent.

Dropout refers only to an individual who is currently a secondary school dropout, which 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 2015 and returned to high school in 2016 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.

10. English language learner

English language learner 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
- who lives in a family or community environment where a language other than English is the dominant language.

11. family

Two or more person related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

- A married couple and dependent children;
- A parent or guardian and dependent children; or
- A married couple.

12. general announcement

The term general announcement means an announcement to the public by the employer or employer's representative. The general announcement does not need to be in written form, but it must be made to the public, not just the employees of the employer.

13. general economic conditions

The term general economic conditions is defined as one or more of the following:

- A business lost due to the closure or substantial layoff of a primary supplier or primary customer affecting the self-employed individual's products or services;
- A business lost because the product/occupation has little demand within the community or has been declining;
- A business lost because of increased non-labor production costs which are out of the control of management (i.e., energy costs); or

- A business lost because of natural disasters as defined by State or Federal declaration.

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.

15. individual with a disability

The phrase individual with a disability means an individual with a disability as defined in Section 3 of the Americans with Disabilities Act of 1990.

16. laid off or layoff

For determining eligibility as a dislocated worker, the term laid off or layoff means an individual's employment relationship is or will be suspended by the employer, without cause, 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 below.

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 six (6) months, the individual has received or is a member of a family that has received assistance through SNAP, the TANF program, SSI, or state or local income-based public assistance.
 - a. The individual is in a family whose total family income does not exceed the higher of: the current Federally-established poverty line; or
 - b. 70 percent of the Federally-established lower living standard income level (LLSIL).
3. 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.
4. 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.
 5. The individual is a foster child on behalf of whom state or local government payments are made.
 6. The individual is an individual with a disability whose income meets either of the criteria listed in row 3 of this Table.

A youth who lives in a high-poverty area is automatically considered a low-income individual.

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.

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. notice of termination or layoff from employment

A *notice of termination or layoff from employment* means a written notification from the employer, naming one or more individuals and indicating that employment will cease or has ceased for the individual(s) on a specific date.

19. offender

Offender means an adult or juvenile who:

- is or has been subject to any stage of the criminal justice process and for whom services under Youth, Adult, or Dislocated Worker programs may be beneficial; or
- requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

20. pregnant or parenting

A *pregnant* individual is the expectant mother only.

An individual who is *parenting* is a mother or father, custodial or non-custodial.

21. requires additional assistance

The phrase *requires additional assistance*, is defined by the local board as meeting one or more of the following criteria:

Educational Barriers

- Youth who have not completed high school or other educational programs necessary to secure and maintain entry-level employment;
- Youth who are deficient in basic skills, including those needing English as a second language instruction and remedial training for GED;
- Youth who have been identified as a dropout risk, unlikely to graduate due to a lack of credits, and other risk factors cited by school, law enforcement, or community officials such as
 - Have received court agency/referrals mandating school attendance
 - Documentation provided by the student's counselor or MDT/IEP team
 - Absences/truancy nearing court involvement
 - Lack of engagement
 - Unstable housing/home life
 - Documented behavioral problems at school
 - Placed on probation, suspended from school, or expelled from school one or more times during the past two years

- One or more years behind modal grade for one's age group, with particular emphasis on those two or more years behind modal grade (Modal grade is the most frequent grade classification of students of a particular age; e.g. most 15 year olds are in 10th grade)
- Are at least one semester behind the rate required to graduate from high school or has repeated at least one secondary grade level
- Below average academic test scores relative to students in his/her class with particular emphasis on those in the bottom 25 percent of the test score distribution or scored in the lowest two levels on state standardized assessments within the past 12 months
- Grade Point Average of less than 2.0
- Previously dropped out of school, or did not meet compulsory attendance, but is now enrolled and attending
- Has quit a postsecondary program without attaining a recognized credential

Employment Barriers

- Youth who lack pre-employment/work maturity skills, including
 - Has never held a job
 - Has never held a full-time job for more than 13 consecutive weeks (18 -24 years of age)
 - Little or no successful work experience, a long and unsuccessful work search, or little to no exposure to successfully employed adults
 - High school graduate who has not held a full-time regular job for more than three consecutive months
- Youth who have been unable to obtain or secure employment during the last six months
- Has been fired from a job within the 12 months prior to program application (18 -24 years of age)
- Has been unemployed six months out of the last two years

Medical/Social/Family Barriers

- Recipient of free or reduced lunch benefits
- Lives in public housing
- Has a family history of chronic unemployment documented by long-term public assistance
- Youth who are defined as "neediest" – youth in foster care (especially those aging out of foster care), youth in the juvenile justice system, children of incarcerated parents, migrant youth, Native American youth, Indian youth, and youth with disabilities including learning disabilities;
- Resides in a non-traditional household setting (i.e., death of parent, child of incarcerated parent, single parent, lives with unofficial guardian, latchkey, grandparents, domestic partners, adopted, etc.)
- Has emotional, medical, physical, cognitive, or psychological impairment which creates a significant impediment to employment
- Has been referred to, or is being treated by, an agency for a substance abuse related problem
- Has experienced recent traumatic events, is a victim of abuse, or resides in an abusive environment as documented by a school official or professional
- Faces significant personal challenges including dysfunctional domestic situations, lack of supportive services, documented behavioral problems, and substance abuse by the youth or a family members

Geographic Barriers

- Youth who reside in a defined Area of Substantial Unemployment
- Lives in a federally-designated high poverty area such as a census tract
- No community with population of 2000 or more within 25 miles
- Lack of internet

22. school

The term *school* is defined by state law. Nebraska State Law defines *school* 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.

Nebraska State Law does not include postsecondary institutions in its definition of school. For purposes of this policy, the following providers or programs are considered schools:

- all postsecondary institutions that are accredited according to the requirements of the U.S. Department of Education;
- all private postsecondary career schools that are licensed or authorized to operate by the Nebraska Department of Education; and
- all private postsecondary career schools that are licensed or authorized to operate in other states according to the requirements of the states in which they operate.

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.

23. service-connected

The term *service-connected* means, with respect to disability or death, that a disability was incurred or aggravated, or that death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service.

24. temporary recall

The term *temporary recall* 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 calendar days or less. In a *temporary recall*, the employer still intends to terminate the worker.

25. terminated

For determining eligibility as a dislocated worker, *terminated* employment is a permanent situation in which the employer lays off, without cause, and does not plan to rehire an individual. Any documented non-seasonal layoff projected to last one-hundred eighty (180) or more calendar days is a termination of employment.

The intent of this definition is to include only those terminated workers who intend to return to permanent, full-time work.

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 one-hundred eighty (180) calendar days of the initial layoff date; or
- retirement or other voluntary separation from the workforce.

26. unemployed as a result of a natural disaster

The phrase *unemployed as a result of a natural disaster* means unemployment caused by a major adverse event(s) resulting from natural processes of the Earth or forces other than the acts of human beings, including environmental conditions, such as:

- floods;
- 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.

27. unlikely to return to a previous occupation or industry

For 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 on one or more of the following criteria:

- official assessments of market demand for products or services in the occupation or industry;
- local labor market conditions for the industry or occupation;
- 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;
- impact of technology or trade on the industry or occupation.

A separating service member meets the standard of *unlikely to return to a previous industry or occupation*.

Adult and DLW Program Services

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Adult & Dislocated Worker Program Services

Reference

TEGL 19-16. 20 USC § 1232g. 34 CFR Part 99 20 CFR §§ 680.210-680.230 and 681.430(b). Nebraska Department of Labor, Adult and Dislocated Worker Programs policy.

Policy

Career Services

There are three types of career services available to adults and dislocated workers (DLW): basic career services, individualized career services, and follow up services. There is no sequence of service requirements for career services.

Basic Career Services

Basic career services are considered universal services and do not require an eligibility determination or enrollment into a one-stop partner program. These services are accessible to anyone at any American Job Center or Career Center throughout Greater Nebraska.

Basic Career Services include:

- Determination of whether an individual is eligible to receive services under the WIOA Adult, DLW, or Youth programs.
- Outreach, intake (including worker profiling), and orientation providing 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 application forms or links to the application website.
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs.

- Labor exchange services, including job search and placement assistance and career counseling when needed by an individual, including provision of information on in-demand industry sectors and occupations and nontraditional employment.
- Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and other workforce development programs when appropriate.
- Provision of workforce and labor market employment statistics information, including provision of accurate information relating to local, regional, and national labor markets, such as:
 - Job vacancy listings in labor market areas;
 - Information on job skills necessary to obtain the vacant jobs listed; and
 - Information relating to local in-demand occupations and the earnings, skill requirements, and opportunities for advancement for those jobs.
- Provision of performance information and program cost information on eligible providers of education, training, and workforce services, delineated by program and type of providers.
- Provision of information, in usable and understandable formats and languages, on how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system.
- Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance and appropriate referrals to those services and assistance, including: child care, child support, medical or child health assistance available through the state's Medicaid program and Children's Health Insurance Program, benefits under Supplemental Nutrition Assistance Program (SNAP), assistance through the earned income tax credit, and assistance under a state program for TANF and other supportive services and transportation provided through that program.
- Provision of information and meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Individualized Career Services

Individualized career services are not considered universal services, and individuals who receive them must be eligible under WIOA and enrolled in the WIOA program. These services are subject to Priority of Service provisions for Adult participants as outlined in the Greater Nebraska Priority Populations and Priority of Service policy.

Individualized career services must be made available to individuals enrolled in the Adult and DLW programs, if determined appropriate in order for the individual to obtain or retain employment.

Eligibility for individualized career services must be based on an initial assessment of skill levels including:

- Literacy and numeracy;
- English language proficiency;
- Aptitudes and abilities, including skills gaps; and

- Supportive service needs.

Greater Nebraska utilizes the Objective Assessment Summary (OAS) in the participant's NEworks file to assess the above skills/ needs for each participant. Additional assessments career planners may provide include, but are not limited to the NEworks Assessments and CASAS.

Individualized Career Services include:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include:
 - diagnostic testing and use of other assessment tools; and
 - in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an individual employment plan (IEP) that identifies the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the provision of information on eligible providers.
- Group or 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 services to prepare individuals for unsubsidized employment or training.
- 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

Follow up services must be made available for adults and DLW who are placed in unsubsidized employment for a minimum of 12 months after the first day of employment. All participants must be offered an opportunity to receive follow-up services unless the participant declines to receive follow-up services or the participant cannot be located or contacted. The type and intensity of follow-up services will vary for each participant as they are based off individual need.

Follow-up services must be more than just an attempt to contact the participant and must not be just an attempt to secure documentation to support or report a performance outcome. Follow up services provide support and guidance to:

- Facilitate sustained employment.
- Advancement along a career or educational ladder.
- Personal development.

Follow up services include:

- Assistance addressing work related problems.

- Referrals to partner programs/ agencies as needed.
- Career counseling.
- Information on additional education opportunities.

Adult and DLW participants cannot receive supportive services or any other funded activity during follow up.

Training Services

Training services are not considered universal services, and individuals who receive them must be eligible under WIOA and enrolled in the WIOA program. These services are subject to Priority of Service provisions for Adult participants as outlined in the Greater Nebraska Priority Populations and Priority of Service policy.

There is no requirement that career services be provided as a condition to receive training services. However, if career services are not provided before training, the circumstances that justify the determination to provide training services to the participant without first providing an interview, evaluation, or assessment, and career planning informed by local labor market information and training provider performance information must be documented in an NEworks case note.

Prior to receiving training services the Training Justification tab in the NEworks WIOA Application must be completed to provide documentation that all eligibility criteria listed below are met.

Eligibility criteria for employed and unemployed Adult and DLW for the receipt of training services:

1. A one-stop center or one-stop partner determines, after an interview, evaluation, or assessment, and career planning, are:
 - a. Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - b. In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - c. Have the skills and qualifications to participate successfully in training services.
2. Selects a program of training services that is directly linked to the employment opportunities in the local area or in another area to which the individual is willing to commute or relocate.
3. Are unable to obtain grant assistance from other sources to pay costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance (TAA), and Federal Pell Grants, or require WIOA assistance in addition to other sources of grant assistance.

Training Services include, but are not limited to:

- Occupational skills training, including training for nontraditional employment.
- On-the-job training.

- Incumbent worker training.
- Programs that combine workplace training with related instruction, which may include cooperative education program.
- Training programs operated by the private sector.
- Skills upgrading or retraining.
- Entrepreneurial training.
- Transitional jobs.
- Job readiness training provided in combination with one or more of the training services listed above.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Training services, when determined appropriate, must be provided either through an Individual Training Account (ITA) or through a training contract. Further guidelines regarding ITAs and training contracts can be found in Greater Nebraska's Individual Training Account (ITA) policy and Greater Nebraska's Contracting with Training Providers for Training Services policy.

Co-enrollment and Coordination of Services

Adult and DLW must be co-enrolled in partner programs when eligibility permits and co-enrollment benefits the participant. The participant must agree to co-enrollment.

Career planners must:

- Ensure coordination of services, including career, training, and supportive services, with one-stop partners and other entities;
- Identify and track funding streams that pay the costs of services provided to co-enrolled participants; and
- Ensure no duplication of services across programs.

Co-enrollment must be documented in the Partner Programs tab of the participant's NEworks WIOA Application. Coordination of services must be documented in the participant's NEworks activities and case notes.

Privacy

Career planners must adhere to the confidentiality requirements of the Family Education Rights and Privacy Act, established under Section 444 of the General Education Provisions Act, including requirements regarding circumstances requiring written consent for disclosure of personally identifiable information from an education record.

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.

Complaints, Grievances, & Appeal Procedures

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
	Effective Date 5/23/2019
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Complaints, Grievance and Appeal Procedures

Reference

20 CFR §§ 683.600-683.610; Nebraska Department of Labor's (NDOL) Grievances and Complaints Policy.

Policy

Complaints & Grievances of a Non-discriminatory Nature

Purpose

The following procedure describe the process by which participants and others affected may file complaints/grievances alleging a violation of the requirements under Title I of the Workforce Innovation and Opportunity Act (WIOA) including grant agreements, grant awards, collective bargaining agreements, failure to receive services, etc.

Reasonable Effort

The American Job Centers and NDOL Offices will make reasonable efforts as provided for in 29 CFR 38.9 to assure that information on the complaint procedure and complaint forms will be understood by individuals, including youth, and limited English speaking participants, in order to meet their language needs and be effectively informed.

Protection

These procedures are designed to ensure that the identity of a person who furnishes information or assists in the investigation of a complaint will be kept confidential to the extent possible consistent with a fair determination on the complaint. A complainant's rights include freedom from employment termination, discrimination, retaliation, or denial of WIOA benefits to which entitled because the person filed a complaint. The complainant's identity will be kept confidential to every extent possible unless and until identity is necessary to resolve the issue.

Reprisal

Retaliation is prohibited against a person who files a complaint or testifies. An individual may file a complaint without fear of jeopardizing his/her WIOA participation, employment, advancement opportunities, salary increases, or any other rights and benefits.

Who May File

A complaint may be filed by any person or organization affected by the local Workforce Development System, including but not limited to program participants, contractors, WIOA staff, local area staff, one stop partners, service providers, One Stop Partner staff, applicants for program participation, labor unions, and community based organizations.

Filing Deadline

Non-criminal complaints and grievances of a nondiscriminatory nature should be filed as soon as possible and shall be filed within 180 days of the alleged occurrence.

Complaints Process

If a grievance or complaint is made directly to the State or Secretary they will be referred to the appropriate local area for resolution. Local level procedures shall be exhausted before the complaint may be addressed at the State level. The local area shall either resolve the complaint informally or have a hearing and issue a final local decision within sixty (60) days.

How to File a Complaint

Complaints shall be submitted in writing and contain the following:

- A. Full name, legal address, phone number of the complainant, and email address if available.
- B. Full name, address of the person or entity against whom the complaint is made.
- C. A clear statement of the facts and date(s) of the alleged violation.
- D. If known, the specific areas of Title I WIOA, its regulations, or other terms or conditions believed to have been violated.
- E. A statement as to whether or not the complaint has been filed anywhere else.
- F. If the complainant is represented by an attorney or other representative of the complainant's choice, the name, address and phone number of the representative.
- G. Must state the relief or remedial action sought.
- H. Copies of documents supporting or referred to in the complaint must be attached to the complaint.
- I. The complaint must be signed and dated by the complainant.
- J. The written complaint is to be given to the One-Stop Operator of the American Job Center or mailed to the: Greater Nebraska Workforce Development Area, 550 S. 16th Street, Lincoln, NE 68508
- K. If the complainant is unable to provide a written statement, an alternative method of obtaining written documentation from the complainant shall be pursued, which may include assistance by agency staff or the local service provider.

Where to get a Complaint Procedure/Form

This policy and forms are available upon request at the American Job Centers or any Nebraska Department of Labor Office. Any entity which is awarded Title I funds will provide and publish information on the complaint procedure and have forms available to participants upon request. WIOA case managers are required to explain the process to clients during the initial assessment process and make available a copy of this policy.

Resolving a Complaint

- A. Complainants are encouraged to resolve complaints through informal discussion. If there is a mutually satisfactory resolution from the informal discussion, the One Stop Operator should include documentation in the file and in the complaint log stating the issues and the resolution. The matter would then be considered closed.
- B. If the complaint is not resolved through informal discussion, the complainant can choose to formally file a written complaint with the One Stop Operator.
- C. The One Stop Operator will formally acknowledge its receipt of a complaint within 5 days of receipt by a written acknowledgment. The acknowledgment will be sent to the complainant's last known address on record.
- D. Within 14 days of receiving a complaint, the One Stop Operator will issue and send its initial determination to the complainant's last known address of record. The initial determination shall be construed as an informal resolution and will include:
 - a) Statement of complainant's issues.
 - b) The One Stop Operator's determination.
 - c) Reasons for the determination.
 - d) An offer to accept the determination in writing.
- E. If the determination is not accepted, a hearing may be requested by the complainant. The written request for a hearing must be made in writing by the complainant to the One Stop Operator and received by the One Stop Operator within 5 days of the complainant's receipt of the initial determination decision.
- F. Upon receipt of request for a hearing, the One Stop Operator will arrange it to be heard by a Hearing Committee of the Greater Nebraska Workforce Development Board designated by the Chairperson (hereinafter referred to as Committee) or by a hearing officer as designated by the Committee. The Committee shall have a minimum of 3 members for the hearing.
- G. The hearing will be arranged within 5 days from the date of receiving the request for a hearing.

- H. The complainant will be sent a written notice within 3 days after arranging a date that a hearing has been arranged and provide the location, date, and time of the hearing. The notice will include:
- a) Identity of Committee or hearing officer as designated by the committee.
 - b) Date, time and place that the hearing will be held.
 - c) Opportunity for the complainant to withdraw the request for a hearing. The request must be received in writing before the date of the hearing and must include a signed statement that the resolution is satisfactory.
 - d) The opportunity to bring witnesses or documentary evidence.
 - e) The opportunity to be represented by an attorney or other representative chosen by the complainant.
 - f) The opportunity to have relevant records and/or other documents surrendered for the hearing.
 - g) The opportunity to question any witnesses.
- I. The hearing will be conducted within 25 days of receiving the request for a hearing. The hearing will be held informally; meaning that formal and/or technical rules of evidence do not apply. Opportunity shall be afforded all parties to present evidence or testimony bearing on the nature of the complaint.
- J. The Committee's decision will be given in writing to the complainant and One Stop Operator within 60 days of the date the formal complaint was received by the One Stop Operator. The decision will include:
- a) Statement of issues.
 - b) Committee's decision.
 - c) Reason(s) for the decision.
 - d) Recommended action(s).
- K. The One Stop Operator will review and respond in writing to the Committee's decision within 5 days after receiving the decision and provide a copy to complainant. The One Stop Operator's written response to the recommended action will include:
- a) Summary of facts and findings.
 - b) One Stop Operator response.
 - c) Reason(s) for the response.
 - d) Action(s) to be taken.

State Appeal Procedures

The parties have a right to appeal for a review by the State when no determination is made at the local level within 60 days or a party to the grievance or complaint is dissatisfied with the local

decision. The State Department of Labor has issued a process for this appeal, which can be found [here](#) or they may be contacted at:

Nebraska Department of Labor
Office of Employment and Training
550 South 16th Street
Lincoln, Nebraska 68509

Federal Appeal Procedures

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 regarding a non-criminal grievance or complain when no determination is made at the State level within 60 days of filing an appeal or a party to the grievance or complain is dissatisfied with the decision on the state-level appeal filed with NDOL. The State's Grievances and Complaints policy has issued a process for this appeal, which can be found [here](#) or they may be contacted at:

Nebraska Department of Labor
Office of Employment and Training
550 South 16th Street
Lincoln, Nebraska 68509

Statewide Grievances and Complaints

Grievances and complaints from participants and other interested parties affected by Statewide Workforce Investment programs may be submitted to the State at:

Nebraska Department of Labor
Office of Employment and Training
550 South 16th Street
Lincoln, Nebraska 68509

If it is determined that the complaint is directly related to the local WIOA program, then the complaint/grievance will be remanded to the local area grievance process. Local level procedures shall be exhausted before the complaint may be addressed at the State level. The local area shall either resolve the complaint informally or have a hearing and issue a final local decision within sixty (60) days.

Complaints & Grievances of Another Natures

Labor Standard Violation

If an individual alleges a labor standard violation, such violation may be submitted to a binding arbitration procedure if such individual's collective bargaining agreement covering the parties to the grievance provides for an arbitration procedure.

Binding Arbitration

As an alternative to the above, a person alleging a violation of Section 181(b) may submit the grievance to a binding grievance procedure if a collective bargaining agreement covering the parties to the grievance so provides. However, binding arbitration decisions are not reviewable by the Secretary, and the remedies available to the grievant are limited to those set forth in the Act.

Violations of the Relocation Provisions in Section 181(d) of the Act

When the grievance alleges violation of the Relocation Provisions in Section 181(d) of the Act, the grievance may be submitted to the Secretary of Labor for investigation to determine whether the State or local area is in compliance with the Act.

If the Secretary determines that a violation of the relocation prohibitions has occurred, the Secretary shall require the State that has violated such provisions to repay to the United States an amount equal to the amount expended in violation.

Record Retention

Complaint records must be retained by the One Stop Operator for a minimum of three years following resolution of the complaint. The One Stop Operator will maintain a Complaint Log that records all complaints, oral and written, and will provide this log upon request to the Greater Nebraska Workforce Development Board and to the State Program Monitor for compliance and verification purposes.

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.

Conflict of Interest

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
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Conflict of Interest

Reference

Workforce Innovation and Opportunity Act (WIOA) Sec. 101, 102, and 107; Workforce Innovation and Opportunity Act – Notice of Proposed Rulemaking, 20 CFR §§ 679.430, 683.200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards Final Rule (Uniform Guidance), 2 CFR 200, Nebraska Department of Labor (NDOL) Interim Policy on Conflict of Interest

Purpose

This conflict of interest policy ensures that individuals employed by or representatives of organizations entrusted with WIOA Title 1b funds and their immediate family members will not personally or professionally benefit from the award or expenditure of such funds.

Background

The regional plan requires that local's areas have a conflict of interest policy.

Action

All staff and partners at all levels of participation in the Greater Nebraska Workforce Development Area (GNWDA) funded by the Workforce Innovation and Opportunity Act (WIOA) Title 1b are expected to read, understand and apply this policy to ensure system integrity and effective oversight of the local area. Questions and comments should be submitted in writing to the Greater Nebraska WIOA Mailbox: ndol.greaternebraska@nebraska.gov.

Policy

Workforce Coordinators

Workforce coordinators cannot enroll, provide career planning services, or otherwise directly work with family members as participants, applicants, or registrants. When a family member of a workforce

coordinator is in need of services, that person must be assigned to a different workforce coordinator in order to avoid a real or apparent conflict of interest.¹⁹

Managers & Administrative Entity Staff

Managers and administrative entity staff must report any real or apparent conflicts of interest to their supervisor.

Workforce Board & Chief Elected Officials Board

All members shall comply with the provisions of §§49-1499 through 49-14,103.03 Nebraska Revised Statutes.

No member may receive anything of value as a result of a benefit conferred by the GNWDB/CEOB upon any person, business or organization.

A Local Board member must disclose with particularity the nature and extent of any financial interest in or affiliation with any person, business or organization that is seeking anything of value from the GNWDB/CEOB prior to consideration of the request by the Local Board. A disclosure period will be provided to the members.

When a potential conflict exists, the Local Board Member must prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate; and deliver a copy of the statement to the Board Chair, who shall cause the statement to be filed as a matter of public record.

No member shall vote on a question in which he or she has a direct or indirect personal or pecuniary interest not common to other members of the GNWDB/CEOB. The member of the Board may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists. The minutes of the meeting shall record compliance with this requirement. The interested member may briefly state his or her position regarding the subject or may answer questions of other members, since his or her knowledge may be of assistance.²⁰

Entities Performing Multiple Functions

The Nebraska Department of Labor functions simultaneously in a variety of roles, including One-Stop operator, service provider for adult, dislocated worker, and youth programs, administrative entity, and as the governing body for State WIOA policy.

Steps have been taken, when possible to, silo these roles. The Office of Employment and Training (E&T) is divided into three branches; Program Support/Quality Assurance, Operations/Service Delivery, and Policy/Technology. Each branch has its own administrator and acts independently to a great extent. All

¹⁹ NDOL Interim Policy on Conflict of Interest

²⁰ Attachment 5. GNWDB Bylaws

administrators report to the Director of E&T. Program Support/Quality Assurance provides administrative entity services, Operations/Service Delivery delivers One-Stop operator and WIOA Title 1 programs (adult, DLW, & youth), and Policy/Technology is responsible for State WIOA Title 1 policy.

Procurement Process

The local area follows the procurements policies and procedures of the Nebraska Department of Administrative Services. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the grant recipient and subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.²¹

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.

²¹ 2 CFR § 200.318(c)(1)

Eligible Training Providers and Contracting with Training Providers

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
	Effective Date 1/30/2020
	Supersedes
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Eligible Training Providers and Contracting with Training Providers

Reference

20 CFR 680.320 and 20 CFR 680.340-680.530. Nebraska Department of Labor's Adult and Dislocated Worker Programs policy and Eligible Training Providers policy.

Policy

Eligible Training Providers

Nebraska's Eligible Training Provider List (ETPL) is a list of training providers that are qualified to receive WIOA funding for providing training services to eligible individuals through approved training programs, including Registered Apprenticeship programs.

The Governor has designated Nebraska Department of Labor (NDOL) as the agency responsible for determining the eligibility of training providers. NDOL plays a leadership role in ensuring success of the Nebraska Eligible Training Provider (ETP) program in partnership with local boards and the one-stop delivery system. For information regarding eligibility criteria, the eligibility process, etc. see NDOL's Eligible Training Providers Policy.

Training providers on the Eligible Training Provider List (ETPL), or the ETPL of a state with which Nebraska has a reciprocal agreement, are the only entities eligible to receive funding through Individual Training Accounts (ITA), except for limited exceptions identified below in the Contracting with Training Providers section. For additional information on ITAs see Greater Nebraska's Individual Training Accounts Policy.

Nebraska's ETPL is accessible online at [NEworks.nebraska.gov](https://neworks.nebraska.gov) under Job Seekers: Training Services, look for ETPL Approved Programs. Training providers that would like be included on the ETPL can learn more at dol.nebraska.gov.

The responsibilities of the Greater Nebraska Workforce Development Board (GNWDB) regarding the ETPL include:

- Carrying out procedures assigned by NDOL;
- Working with NDOL to ensure sufficient numbers and types of providers are serving the local area, including training providers with expertise in serving individuals with disabilities and adults in need of education and literacy activities;
- Ensuring the dissemination and appropriate use of the ETPL through the local one-stop delivery system; and
- Ensuring informed consumer choice as described in Greater Nebraska's Individual Training Accounts Policy.

In addition, the GNWDB may:

- Make recommendations to NDOL on the process used in determining eligibility of training providers and programs;
- Require supplemental (not alternative) criteria and information from local training providers as criteria to become or remain eligible in the local area;
- Set higher local levels of performance for training providers than those established by NDOL as criteria to become or remain eligible to provide training services in the local area; and
- Supplement the criteria and information requirements established by NDOL in order to support informed consumer choice and the achievement of local performance indicators including:
 - Information on training programs that are linked to in-demand occupations in the local area;
 - Performance and cost information, including program performance and cost information, for the local outlets(s) of multi-site eligible training providers;
 - Information that shows how programs are responsive to local requirements; and
 - Other appropriate information related to the objectives of WIOA.

GNWDB has not established any additional criteria for training providers to meet to become or remain eligible to provide training services in the local area.

Contracting with Training Providers

Not all allowable types of training services are subject to the requirements of the eligible training provider provisions. Contracts for training services may be used instead of ITAs when the GNWDB has fulfilled the consumer choice requirements described in Greater Nebraska's Individual Training Accounts Policy. Training services exempt from the ETPL requirements include:

1. On-the-job-training (OJT), customized training, incumbent worker training, or transitional jobs (TJ) training services.
2. The GNWDB determines:
 - a. If there is an insufficient number of eligible training providers in the local area to accomplish the purpose of a system of ITAs.
 - b. If there is a program of training services having demonstrated effectiveness in serving individuals with barriers to employment offered in the local area by a community-based organization or other private organization.
 - c. It would be most appropriate to contract with an institution of higher education or other accredited, authorized, or licensed provider of training services, in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided that the contract does not limit consumer choice. Providers of training services must be authorized by accrediting or governing authorities to provide training services in Nebraska or to Nebraska residents.
3. The GNWDB provides training services through a pay-for-performance contract.

Individuals with barriers to employment include the following:

- a. displaced homemakers;
- b. low-income individuals;
- c. Native American Indians, Alaska Natives, and Native Hawaiians;
- d. individuals with disabilities;
- e. older individuals, i.e., those aged 55 or over;
- f. ex-offenders;
- g. homeless individuals;
- 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, defined in WIOA sec. 167(i);
- k. individuals within two (2) years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF);
- l. single-parents (including single pregnant women);
- m. long-term unemployed individuals; or
- n. other groups determined by the Governor to have barriers to employment.

Selecting Training Providers

On-the-job training, customized training, incumbent worker training, and transitional jobs contracts are approved by the local office Managers.

The Strategic Planning Committee is responsible for reviewing training service contracts meeting exemption two (2) or three (3) listed above. The committee will utilize the criteria listed below to determine if a recommendation to approve the contract should be made to the GNWDB. The committee will:

1. Ensure the training program falls under one of the exempt categories listed above.
2. Ensure the program was not approved as an eligible training program by NDOL.

Note: Priority will be given to training provider institutions that are approved to be on the ETPL by NDOL, but the individual program was not.

3. Training is limited to short-term training (no more than six months).
4. Ensure the training program serves to provide needed training to participants in order to follow a career path that will lead to high wage, high skill, and high demand (H3) employment.

For an occupation to be considered H3 it must meet the following criteria:

- i. Occupations are high wage when at least half of their wage measures are at or above the regional average for all occupations.
 - ii. Occupations that require some college, no degree, or a higher level of educational attainment are high skill, as well as occupations that require a high school diploma or equivalent plus long-term on-the-job training, an apprenticeship, or internship/residency.
 - iii. The number of annual openings, net change in employment, and growth rate determine whether an occupation is high demand.
5. Determine if there is an insufficient number of eligible providers. To determine if there is an insufficient number of eligible providers the board must:
 - a. Assess the number of training providers on the ETPL within a 50 mile commuting distance of the participant. If there are no training providers offering a specific H3 program within a 50 mile commuting distance of the participant, this would deem an insufficient number of eligible providers.
 - b. Follow the Department of Administrative Services Procurement Policy including providing a thirty (30) day public comment period for interested providers.
 6. Ensure the training demonstrates effectiveness particularly as it applies to individuals with barriers to employment to be served. To demonstrate effectiveness the program and provider must:

- a. Demonstrate adequate management, administrative capacity, and resources (financial and personnel) necessary for the proper operation of the training program;
- b. Demonstrate that all educational programs are sound, current and that the employment community is actively involved in discussions about how to develop and maintain programs that are relevant, current, and accurately reflect industry requirements;
- c. Demonstrate appropriate admission requirements, recruitment practices, student services, and monitoring of student progress toward graduation, ensuring to effectively serve individuals with barriers to employment;
- d. Measure student outcomes quantitatively based on measures such as, program completion, attainment of the skills, certificates, or degrees the program is designed to provide, placement after training in unsubsidized employment, and retention in employment.
- e. Describe how the program relates to the workforce investment needs identified in the Greater Nebraska Local Plan; and
- f. Provide written assurances that it complies with the requirements of WIOA sec. 188 and 29 CFR Part 38 and the Americans with Disabilities Act, as amended.

If training is in response to a mass layoff, the committee may exclude factors two and three in their determination.

If the above criteria is met, the Strategic Planning Committee will make a recommendation to the GNWDB to approve the contract. Procurement and selection of providers based on conditions two (2) or three (3) must adhere to the requirements of the Uniform Guidance.

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.

Equal Opportunity & Nondiscrimination

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
	Effective Date 5/28/2020
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Equal Opportunity and Nondiscrimination

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 2.

Policy

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. 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 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 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 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.

Discrimination and Harassment

It is against the law for recipients of federal financial assistance to discriminate or harass any individual on the basis of race, color, religion, sex, 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. In addition, 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.

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.

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:

- 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

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.

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. 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.

Program accessibility 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.

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.

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 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

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.

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.

Administrator of Workforce Services, Greater Nebraska EO Officer
Nebraska Department of Labor
550 S. 16th Street, PO Box 94600
Lincoln, NE 68509-4600
Ndol.greaternebraska@nebraska.gov

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;
- 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.

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.

Equal Opportunity Notice

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.

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, 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.

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 a reasonable numbers and placed where customers and staff frequent.

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;
- 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).

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

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. 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.

EO data must be collected for all WIOA Title I financially assisted programs for applicants, registrants, eligible applicants/registrants, participants, trainees, 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 trainee. 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 trainees. 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

Each recipient must maintain discrimination complaint logs, and submit to CRC upon request, with the name and address of the complainant, the basis of the alleged discrimination (ex: race, color, religion, sex, national origin, etc.), a brief description of the complaint, the date filed and the disposition of the complaint.

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, 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.

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 and Access

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.

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

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.

Complaint Processing Procedures

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 ten (10) calendar 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
- informed 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 is explained to the complainant.

2. Alternative Dispute Resolution

An ADR is a 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. 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.

Within twenty (20) calendar days of the filing of the complaint, the complainant accepts or rejects the offer of mediation.

- a) If mediation is accepted, it is held within thirty (30) calendar days of the filing of the complaint.
- b) If an agreement is reached that is satisfactory to both parties, the complaint is resolved.
- c) 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 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.
- d) If the parties do not reach an agreement under ADR, the complainant will be given a Notice of Final Action of the right to file a complaint with the Director of the CRC within 30 days of the notice date.

3. Mediation Not Accepted

If mediation is not accepted within thirty (30) calendar days of the filing of the complaint, a notice to the complainant is sent that contains the following information:

- a. A list of the issues raised in the complaint; and
- b. For each issue, a statement whether the local area will accept the issue for investigation or reject the issue, and the reasons for each rejection.

4. A Period for Fact-finding

A period for fact-finding or investigation of the circumstances underlying the complaint must be completed within sixty (60) calendar days of the filing of the complaint.

5. Notice of Final Action

A written Notice of Final Action, provided to the complainant within ninety (90) calendar days of the filing of the complaint and contains 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

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

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.

Disclaimer

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Individual Training Accounts (ITAs)

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Individual Training Accounts

Reference

Workforce Innovation and Opportunity Act (WIOA), Sections 122 and 134; 20 CFR §§ 680.210-680.350; TEGL 19-16, Nebraska Department of Labor (NDOL) Eligible Training Provider Policy.

Policy

The Workforce Innovation and Opportunity Act (WIOA) mandates that all training services, except for limited exception identified in the Contracting with Training Providers Policy, be provided through the use of Individual Training Accounts (ITAs) and that eligible individuals shall receive ITAs through the one-stop delivery system.

Eligibility

Training services may be made available to employed and unemployed adults, dislocated workers and youth after a career planner determines, through an interview, evaluation, or assessment, and career planning, that the individual:

- Is unlikely or unable to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services (adults and dislocated workers);
- Is in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment (adults and dislocated workers); and
- Has the skills and qualifications to participate successfully in training services.

Training can also be provided when:

- The participant selects a program of training services that is directly linked to the employment opportunities in the local area or planning region, or in another area to which the individuals are willing to commute or relocate;
- A WIOA Adult participant is in one of the priority populations.

Career Services

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 career planner must document the circumstances that justified the decision to provide training services without first providing the services.

There is no federally required minimum time period for participants to be in career services before receiving training services.

Documentation

The Individual Employment Plan or Individual Service Strategy is an ongoing document that must identify the participant's employment goals, the appropriate achievement objectives, the combination of services required to achieve the employment goals, and the program of training selected to directly link the participant to the in-demand employment opportunities in the local area or in another area where the participant is willing to relocate. Outcomes must also be recorded in the IEP/ISS. For training justification the case file must contain a determination of need for training services.

Consumer Choice

Training services for eligible individuals are typically provided by training providers who receive payment for their services through an ITA. The ITA is a payment agreement established on behalf of a participant with a training provider. Individuals may select training programs that cost more than the maximum allowed amount for an ITA, if they have other funding sources available to supplement the ITA. Other sources may include: Pell Grants, scholarships, loans, severance pay, Temporary Assistance for Needy Families (TANF), etc. Training services must be provided in a manner that maximizes informed consumer choice.

If an individual meets the eligibility established above, they must choose a provider from the Eligible Training Provider List (ETPL), a list of approved training providers that may receive WIOA Title I funding through an ITA. The approved list can be found at [NEworks.nebraska.gov](https://neworks.nebraska.gov) under the Education Services menu, look for ETPL Approved Programs. The Nebraska Department of Labor (NDOL) publishes this list quarterly. Training providers that would like be included on the ETPL can learn more at dol.nebraska.gov under Eligible Training Providers in the Workforce Innovation and Opportunity Act tab.

If the program has not exhausted funds for the program year, the career planner must refer the individual to the selected provider, and establish an ITA to pay for the training. The ITA funds paid to the ETP are paid by the applicable adult, dislocated worker, or out-of-school youth program the participant is enrolled or co-enrolled in. Priority consideration must be given to programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area.

The WIOA Title I program is not an entitlement program. Continued WIOA Title I funding is not guaranteed, rather based on availability of program funds.

Training Expenses

WIOA funding for training is limited to participants who:

- a) Are unable to obtain grant assistance from other sources to pay the costs of their training;
or
- b) Require funding assistance beyond what was received from other grant sources to pay the cost of their education expenses.

The ITA may cover the costs of training and education-related expenses.

Training expenses include tuition and fees. Pell grants and other grant sources, with the exception of the GI Bill of VA funding per TEGL 19-16, need to be applied first prior to the use of WIOA Title I funds.

Education-related expenses include books, supplies and other supportive services. There is no requirement to apply Pell or other funding sources first; WIOA can immediately pick up these costs within the parameters of the Supportive Service policy.

- a. Career planners may take into account the full cost of participating in training services, including the cost of supportive services and other appropriate costs.
- b. Career planners must consider the availability of other sources or grants to pay for training costs such as TANF, state-funded training funds, and Federal Pell Grants, so that WIOA funds supplement other funding sources.
- c. A WIOA participant may enroll in WIOA funded training while his/her application for a Pell Grant is pending. The career planner must make arrangements with the training provider and WIOA participant regarding allocation of the Pell Grant, if it is subsequently awarded. In that case, the training provider must reimburse the one-stop center the WIOA funds used to underwrite the training for the amount the Pell Grant covers. Reimbursement is not required from the portion of Pell Grant disbursed to the WIOA participant for education-related expenses.

ITAs can be paid per semester, quarter or term or once for a short-term training.

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Monitoring

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
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Monitoring

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 a one-stop partner site as an affiliate site, they must also certify that site.

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.

All one-stop centers, including affiliate sites and specialized centers, must comply with the physical and programmatic accessibility requirements.

The 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; 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.

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 has developed an assessment checklist or will use a checklist provided by the State that includes the required criteria listed above. The Board will appoint a committee consisting of five board members or 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. Last, the Board will provide the certification recommendation to the Nebraska Department of Labor by email no later than June 1 of the applicable year.

Greater Nebraska distributes voluntary customer surveys three times a year to extend customers the opportunity to provide feedback. Surveys are issued twice a year to customers who received a service within the last 90 days and once a year to employers who received a service within the last year. The results are compiled into a single report to the Board for review. Any customers requesting further assistance are followed up with by the local office.

Programmatic Monitoring

The Administrative Entity will conduct programmatic monitoring through desk reviews.

At least one quality assurance file review will be completed for each Reemployment Services Coordinator per month. The files reviewed will be picked at random. 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 the day it is completed. 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 to ensure priority of service guidelines are followed. The Administrative Entity will provide a report to the System Coordination Committee on the status.

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.

Technical assistance will be provided by the Administrative Entity to field staff on any areas of concern.

Annual Physical & Programmatic Assessment

An annual assessment of the physical and programmatic accessibility is required. The assessment will be conducted by the Administrative Entity and/or One-stop Operator annually in May. The assessment will include the physical and programmatic criteria required for the One-stop Delivery System assessment. 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.

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Work Based Learning/On-the-Job Training

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Work Based Learning/On the Job Training

Reference

Workforce Innovation and Opportunity Act (WIOA) 134, 181, 194; 20 CFR §§ 680.180-680.195, 680.320, 680.530, 680.710-680.840, 683.410, 683.600; TEGL 19-16; 84 FR 1167; Nebraska Department of Labor (NDOL) Work-based Training Policy.

Policy

Background

Work-based training can be an effective training strategy that provides additional opportunities for employers and adult and dislocated worker program participants. Work-based training presents a great opportunity for fostering increased employer engagement, implementing sector strategies, and encouraging industry partnerships, as these types of training allow employers to train their employees while continuing to be productive members of the workforce.

Internships and Work Experience

An internship or work experience:

- is a planned, structured learning experience that takes place in a workplace for a limited period of time;
- may be paid or unpaid, as appropriate and consistent with laws such as the Fair Labor Standards Act (FLSA); and
- may be arranged within the public, private or non-profit sectors.

Labor standards apply in any work experience setting where an employee-employer relationship exists as defined by FLSA.

Participant Eligibility

Internships and Work Experience are available to participants in the Adult, Dislocated Worker, and Youth programs.

Eligible Employers

Eligible employers can be from the public, private, or non-profit sectors. As internships and work experience are structured to help participants achieve success in the workplace and develop skills needed to obtain and retain unsubsidized employment, the employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity and be willing to participate in the required monthly monitoring conducted by the Career Planner.

An employer will be ineligible if they meet one or more of the following:

1. The employer has recently laid off an individual of the same or equivalent position.
2. The internship or work experience placement would infringe upon the promotion of or displacement of any currently employed worker or lead to a reduction in their hours.
3. The employer is a private for-profit employment agency including but not limited to temporary employment agencies, employee leasing firms, or staffing agencies.

Future internship/work experience requests from employers will be denied if the requirements set forth in previous worksite agreements were not honored.

Transitional Jobs

The Workforce Innovation and Opportunity Act (WIOA) allows local boards to provide transitional jobs, defined as time-limited work experiences that are wage-paid and subsidized, and are in the public, private, or non-profit sectors for those individuals with barriers to employment who are chronically unemployed or have inconsistent work history, as determined by the board.

Transitional jobs must be combined with comprehensive career services and supportive services. These jobs are designed to enable an individual to establish a work history, demonstrate work success in an employee-employer relationship, and develop the skills that lead to unsubsidized employment.

There is no requirement that the employer retain the individual upon completion of the transitional job; however, retention is preferred for the benefit of the worker and employer when appropriate.

Funds

The local area may use up to 10 percent of their combined total of adult and dislocated worker allocations.

Example: If a local area receives \$1.5 million in adult funds and \$1.0 million in dislocated worker funds, the local board may use up to \$250,000 for transitional jobs.

Participant Eligibility

Transitional Jobs are only available to individuals enrolled in the Adult and/or Dislocated Worker programs. In addition to meeting general eligibility requirements for the WIOA program and being unemployed at the date of application to the WIOA program, the participant must also

have one or more barriers to employment and be chronically unemployed or have an inconsistent work history. These eligibility requirements must be documented in the participant file.

Barriers to Employment

For participant eligibility for transitional job activities, participants must meet one or more of the following barriers:

1. Justice Involved
2. Homeless individual
3. English language learner
4. Displaced homemaker
5. Disclosed history of substance abuse
6. Individuals 55 and Older
7. Individual with Mental or Physical Impairment
8. Displaced Homemaker

Chronically Unemployed / Inconsistent Work History

Individuals with chronic unemployment or an inconsistent work history are those who:

1. Have been unemployed for 24 weeks or longer prior to application;
2. Were unemployed at least 26 of the 52 weeks prior to application;
3. Have held four or more jobs in the 12 months prior to application and are currently unemployed;
4. Are on parole or probation, or have been released from prison/jail within the 12 months prior to application; or
5. Have been released from a substance abuse rehab facility within the 12 months prior to application.

Eligible Employers

Eligible employers can be from the public, private, or non-profit sectors. As transitional jobs are structured to help participants achieve success in the workplace and develop skills needed to obtain and retain unsubsidized employment, the employer must be able to provide supervision and appropriate feedback to the participant at regular intervals during the course of the activity and be willing to participate in the required monthly monitoring conducted by the Career Planner.

An employer will be ineligible if they meet one or more of the following:

4. The employer has recently laid off an individual of the same or equivalent position.
5. The transitional job placement would infringe upon the promotion of or displacement of any currently employed worker or lead to a reduction in their hours.
6. The employer is a private for-profit employment agency including but not limited to temporary employment agencies, employee leasing firms, or staffing agencies.

Future transitional job requests from employers will be denied if the requirements set forth in previous worksite agreements were not honored.

Transitional Job Components

Transitional jobs at a minimum must include the following components:

1. Paid work experience of a fixed duration
2. Individualized career services
 - a. At least one must be provided prior to or during the transitional job. (Examples include, but are not limited to: group and/or individual counseling, short-term prevocational services including soft skills training, workforce preparation activities, financial literacy activities, English language acquisition, etc.)
3. Supportive services
 - a. At least one must be provided during the transitional job. (Examples include, but are not limited to: linkages to community services, assistance with child care, housing or transportation, assistance with education testing, referrals to health care). See Supportive Services policy for an all-inclusive list.

Length & Wage Limits

Transitional jobs are time limited to no more than 500 hours. Participants can work up to 40 hours or less a week. The participant may be placed with more than one employer during the transitional job activity, but the total number of hours for all worksites may not exceed 500 hours or 26 weeks, whichever comes first.

GN WIOA will pay 100% of the participant's wages. Wages are set at the prevailing wage for the temporary position, up to \$12/hour.

The maximum cost to be paid per participant for the work experience component of the transitional job is \$6,000. The supportive service maximum will follow the current supportive service policy and must be based off of participant need.

Documentation/ Monitoring

The participant need, eligibility, and all three components of the transitional job must be documented in a case note and the IEP. An NEworks activity must also be opened. Transitional jobs are exempt from the WIOA Eligible Training Provider and Individual Training Account requirements.

A signed Eligibility Summary for Transitional Jobs Activities is required in the participant file prior to opening the activity.

A signed worksite agreement between the service provider and a qualified employer is required in the participant file prior to the start of work.

Monitoring will be completed at least once a month, in person or via phone or email, and must be documented in a case note and IEP. The monitoring should include an evaluation of soft skills and occupational skills.

On-the-Job Training

An On-the-Job Training (OJT) is training by an employer that is provided to a paid participant engaged in productive work to develop specific occupational skills or obtain specialized skills required by an employer that the participant does not already possess.

Youth Priority

Twenty percent of a state's total WIOA Youth allotment after subtracting the administrative costs must be spent on work experiences for In-School and Out-of-School Youth. OJTs are considered a type of a Youth Work Experience.

Participant Eligibility

To be eligible for OJT services, the trainee must:

1. Be enrolled in the WIOA program; and
2. Have participated in assessment activities; and
3. Have a completed ISS/ IEP; and
4. Be unemployed or underemployed.

Employed Worker OJT Eligibility

OJTs may be entered into with employed workers when the following additional criteria are met:

1. The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment;; and
2. The OJT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills, or workplace literacy.

The local board has set the criteria for a self-sufficient wage at 200% of Federal Poverty Guidelines. An individual in the Greater Nebraska Workforce Development area is considered to not be earning a self-sufficient wage when:

1. The individual's gross earned income is not above 200% of the federal poverty guidelines; or
2. The individual is a member of a family whose combined gross earned income is not 200% of the federal poverty guidelines for its actual family size.

The chart in Attachment A shows family size and the 200% federal poverty guidelines.

Eligible Employers

OJT contracts may be entered into with private-for-profit businesses, private non-profit organizations, and public sector employers prior to a participant starting the new job. Employers receiving OJTs are exempt from the Eligible Training Provider List requirements. With successful completion, it is expected the employer will retain the participant after the training period.

Ineligible Employers

OJTs must not be entered into with an employer who has received payments who has previously exhibited a pattern of failing to provide participants with continued long-term employment as regular employees with wages, benefits (including health benefits), and working conditions at the same level and to the same extent as similarly situation employees.

OJTs may not be written with an employer whose 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 until the employer has been in operation at its current location at least 120 calendar days.

OJTs may not be written with temporary staffing agencies or employee-leasing firms for positions that will be "hired out" to other employers for probationary seasonal, temporary or intermittent employment. The only exception is when the OJT position is with the staffing agency itself and not a position that will be "hired out."

Registered Apprenticeships

OJT agreements may be entered into with Registered Apprenticeship (RA) program sponsors or participating employers in Registered Apprenticeship programs for the OJT portion of the registered apprenticeship program.

Depending on the length of the RA, these funds may cover some or all of the RA training.

Training Requirements

OJTs must be directly linked:

- to an in-demand industry sector or occupation in the local area or 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 a sector of the economy that has a high potential for sustained demand or growth in the local area.

OJT Payment and Training Length

OJT payments to employers are deemed to be compensation for the extraordinary costs associated with training participants and the costs associated with the lower productivity of such participants.

An OJT contract must be limited to the period of time required for a 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 skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. Actual training hours will be determined by the OJT Length Determination Form.

Payment rate and rate considerations

The appropriate payment by WIOA Title I is 50 percent of the wages paid by the employer to the participant during the period of the training agreement.

Wages and Benefits

Since an OJT is employment, state and federal regulations governing employment situations apply. The OJT trainee is an employee of the approved OJT employer. The employer is responsible for payment of wages and benefits to the trainee.

Participants in an OJT must be:

- compensated at the same rates, including periodic increases, as trainees or employees who are situated in similar occupations by the same employer and have similar training, experience, and skills; and
- Provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of job.

WIOA funds are not to be utilized for holidays, sick leave, vacation or overtime hours. Employers will be expected to compensate the trainee for such hours equal to other similarly situated employees and in accordance to state and federal labor law for any overtime hours worked.

Wage Rate Calculations:

- In cases where the OJT is for a salaried position, an hourly rate of pay should be calculated for reimbursement purposes by calculating the gross annual salary and then dividing by 2080 hours (e.g. \$2,600 monthly x 12 months = \$31,200/2080 hours = \$15).
 - **NOTE:** With salaried positions, be sure that paid time off (i.e. vacation, sick, holiday, PTO) is not reimbursed.
- In cases where the trainee may receive two different rates of pay (e.g. regular rate and shift differential for evening/weekend hours), use the higher wage rate for the total duration to calculate the amount. Extra funds will be de-obligated at the end of the OJT.

OJT Pre-award

Prior to entering into an OJT contract with an employer, a pre-award must be completed by the employer and reviewed and signed off by the Career Planner and Regional Manager.

OJT Contract

An OJT contract with an employer can be written for a maximum of 1040 hours. Under no circumstances can an OJT contract be written for a participant if the hours of training required for the position in which the participant is to be trained is determined to be less than 160 hours.

The number of OJT training hours for a participant must be determined using the following Specific vocational Preparation (SVP) chart. The hours specified must be considered as a starting point for determining actual training hours. If the total number of training hours needed to successfully train a participant for the OJT position cannot be provided during the maximum contract length allowable, as many training hours as possible must be provided.

Occupation specific SVP codes can be found at onetonline.org.

SVP*LEVEL	HOURS
1	80
2	160
3	480
4	640
5	800
6+	960

OJTs are designed to be limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the IEP/ISS of the participant. The OJT training hours for a participant must be reduced if a participant has prior-related employment or training in the same or similar occupation. Previous training or experience, which occurred so long ago that skills gained from that experience are obsolete, may be disregarded to the extent that those skills need to be relearned or re-acquired.

OJT Training Plan

An OJT training plan must be established for each participant placed in an OJT and based on the skills to be acquired during the OJT. Each training plan must be unique and tailored to the specific training needs of the participant.

Records Retention

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 the oversight and monitoring activities.

Documentation/ Monitoring

The participant need and eligibility must be documented in a case note and the ISS/IEP. An NEworks activity must also be opened.

A signed pre-award, contract, and training plan is required in the participant file prior to the start of work.

Monitoring will be completed at least once a month, in person or via phone or email, and must be documented in a case note and ISS/IEP. Monitoring must include 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.

Customized Training

Customized training (CT) is training designed to meet the special needs of an employer or group of employers by allowing them to tailor and design work-based training. CT is conducted with a commitment by the employer or employers to employ an individual or group of individuals upon successful completion of the training. CT should be considered when available training programs and/or curriculum do not meet the specific training requirements of an employer(s).

Participant Eligibility

CT participants must meet general WIOA eligibility requirements.

CT is generally used for hiring new employees or recently-hired employees and not for retraining existing employees. For individuals who are employed at program entry, the career planner must determine that the individual:

- Is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment; and
- The CT relates to the introduction of new technologies, introduction to new production or service procedures, upgrading to new jobs that require additional skills or workplace literacy, or other appropriate purposes identified by the board.

General Guidelines

CT providers are not required to be eligible providers on the State's ETPL, as CT is provided through a contract, not an ITA.

CT training methods include, but are not limited to:

- Classroom training through a traditional classroom setting with a group of trainees and a qualified instructor;
- Laboratory training with hands-on instruction or skill acquisition under direct guidance of a qualified trainer;
- Electronic or computer-based training delivered through a computer program at a pace set by the trainee or through video conferences that are live, interactive instruction with a trainer; or
- Other training that is customized to the employer's specific training needs.

The employer or group of employers develop the training plan and measurable goals and determines the method by which the training is provided.

Customized Training Contract

Customized training must be provided through a contract with an employer or group of employers, which may include partnerships with other entities to deliver the training. Contracts are required for every employer participating in the CT program and must be signed by the employer and Regional Manager prior to the start of training.

Customized Training Plan/ Reimbursement Invoice

A CT training plan must be established for each CT contract outlining the skills to be obtained.

Funds

The employer or group of employers must pay a significant portion of the training costs. The employer share is based on the size of the employer as follows:

At least **10 percent** of the cost for employers with 10 or fewer employees;

At least **25 percent** of the cost for employers with 11-50 employees;

At least **35 percent** of the cost for employers with 51-75 employees; or

At least **50 percent** of the cost for employers with more than 76 employees or more.

Maximum CT reimbursement per participant is \$5,000. Each employer can receive a maximum total reimbursement of \$25,000 for the twelve month period following the effective date of the contract.

In the case of an employer or group of employers located in multiple local areas in the state, the employer or group of employers receiving work-based training services must pay a significant portion of the cost of the training as determined by Nebraska Department of Labor (NDOL), taking into account the size of the employer or group of employers and other factors NDOL determines appropriate.

Allowable costs must be directly related to the training. CT funds may only be used to alleviate a portion of training expenses. Examples include instructor's training related wages, curriculum development, training curriculum and registration fees, textbooks, instructional materials and supplies, and certification exams.

Unallowable costs are costs not directly tied to the training. Examples include trainee's wages and fringe benefits, travel, food, lodging, training equipment, and any costs incurred prior to the approval date of the contract.

Incumbent Worker Training

Incumbent worker training (IWT) is training designed to meet the special requirements of an employer or group of employers. IWT must not be used to provide occupational training for new hires. IWT services may be provided to either help avert potential layoffs of employees or assist employees in obtaining the skills necessary to retain employment, such as increasing skill level so they can be promoted within the company or create backfill opportunities for less-skilled employees.

IWT services must be conducted with a commitment by the employer to retain or avert the layoffs of the workers training.

Funds

The local area may reserve up to 20 percent of their combined total of adult and dislocated worker allocations for a program year for IWT services. This 20 percent may be used for programmatic IWT activities. IWT administrative activities must be paid out of administrative funds.

Employers participating in IWT must pay the non-Federal share of the cost of providing training to their incumbent workers. The minimum amount of the employer's non-Federal share depends on the size of the employer and must not be less than:

- 10 percent of the costs, for employers with 50 or fewer workers;
- 25 percent of the costs, for employers with 51 to 100 workers; and
- 50 percent of the costs, for employers with more than 100 workers.

The employer share must be reported by the local board as program income in its quarterly financial reports.

Registered Apprenticeship Programs

Registered Apprenticeships (RA) offer job seekers immediate employment opportunities that pay sustainable wages and offer advancement along a career pathway. Graduates of RA programs receive nationally-recognized, portable credentials, and their training may be applied toward further postsecondary education. WIOA funds may be used to support RA program through the following services:

- **Youth Occupational Skills Training (OST):** Youth program funds may be used for RA as an OST option for youth ages 16-24.
- **Individual Training Accounts (ITAs):** ITAs can be used to support the educational portion of the RA for eligible apprentices, provided the RA program is included on the ETPL and pre-apprenticeship training in preparation for formal RA, provided the pre-apprenticeship program is on the ETPL.
- **On-the-Job Training (OJT):** OJT contracts may be entered into with RA program sponsors, or employers participating in RA programs, for the OJT portion of the program. Depending on the length of the program and the requirements of State and local OJT policies, WIOA funds may cover some or all of the OJT. If WIOA-funded, the OJT portion of the RA must be conducted according to the requirements of 20 CFR 680.700-680.710 and State and local OJT policies.
- **Supportive Services:** WIOA funds may support a variety of supportive services for apprentices, including books, supplies, childcare, transportation, tools, and uniforms.
- **Contracted Classes for Training Cohorts for Related Instruction:** In certain cases, a local board may contract with an ETP to train a cohort of potential apprentices in in-demand industry sectors or occupations, provided the apprentices meet the youth, adult, or dislocated worker eligibility requirements for training services. Such a contract must adhere to the procurement standards found in the Uniform Guidance and the requirements of the State's adult and dislocated worker program policy.
- **Customized Training:** A local board can support RA program sponsors and apprentices through customized training agreements.
- **Incumbent Worker Training:** A local board may use up to 20 percent of the local allocations for adult and dislocated worker programs to pay the Federal share of the cost of incumbent worker training, enabling current workers to remain on the job while in training provided through an RA program.

Prohibited Activities

Funds provided to employers for work-based training must not be used to directly or indirectly assist, promote, or deter union organizing or aid in the filling of a job opening which is vacant

because the former occupant is on strike, is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

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.

Personally Identifiable Information

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
	Effective Date 5/23/2019
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Personally Identifiable Information

Reference

TEGL 39-11.

Policy

Personally Identifiable Information

The Workforce Innovation Opportunity Act (WIOA) requires that recipients of WIOA Title 1 funds provide personally identifiable information (PII) to access WIOA services. PII and other sensitive information must be protected consistent with applicable Federal, State, and local privacy and confidentiality laws. This policy addresses the security of sensitive and non-sensitive PII, for services offered through WIOA Title I.

The Department of Labor has defined two types of PII, protected PII and Non-sensitive PII. The differences between the two are primarily based on an analysis regarding the risk of harm that could result from the release of the PII.

Protected PII

Protected PII is information that if disclosed could result in harm to the individual whose name or identity is linked to that information.

Examples include, but are not limited to, social security numbers, credit card numbers, bank account numbers, home telephone numbers, ages, birthdates, marital status, spouse names, educational history, biometric identifiers, medical history, financial information and computer passwords.

Non-sensitive PII

Non-sensitive PII is information that if disclosed, by itself, could not reasonable be expected to result in personal harm. Essentially, it is stand-alone information that is not linked or closely associated with any protected or unprotected PII. However, depending on the circumstances, a combination of these items could potentially be categorized as protected or sensitive PII.

Examples include, but are not limited to, first and last names, e-mail addresses, business addresses, business telephone numbers, general education credentials, gender, or race.

Data Protection

1. Data may not be obtained or used for any purpose other than those required by the programs. Access to data is restricted to only those individuals who need it in their official capacity to perform duties in connection with the scope of work.
2. Staff and other personnel who have access to PII are advised of the confidential nature of the information, the safeguards to protect the information and the civil and criminal sanctions for noncompliance with such safeguards. Personnel acknowledge their understanding of these compliance requirements and their liability for improper disclosure during their new-hire orientation.
3. PII will be stored in a secure location that is safe from access by unauthorized persons. Accessing, processing and storing participant data on personally owned equipment at off-site locations is prohibited.
4. Staff must ensure privacy of all PII obtained from participants and/or other individuals and protect such information from unauthorized disclosure. Participants will be required to sign a release of information to listed parties before any PII is shared with another person/agency.
5. Data must be processed in a manner to protect the confidentiality of the records/documents and is designed to prevent unauthorized persons from retrieving such records.
6. All data transmitted electronically must be encrypted using a Federal Information Processing Standards (FIPS) 140-2 compliant and National Institute of Standards and Technology (NIST) validated cryptographic module. Unencrypted sensitive PII must not be emailed.

Data Breach

Any breach of data must be reported in writing to the administrative entity immediately upon occurrence, not to exceed 24 hours after the breach is identified.

Data Retention

Data will be retained for the required three years, then destroyed.

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.

Priority of Service

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Priority of Service

Reference

Workforce Innovation and Opportunity Act (WIOA) 134; 20 CFR §§ 680.650, 681.250, 681.410; Ibid; TEGL 03-15, TEGL 08-15, TEGL 10-09, TEGL 22-04; VPL 07-09; Nebraska Department of Labor (NDOL) Priority Populations and Priority of Service policy.

Policy

Priority of service means the right to take precedence over a person with lower priority in obtaining employment and training services. The person with priority receives access to a service earlier in time than a person with lower priority or, if the resource is limited, receives access to the service instead of the person with lower priority.

Priority is not part of the eligibility determination for any program; rather, it is meant to emphasize access to individualized career and training services for these higher-need populations. Priority of service must be assessed at the time of the eligibility determination, and participants must be informed if they are to receive priority.

Veterans and eligible spouses of veterans receive priority of service in **all** WIOA Title I programs. The process for identifying covered persons at the point of entry includes:

- Signage prominently posted at the point of entry indicating the individual's right to priority; and
- NEworks data collection for covered persons during registration.

As soon as career center staff identify the covered persons status they inform the individual of their entitlement to priority of service, explain services available to them under priority of service, and WIOA Adult, Dislocated Worker, and Youth program eligibility requirements.

Outreach to Priority Populations

Recruitment is a collaborative effort between the career planner, regional managers, one-stop the operator, and other local area staff. Recruitment methods include but are not limited to: presentations at interagency and community group meetings, partner referrals, presentations to

local high school and college classes, local chambers and economic development agencies, and referrals from walk-in traffic at the job centers.

Career planners prioritize outreach to partner programs that work with priority populations groups to ensure they are aware of the services and entitlement to priority of service available to their clients.

Adult Program Priority Requirements

Services to eligible Adult Program participants must be provided in the following order:

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 persons who are not:

- a. recipients of public assistance;
- b. low-income; or
- c. basic skills deficient.

A recipient of public assistance, low-income, or basic skills deficient veteran or eligible spouse takes precedence, with all other qualifying requirements being equal, over a recipient of public assistance, low-income, or basic skills deficient, non-covered person in obtaining individualized career services and training services. This does not allow for “bumping” of non-covered persons who had previously been accepted into a program prior to the covered person applying within the same program. Priority of service applies up to the point that the participant receives approval to begin an individualized career or training service. At that point, the participant should continue to receive services as needed, even if participants with higher priority must wait to receive services because funds are limited. However, if there is a waiting list, the veterans or eligible spouse receive access to the service instead of or before the non-covered person on the waiting list. Veterans and eligible spouses receive priority of service in all WIOA Title I programs.

Recipients of Public Assistance, Low-income, or Basic Skills Deficient Exception

Greater Nebraska requires at least 90% of Adult enrollments meet category one or two eligibility. Administrative approval is required to enroll an individual under priority category three or four.

Prior to enrollment, career planners must determine what level an Adult participant must receive priority of service:

1. Determine if the individual is a veteran or eligible spouse.
2. Determine if the individual is low-income or a recipient of public assistance.
3. If the individual is not low-income, they must complete the Basic Skills Screening Tool. If the individual answers no to any of the questions on the screening tool or is unable to complete the form without assistance, they are considered basic skills deficient.
4. Case note order of priority.

Dislocated Worker Program Priority Requirements

Services to eligible Dislocated Worker Program participants must be provided in the following order:

- 1. First, the individual must meet the eligibility criteria described in WIOA Section 3(15)** (see the current Greater Nebraska Adult, DLW, & Youth Eligibility policy on dislocated worker eligibility); and
- 2. Second, if the individual meets the dislocated worker 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.**

Serving Separating Services Members and Military Spouses

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

Youth Program Priority Requirements

WIOA prioritizes expenditures and enrollment of individuals in the Youth Program:

- At least seventy-five (75) percent of Youth program funds must be spent to provide services to OSY; and
- All ISY must be low-income individuals, except as described below under section, Low-income Eligibility Exception for Youth.

Low-income Eligibility Exception for Youth

Up to five (5) percent of all youth (ISY and OSY) enrolled during a given program year do not need to meet the low-income requirement for eligibility.

EXAMPLE: A local area enrolled 200 youth and 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY.

In this example, the 50 OSY required to be low income and the 50 ISY are the only youth factored into the 5 percent low-income exception calculation.

Therefore, in this example 5 of the 100 youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception.

Note: Definitions of key terms are provided in State Policy: Priority Populations and Priority of Service

Compliance and Monitoring

Internal monitoring will be completed quarterly (January, April, July, and October) to ensure priority guidelines are followed. The Administrative Entity will provide a report to the System Coordination Committee on the status. Technical assistance will be provided by the administrative entity if discrepancies are found.

Local area compliance is also reviewed as part of routine program monitoring conducted by the NDOL State Monitor.

Disclaimer

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Procurement Standards and Procedures

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
	Effective Date 7/1/2017
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Procurement Standards and Procedures

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. This policy is for administrative purchases and does not apply to program supportive services.

Policy

Definitions

1. Approver: An individual who has the authority to purchase goods and services on behalf of NDOL.
2. Commodity: A marketable item produced to satisfy wants or needs. Economic commodities comprise goods and services.
3. Goods: A commodity you can see; a physical, tangible item.
4. Request for Proposal (RFP): A document utilized for soliciting competitive proposals.
5. Services: A commodity usually provided by another person; a non-physical, intangible item. For example, services provided to maintain, repair, or perform a function.
6. 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.

Goods

(a) 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.

(b) Procurement Guidelines for Goods:

<\$2000	Agency Level Decision (only 1 quote is required)
\$2,000 thru \$9,999	Agency Level Decision (3 quotes required) if not a State Contract item
\$10,000 thru \$24,999	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.
>\$24,999	Order will route to DAS Purchasing for a formal bid if item is not on a State Contract

(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 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 Administrative Services/Procurement (Purchasing) after appropriate approval signatures have been completed.

- (i) Submit orders for Goods on an approved Purchase Request form to Purchasing.
- (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.

(vi) Requests to Purchasing by unauthorized individuals will be returned for proper authorization.

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, cell phones, land-line phones, PDA's, tablets.
- All electronic equipment is considered an Office of Administrative Services/Information Technology (IT) purchase.
- Hardware/software purchases require contacting the IT Help Desk to obtain quotes (NDOL.IThelpdesk@nebraska.gov). 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) User contacts IT to discuss technology requirement via email or the telephone.

2) IT researches the technology solution and options, obtains price quotes, and makes recommendations to the user via email.

3) User chooses the recommendation that best fits the need, completes the Purchase Request form, and submits it to Approver.

4) The approved Purchase Request form is submitted to IT.

5) IT logs the Purchase Request, obtains appropriate IT approval signatures, and forwards it to Purchasing for processing the Purchase Order.

➤ **Phone Equipment purchases (cell, land-line & phone accessories):**

Contact the agency Communications Coordinator in IT 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.

➤ **Copier Toner purchases:**

Toner for copiers is at no charge through the lease & can be ordered direct by calling

Copy State Policy

Capital Business Systems at **800-221-0604**. The 500 & 550 building staff should also send an email to the Mailroom 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.

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. NDOL 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.

<\$2000	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 vender 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 Administrative Services/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**, prepare specifications using the RFP boilerplate form. Contact Purchasing for the correct and current version of the RFP boilerplate form.
- Submit the RFP boiler plate form and an approved Purchase Request form to Purchasing. 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 then direct you to contact 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.

Supportive Services

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
	Effective Date 5/23/2019
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Supportive Services

Reference

Workforce Innovation and Opportunity Act (WIOA) 134; 20 CFR §§ 680.900-680.970; TEGL 19-16, Nebraska Department of Labor (NDOL) Adult and Dislocated Worker Programs Policy.

Policy

Supportive services are available for WIOA Title 1 Adult, Dislocated Worker and Youth programs. Supportive services are one of the 14 youth elements that must be made available to participants.

Supportive services are services that are reasonable and necessary to enable a participant to take part in career services, training services, or youth employment and training activities. Supportive services should not duplicate funds provided by another source. Participants in need of supportive services should be referred to other community resources before WIOA Title 1 funds the service. It may be applicable to cost share with other service providers.

The frequency and utilization of supportive services is determined on an individual basis based on the participant's Individual Employment Plan (IEP) or Individual Service Strategy (ISS). Supportive service dollars are not guaranteed as they are based on availability of program funds.

Supportive services are not intended to meet every need of the participant. Rather, they provide temporary assistance. For this reason, staff should assist the participant in developing a plan to cover the supported cost once WIOA Title 1 funds are no longer appropriate for the individual.

Payments are not allowed for:

- Expenses incurred prior to enrollment in a WIOA program.
- Business start-up costs.
- Gas vouchers

- Any service in arrears

Supportive Services

1. Linkages to community services

Assistance in providing linkages, referrals, and accurate information about the availability of supportive service assistance not provided or funded by WIOA. These services may include, but are not limited to Supplemental Assistance Nutrition Program (SNAP) benefits, Temporary Assistance for Needy Families (TANF), veteran's assistance funds, financial assistance for education, county public assistance funds, etc.

2. Assistance with transportation

Transportation assistance may include, but is not limited to mileage reimbursement, auto repairs, vehicle liability insurance, bus, or other transportation fares.

Mileage reimbursement assistance may be provided to assist a participant that travels at least 15 miles one-way to get to employment, training, education, work experience, and/ or the local career center. Mileage reimbursement assistance has no cap limit besides the maximum transportation limit of \$2,500.

Vehicle liability insurance is limited to three months of liability insurance.

Auto repair payments are limited to repairs of an immediate need (towing services included). Normal vehicle maintenance costs (including oil changes, windshield wipers, brake replacement, etc.) requires administrative approval.

Tires fall under normal vehicle maintenance. In some circumstances, a tire can be purchased if a tire/mechanic shop deems the tire unsafe or beyond repair. All requests for tire purchases must go to the administrative entity for approval.

Maximum limit: Transportation limit per participant is \$2,500. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

3. Assistance with child care and dependent care

Childcare and dependent care assistance may be utilized to help a participant meet their family care needs during WIOA Title I program participation. Dependent care service providers are selected by the participant. Childcare and dependent care is only provided for children related by blood, marriage or decree of court, who are living in the participant's residence. Childcare and dependent providers must be licensed in order for direct payment or reimbursement. Participants who are employed or attending training and in need of dependent care, should be referred to community dependent care assistance program(s). Ensure WIOA Title I funds do not duplicate child/dependent care assistance available from another source. Participants should be encouraged to take advantage of financial literacy services to assist them with an on-going plan to pay for their child/dependent care expenses.

Determine allowed child/dependent care cost

If a participant is receiving child/dependent care assistance from another agency, WIOA Title I will pay for the allowed child/dependent care costs after subtracting the received child/dependent care assistance amount. Supporting documentation in this instance must include verification of outside child/dependent care assistance.

Maximum limit: Childcare and dependent care limit per participant is \$1,000. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

4. Assistance with housing

Housing assistance provided to participants allows participants to maintain or obtain adequate or temporary shelter while participating in WIOA Title I services. Housing assistance may include, but is not limited to the cost for rent, mortgage payment, temporary housing in a motel/hotel or apartment and utility payments. Housing assistance is an emergency intervention; a plan must be established to ensure the client will be able to meet long-term housing needs. Participants should be encouraged to take advantage of financial literacy services to assist them with an on-going plan to pay for their housing expenses.

Rental and/or Utility deposits are allowable with proof of sufficient income to pay for subsequent months. Rental and/or Utility deposits are a 1-time service per enrollment period. Administrative approval is needed for additional deposit payments. The Title I program will not recoup deposit payments.

Maximum limit: Housing limit per participant is \$2,000. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

5. Assistance with relocation and pre-employment interviews

Supportive service funds may be utilized to assist a participant with the cost of relocation and pre-employment interviews. Relocation and pre-employment interview assistance is limited to unemployed participants who cannot obtain employment within their commuting area (commute area is considered to be 50 miles) that meets their skill level and/or has a sufficient wage. The relocation or pre-employment interview must be located in Nebraska and for permanent employment. The participant must have secured self-sufficient, long-term employment that has been verified in writing outside their commuting area or have secured a pre-employment interview, documented by a letter from the prospective employer outside their commuting area. Relocation and pre-employment expenses may include:

1. Transportation and lodging for the participant's pre-employment interview
2. Transportation for the participant to the relocation area
3. Lodging for the participant during the relocation transition
4. Transportation of household goods to the relocation area including the cost of renting a trailer, moving truck, or hiring a commercial carrier
5. Temporary storage (up to 60 days) of household effects

Maximum limit: Relocation and pre-employment interview limit per participant is \$2000. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need

6. Assistance with educational testing

Supportive service funds may be utilized to assist a participant with the cost of an exam or educational test to enable them to advance along a career or educational pathway. Examples include but are not limited to ACT exams, high school equivalency exams, NCLEX exam, LPN exam, etc.

Maximum limit: There is no limit on educational testing besides the lifetime supportive service cap but must be based on individual need.

7. Payments and fees for employment and training-related applications, tests, and certifications.

Supportive service funds may be utilized to assist a participant with the cost of employment and training-related applications, exams, or tests to enable them to advance along a career pathway. Examples include but are not limited to fees for post-secondary applications, re-licensing, driver's licenses, background checks, finger printing, etc.

Maximum limit: Employment and training-related cost limit per participant is \$1000. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

8. Reasonable accommodations for individuals with disabilities

Support service funds may be utilized to assist a participant who needs workplace accommodations to enable them to participate in employment, training, education, work experience, career center services, or job searching.

Maximum limit: There is no limit on reasonable accommodations besides the lifetime supportive service cap but must be based on individual need.

9. Legal aid services

Assistance in providing linkages, referrals, and accurate information about the availability of legal aid services in Nebraska. This is a non-funded service.

10. Referrals to health care

Supportive service funds may be utilized to assist a participant with the cost of medical or counseling services. Examples include but are not limited to DOT physicals, drug screens, required immunizations, eyeglasses, etc.

Health care costs are limited to immediate or emergency needs. Routine doctor visit costs are not allowed.

Eyeglasses costs require administrative approval.

Maximum limit: Health care limit per participant is \$1,000. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

11. Assistance with uniforms or other appropriate work attire and work-related tools

Supportive service funds may be utilized to assist a participant in proper attire and work-related tools for obtaining or maintain employment and/ or training. Examples include but are not limited to scrubs, tools, boots, etc.

Maximum limit: Work attire and work-related tools limit per participant is \$2000. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

12. Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes

Supportive service funds may be utilized to assist a participant attending a WIOA approved postsecondary education program with books, fees (non-education) and other necessary items related to their education. Examples include but are not limited to required books, campus parking permits, computer software (Adobe, Microsoft Office), etc.

School supplies are not allowed. These include flash drive, pens, notebooks, etc.

Computers may be purchased if it is determined that a personal computer is necessary to participate and complete an approved training program and the participant has no other reasonably available sources for computer access. Computer purchase approvals will be made on a case-by-case basis by the Administrative Entity.

Maximum limit: There is no other limit on books and supplies besides the lifetime supportive service cap and must be based on individual need.

13. Needs-Related Payments

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training. Unlike other supportive services, in order to qualify for needs related payments a participant **MUST** be enrolled in training.

Eligibility requirements for Needs-Related Payments

To receive needs-related payments a dislocated worker must meet criteria 1 or 2:

1. Be unemployed; and
 - a. No longer qualifies for unemployment compensation or trade readjustment allowance under TAA; and
 - b. Be enrolled in a program of training service by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months.
2. Be unemployed and does not qualify for unemployment compensation or trade readjustment assistance under TAA and enrolled in a program of training services.

Payments

Needs-related payments may be provided while a participant is waiting for training if the participant has been accepted in a training program that will begin within 30 calendar days.

1. Greater Nebraska does not authorize needs-related payments for Adults or Youth.
2. For dislocated workers, payments must not exceed the greater of either of the following levels:
 - a. The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
 - b. The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income.

The Lower Living Standard Income Level (LLSIL) is located at:

<https://www.dol.gov/agencies/eta/llsil>

The lower income level is used for determining weekly payment level.

Example: A family size of 1 would receive \$178/ week for a maximum of eight weeks.

(\$9,278/52 weeks = \$178.42)

Maximum limit: Needs-related payments limit per participant is the maximum weekly unemployment compensation benefit amount times eight and can be received for a maximum of eight weeks. (Example: \$490*8= \$3,920) This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

14. Job Search Allowance

Job Search Allowance is to be used to assist an individual in their job search progress. This includes mileage reimbursement (following the above listed Transportation requirements and limits), interview attire, personal hygiene items (including, but not limited to shampoo, soap, disposable razors, haircut, etc.)

Services provided under Job Search Allowance must directly correlate to needs to obtain full-time, permanent employment.

Maximum limit: Job Search Allowance limit per participant is \$500. This is not a minimum or flat funded amount, rather the amount of supportive services used are based on individual need.

Maximum Payment

Supportive services cannot exceed \$5,000 for the participant's entire duration in the program and must follow the maximum payment limits set for specific services. Needs-related payments do not count towards the supportive service maximum and are in addition to lifetime limits. Supportive service costs are excluded as a part of the training costs. Requests to exceed the supportive service cap must be sent to the Administrative Entity for approval.

Documentation

The participant need, necessity of the supportive service, and lack of similar services available in the community must be documented in a case note and be included in the IEP or ISS. A NEworks activity must also be opened.

When multiple options are available for receiving supportive services, documentation must show that a reasonable effort was made to determine the lowest competitive cost available was chosen. Example: Receiving at least two separate quotes for vehicle repairs.

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.

This policy will be reviewed by the GNWDB on a bi-annual basis to ensure supportive service caps align with the current cost of living and rising training costs.

Requests to exceed the above supportive service caps should be submitted to the administrative entity. Requests will be reviewed as follows:

- Up to \$1,000.00 over the current caps can be reviewed and approved by the WIOA Title I Program Coordinator.
- \$1,000.01 - \$2,000.00 over the current caps can be reviewed and approved by the WIOA Title I Program Administrator.
- \$2,000.01+ over the current caps must be reviewed and approved by the majority of the Executive Committee.

Training Limits

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Training Limits

Short-Term Training	\$2,500	The maximum allowed for training of six months or less is \$2,500.
Short-Term Training – Commercial Driver’s License	\$5,500	The exception for short-term training is a maximum of \$5,500 if it is for truck driver training to obtain a CDL license.
Occupational Skills Training	\$8,000	The maximum cost allowed for training of more than six months is \$7,000 with a time limitation requiring the client to complete the training program as a whole in 30 months or less. These limitations may be extended with the approval of the Administrative Entity.
On-the-Job Training (all programs)	\$5,000 (\$12-\$15.99) /\$7,000 (\$16 and up)	Provides reimbursement to the employer for up to seventy-five percent (75%) of the wage rate of the participant (not to exceed \$7,000), for the extraordinary costs of providing the training and additional supervision related to the training.
On-the-Job Training (Youth Only)	\$5,000 (\$9- \$11.99)/\$7,000 (\$12 and up)	This exception is for youth only.
Combination of OJT & OST	\$9,000	When a combination of OJT and OST are used the maximum cost allowed for training is \$9,000, not to exceed other set limits.

Supportive Service	\$5,000	Supportive service costs are excluded as a part of the training costs.
Life-Time Limit	\$10,000	The maximum allowed for all costs per participant.
Lifetime / Reentry Into the Program	Administrative Approval Required	The Administrative Entity will authorize and determine whether the full cap will be offered to a returning participant. The Administrative Entity will take into consideration the participant's current situation, evaluate why the participant is likely to succeed, and determine how much has already been expended on the participant.
Work Experience	\$6,000 (Prevailing wage for the position, up to \$12/Hr.)	Up to 500 hours cumulative at minimum wage.

Disclaimer

This policy will be reviewed by the GNWDB on a bi-annual basis to ensure training caps align with the current cost of living and rising training costs.

Requests to exceed the above training/supportive service/life-time caps should be submitted to the administrative entity. Requests will be reviewed as follows:

- Up to \$1,000.00 over the current caps can be reviewed and approved by the WIOA Title I Program Coordinator.
- \$1,000.01 - \$2,000.00 over the current caps can be reviewed and approved by the WIOA Title I Program Administrator.
- \$2,000.01+ over the current caps must be reviewed and approved by the majority of the Executive Committee.

Youth Program

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
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Youth Program

Reference

TEGLs 8-15 and 21-16. 20 USC § 1232g; 34 CFR Part 99. 20 CFR § 683.220-680.230, 680.900-680.920, 681.320, and 681.400-681.600. Nebraska Department of Labor's Youth Program, Change 1 policy. WIOA Sec. 3.

Policy

Youth Program

Service Provider Selection and Procurement

Local boards have the option of directly providing some or all of the required youth employment and training activities, rather than entering into a grant or contract to provide the activities. If a local board chooses to award grants or contracts to youth service providers to carry out some or all of the youth employment and training activities, the following requirements apply.

1. The local board must ensure that grants and contracts are awarded on a competitive basis and must procure youth service providers in accordance with:
 - a. Local procurement policies and procedures and applicable state and local procurement laws; and
 - b. Principles of competitive procurement in 2 CFR Parts 200 and 2900 including 2 CFR Part 180.
2. If the local board determines there are an insufficient number of youth service providers in the local area, such as a rural area, the local board may award grants or contracts on a non-competitive basis. Non-competitive procurement must be conducted in accordance with:
 - a. Local procurement policies and procedures and applicable state and local procurement laws; and

- b. Principles of competitive procurement in 2 CFR Parts 200 and 2900 including 2 CFR Part 180.
3. The local board may implement a pay-for-performance contract strategy for one or more of the required 14 program elements and may reserve and use not more than 10 percent of the total youth program funds allocated to the local area for pay-for-performance contract strategies.
4. When selecting youth service providers, the local board must take into consideration the ability of youth service providers to meet performance accountability measures based on the primary indicators of performance for youth programs, which are described in detail in the State's performance accountability policy.
5. If the local board has a standing youth committee, the local board may assign the function of selecting and recommending youth service providers to the committee.
6. Contracts for training services may be used instead of individual training accounts (ITA) only when the local board has fulfilled the applicable consumer choice requirements and at least one of the following conditions exist:
 - a. The training services are on-the-job-training (OJT), customized training, incumbent worker training, or transitional jobs.
 - b. The local board determines there are an insufficient number of eligible training providers (ETP) in the local area to accomplish the purpose of a system of ITAs. The local board's determination process must be described in its local plan, which must provide for a public comment period of at least 30 days for interested providers of training services. If the local board elects to contract with training providers for occupational skills training, the local board must ensure the providers are authorized or licensed to provide training services in Nebraska or to Nebraska residents by applicable accrediting or governing authorities, which may include the Nebraska Department of Education according to the requirements of the Nebraska Private Postsecondary Career School Act (Title 92, Nebraska Administrative Code, Chapter 41).
 - c. The local board determines there is a program of training services offered in the local area by a community-based organization (or other private organization) that has demonstrated effectiveness in serving individuals with barriers to employment, subject to the following requirements.
 - i. The local board must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the individuals with barriers to employment to be served. The criteria may include:
 1. financial stability;
 2. demonstrated performance in the delivery of services to individuals with barriers to employment based on measures such as program completion rate; attainment of the skills, certificates, or degrees the program is designed to provide; placement after

- training in unsubsidized employment; and retention in employment; and
3. how the specific program relates to the workforce investment needs identified in the board's local plan.
 - d. The local board determines that it would be most appropriate to contract with an institution of higher education (or other accredited, authorized, or licensed provider of training services) in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, as long as the contract does not limit consumer choice. If the selected provider of training services is not an institution of higher education, the provider must be authorized or licensed to provide training services in Nebraska or to Nebraska residents by applicable accrediting or governing authorities, which may include the Nebraska Department of Education according to the requirements of the Nebraska Private Postsecondary Career School Act (Title 92, Nebraska Administrative Code, Chapter 41).
 - e. The local board is considering entering into a pay-for-performance contract and ensures that the contract is consistent with the requirements of 20 CFR § 683.510.

Youth Service Provider List

The Greater Nebraska Workforce Development Board (GNWDB) is required to submit a list of its youth service providers to Nebraska Department of Labor (NDOL) by July 1 of each program year. The list must be prepared utilizing the form provided by NDOL and emailed to ndol.wioa_policy@nebraska.gov. The list must include the provider's name, complete address, phone number, and the name of the provider's primary point of contact.

If the list of providers changes in any way at any point during the program year, the GNWDB must submit a revised list within 30 days of the change.

Program Design

Framework

The design framework of the local youth program must include the following components:

- an objective assessment for each participant that includes a review of the individual's academic and occupational skill levels, service needs, and strengths in order to identify appropriate services and career pathways;
- development and updating of an individual service strategy (ISS) for each participant, which must be directly linked to one or more indicators of performance and must:
 - identify career pathways that include education and employment goals;
 - consider career planning and the results of the objective assessment; and
 - prescribe achievement objectives and services for the participant.
- case management of participants, including follow-up services.

An objective assessment and ISS is required for all youth participants even if a recent one was completed under another education or training program.

Connections

The local youth program must be linked with entities that foster participation of eligible local area youth in the program, such as connections to local:

- justice and law enforcement officials;
- public housing authorities;
- education agencies;
- human service agencies;
- WIOA Title II adult education providers;
- Agencies and providers serving individuals with disabilities;
- Health and mental health providers;
- Job Corps representatives; and
- Representatives of youth initiatives, such as YouthBuild, those that serve homeless youth, and other public and private youth initiatives.

Referral Requirements

The local board must ensure that youth service providers meet referral requirements for all youth participants, including:

- providing participants with information about the full array of applicable or appropriate services available through the local board, eligible providers, or one-stop partners; and
- referring participants to appropriate training and educational programs that have the capacity to serve them either on a sequential or concurrent basis.

If an individual applies for enrollment in the local youth program and does not meet the enrollment requirements or cannot be served by the program, the youth service provider must ensure that the individual is referred:

- for further assessment, if necessary; or
- to appropriate programs to meet the skills and training needs of the individual.

Community Involvement

The local board must provide opportunities for involvement of community members in the design and implementation of the program, including parents, participants, and other members of the community that have experience working with youth. Involvement in the local youth program may occur in a number of ways, including (i) serving on the local youth standing committee, if one exists and the individual is appointed by the local board; (ii) providing input into the design and implementation of the program; and (iii) serving as youth mentors and tutors. In addition, each local board must make volunteer opportunities available for successful youth participants to help other youth participants as mentors or tutors or through other activities.

Co-enrollment

As required under the State's performance accountability policy:

- Youth participants must be co-enrolled in partner programs whenever eligibility permits and co-enrollment benefits the participants; and
- ISY ages 18 through 21 must be co-enrolled in an adult or dislocated worker program before ITA funds can be used for occupational skills training (OST) provided by an ETP.

Coordination of Services

Each local board must ensure that the local youth program identifies and tracks funding streams that pay the costs of services provided to co-enrolled youth participants to ensure no duplication of services across programs and youth service providers, including supportive services and training services.

Non-WIOA Financial Benefits and Assistance

Prior to a participant's placement in work experience, the youth career planner must coordinate with other programs that are providing the participant with non-WIOA financial benefits and assistance (UI, TANF, SNAP, etc.) to determine if the payment of wages or stipends for work experience effects the participant's eligibility for assistance. Following coordination with other programs, the youth career planner must also discuss with the participant any effects that work experience may have on the individual's eligibility for assistance provided by the non-WIOA programs.

Duration of Services

Each local youth program must provide services to a youth participant as long as necessary to ensure successful preparation to enter postsecondary education and/or unsubsidized employment. There is no minimum or maximum time a participant is allowed to take part in a local youth program. Each local youth program must link program participation to the participant's individual service strategy (ISS), not the timing of contracts with youth service providers or program years.

In its coordination of local youth program services, the local one-stop operator must not establish practices that create disincentives to providing services to individuals with barriers to employment, including youth who may require longer-term services, such as intensive employment, training, and education services.

Expenditures

Prior to Participation

There are two limited instances where youth funds may be expended on costs related to individuals who are not yet participants in the program. Funds may be expended on (i) outreach and recruitment and (ii) assessments for eligibility determination prior to eligibility determination, such as assessing basic skill levels. Youth funds must not be spent on the provision of local youth program services (the 14 youth program elements) to individuals who are not participants.

OSY Expenditure Requirement

The GNWDB must ensure that the local youth program expends at least 75 percent of allocated youth funds on the provision of services to OSY. Local area administrative costs are not subject to this 75 percent minimum expenditure requirement.

Work Experience Priority

The GNWDB must ensure the local youth program expends at least 20 percent of allocated youth funds on paid and unpaid work experiences and track expenditures for paid and unpaid work experiences, including funds spend on:

- Wages, stipends, and incentives paid to youth in work experience;
- Costs of staff time spent identifying potential work experience opportunities;
- Staff time working with employers to develop work experience opportunities;
- Staff time spent working with employers to ensure successful work experience opportunities;
- Staff time spent evaluating work experience opportunities;
- Costs associated with participant and employer work experience orientation sessions; and
- Costs of classroom training or the required academic education component directly related to the work experience.

The percentage of funds spent on work experience is calculated based on the total amount of youth funds allocated to the local area and is not calculated separately for ISY and OSY. Local area administrative costs are not subject to this 20 percent minimum expenditure requirement. Supportive services and leveraged resources must not be used to fulfill any part of the 20 percent minimum expenditure requirement.

Participant Compensation

Effect on non-WIOA Financial Benefits and Assistance

When compensating youth participants with wages or stipends for work experience, youth service providers and employers of record are expected to adhere to Internal Revenue Service (IRS) guidelines. The classification of a participant, specifically the employer/employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. The classification of the participant may effect a participant's eligibility for non-WIOA financial benefits and assistance, as compensation for work experience may be counted as earnings when the participant is collecting UI or receiving financial benefits or assistance from other programs, such as TANF or SNAP.

Wages

A wage is generally a payment for services rendered where an employer/employee relationship exists. This form of compensation is usually paid through a payroll system and subject to the taxes applicable to the employer of record and participants. Paying a wage usually indicates that a local youth program views the youth as an employee or a trainee. Paid work experiences and internships may fall under the Fair Labor Standards Act (FLSA). FLSA requires that individuals be compensated under the law for the services they perform for an employer. To determine whether a paid work experience or internship falls under FLSA, contact USDOL's

Wage and Hour Division located at 222 South 15th Street, Suite 504A, Omaha, NE 68102, phone 402.221.4682 or 866.487.9243.

Stipends

A stipend is an allowable payment for participation in activities such as work experience or classroom activities, including work readiness or employability skills training. The local youth program must establish written policies and procedures governing the payment of stipends, based on local program design and participant needs. Local policies on stipends must ensure that payments are:

- Tied to the goals of the programs;
- Outlines in writing before the commencement of the stipend program;
- Aligned with the program's organizational policies; and
- Made in compliance with the requirements of 2 CFR Part 200.

Greater Nebraska does not currently authorize stipend payments.

Incentive Payments

Incentive payments for youth participants are a way to encourage youth participant's involvement and to reward participants for achieving specific elements indicated in their employment plan. The incentive must be linked to an achievement and must be tied to a goal in their individual service strategy (ISS).

Incentive payments are not guaranteed, nor are participants entitled to receive them. Incentive payments are based on availability of local office funds and are issued on a case-by-case basis depending on the participant's ISS. Achievements must be documented in the participant's file.

Achievements completed prior to WIOA Youth program enrollment do not qualify for incentives.

Incentive payments may be awarded for the following goals accomplishments:

- **Credential Attainment**
 - \$200 will be paid for the attainment of a recognized secondary or post-secondary credential.
- **Grade Point Average (GPA)**
 - To be eligible to receive a GPA incentive, participants must participant in a training program on the Eligible Training Provider List and receive a GPA of 2.5 or higher.
 - Youth participating in a training program that does not award a GPA are not eligible for tis incentive. This includes Pass-Fail or Satisfactory-Unsatisfactory type of programs.
 - The amount of this incentive corresponds to the cumulative GPA at the end of the training program, not quarterly or per semester.
- **Work Experience**
 - \$200 will be paid for successful completion of 500 work experience hours.

Youth can earn and receive multiple incentive for different activities completed. Youth cannot receive duplicate incentives for repeated achievements. Once an incentive type is obtained, they cannot receive it again, even if it is met multiple times.

Withholdings

The classification of a participant, specifically the employer/employee relationship, is a key factor used by the IRS to determine whether withholding taxes is applicable. When determining whether to pay taxes on wages, stipends, and incentives, youth service providers and employers of record are expected to adhere to IRS guidelines. IRS publication 525 provides information on taxable and non-taxable income, which is accessible at <https://www.irs.gov/forms-pubs/about-publication-525>.

Program Elements

The 14 program elements described in this section must be made available to all youth participants. However, local youth programs are not required to provide every service to each youth participant and have the discretion to determine the services a youth participant receives based on the participant's objective assessment and ISS.

1. Tutoring, study skills training, instruction, and dropout prevention

Tutoring, study skills training, and instruction that lead to a high school diploma include services such as providing academic support, helping youth identify areas of academic concern, assisting with overcoming learning obstacles, or providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, or through developed resources and workshops.

Dropout prevention strategies intended to lead to a high school diploma include activities that keep youth in school and engaged in a formal learning or training setting. Strategies include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

2. Alternative secondary school and dropout recovery

Alternative secondary school services are services that assist youth who have struggled in traditional secondary education. Dropout recovery services are those that assist youth who have dropped out of school. Both types of services help youth to re-engage in education that leads to the completion of a recognized high school equivalent. Examples of activities under this program element include:

- Basic education skills training;
- Individualized academic instruction;
- English-as-a-second-language training;
- Credit recovery; and
- Counseling and educational plan development.

3. Paid and unpaid work experience

Work experience is a planned, structured learning experience that takes place in a workplace for a limited period. Work experiences may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, non-profit sector, or public sector. Work experiences must include academic and occupational education components.

Types of work experiences include:

- Summer employment opportunities and other employment opportunities available throughout the year;
- Pre-apprenticeship programs;
- Internships and job shadowing; and
- On-the-job training.

Work experiences must include academic and occupational education, meaning learning in academic and occupational contexts, which:

- May occur concurrently or sequentially with the work experience;
- May occur inside or outside the work site;
- Includes information needed to understand and work in specific industries or occupations; and
- Is provided by the employer or separately in a classroom setting or through other means.

For example, if a youth is participant in a work experience at a hospital:

- academic education could involve learning information that individuals in those occupations need to know, such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament; and
- occupational education could involve learning about different types of hospital occupations, such as a phlebotomist, radiology tech, or physical therapist.

Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

4. Occupational Skills Training

Youth programs must give priority to programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area.

Occupational skills training (OST) must:

- Be outcome-oriented and focused on an occupational goal specified in the participant's ISS;
- Be of sufficient duration to impart the skills needed to meet the occupational goal; and
- Lead to the attainment of a recognized postsecondary credential.

OSTs must be provided by competitively selected training providers or ETPs.

To enhance individual participant choice in the selection of education and training programs and provide flexibility to local youth programs, ITA funds may be used, when appropriate, for OST

for OSY ages 16 through 24. Further guidance on ITAs can be found in Greater Nebraska's Individual Training Accounts (ITAs) policy.

5. Education offered concurrently with workforce preparation and training

Education offered concurrently with workforce preparation and training for a specific occupation refers to an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same period and connected to training in a specific occupation, occupational cluster, or career pathway.

6. Leadership development opportunities

Leadership development opportunities are opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors. Leadership development includes activities such as:

- Exposure to postsecondary educational possibilities;
- Community and service learning projects;
- Peer-centered activities, including peer mentoring and tutoring;
- Organizational and teamwork training, including team leadership training;
- Training in decision making, including determining priorities and problem solving;
- Citizenship training, including life skills training such as parenting and work behavior training;
- Civic engagement activities that promote the quality of life in a community; and
- Other leadership activities that place youth in a leadership role, such as serving on youth leadership committees.

7. Supportive services

Supportive services are services that enable a youth participant to take part in local youth program activities. For further information regarding the provision of supportive services see Greater Nebraska's Supportive Services policy.

8. Adult mentoring

Adult mentoring is a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company. Adult mentoring must last at least 12 months and may take place during program participation and following exit from the program.

While group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, the local youth program must, at a minimum, match the youth with an individual mentor with whom the youth interacts on a face-to-face basis.

USDOL acknowledges that in some areas of the country finding mentors may present a burden to a program. While USDOL strongly prefers that case managers not serve as mentors, the final rule allows case managers to serve as mentors in areas where adult mentors are scarce.

Greater Nebraska only pairs youth participants with an adult mentor from an established mentoring program that completes adequate screening including background checks. Examples include Teammates and the National Mentoring Partnership.

9. Follow-up services

Follow-up services are critical services provided following a youth's exit from the program to help ensure that youth are successful in employment and/or postsecondary education and training. Follow-up services may include:

- Regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise;
- Supportive services;
- Adult mentoring;
- Financial literacy education;
- Services that provide labor market and employment information and in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- Activities that help youth prepare for and transition to postsecondary education and training.

Requirements for the provision of youth follow-up services include:

1. All participants must be offered an opportunity to receive follow-up services that align with their ISS. Types of follow-up services provided and the duration of follow-up services must be determined based on the needs of the individual and, therefore, the type and intensity of follow-up services may differ for each participant.
2. At the time of enrollment, youth must be informed that follow-up services will be provided for a minimum of 12 months following exit. If, at any point during participation in the program or during the 12 months following exit, the youth participant requests to opt out of follow-up services, they may do so. In this case, the participant's request to opt out or discontinue follow-up services must be documented in case notes.
3. Follow-up services must be provided to all participants for a minimum of 12 months after the last expected date of service in the local youth program, and any NDOL-administered programs in which the participant may be co-enrolled, unless the participant declines to receive follow-up services or the participant cannot be located or contacted. When a participant cannot be located or contacted during a follow-up quarter the career planner must complete the follow up service as "cannot locate" and include a case note in the participant's file.
4. Follow-up services may begin immediately following the last expected date of service. The exit date is determined when the participant has not received services through the

local youth program, or any NDOL-administered programs in which the participant may be co-enrolled, for 90 days and no additional services are scheduled.

5. When the following program elements are provided as follow-up services, they must be recorded as follow-up services in NEworks, rather than program services, in order to (a) clearly differentiate follow-up services from program services provided prior to program exit and (b) prevent a change in the exit date and trigger re-enrollment in the program:
 - a. Supportive services;
 - b. Adult mentoring;
 - c. Financial literacy education;
 - d. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
 - e. Activities that help youth prepare for and transition to postsecondary education and training.

In addition, it must be documented in case notes that these program elements were provided as follow-up services after program exit.

6. Follow-up services must be more than just an attempt to contact the participant and must not be made just to secure documentation to support or report a performance outcome.

10. Comprehensive guidance and counseling

Comprehensive guidance and counseling involves the provision of individualized counseling to participants. This program element also includes substance and alcohol abuse counseling, mental health counseling, and referrals to qualified partner programs. When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization to which it refers the youth participant in order to ensure continuity of service. When resources exist within the local program or its service providers, it is allowable to provide counseling services directly to participants rather than referring youth to partner programs.

11. Financial literacy education

Financial literacy education refers to activities that provide youth with the knowledge and skills that they need to achieve long-term financial stability, including activities that:

- Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;
- Supports participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- Teach participants about the significance of credit reports and credit scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report and how to correct inaccuracies, and how to improve or maintain good credit;
- Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;

- Educate participants about identity theft, ways to protect themselves from identify theft, how to resolve cases of identity theft, and understand their rights and protections related to personal identity and financial data;
- Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
- Support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling;
- Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as providing access to safe and affordable financial products that enable money management and savings; and
- Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability through the use of high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

12. Entrepreneurial skills training

Entrepreneurial skills training provides training on the basics of starting and operating a small business and must develop the skills associated with entrepreneurship, such as the ability to:

- Take initiative;
- Creatively seek out and identify business opportunities;
- Develop budgets and forecast resource needs;
- Understand various options for acquiring capital and the trade-offs associated with each option; and
- Communicate effectively and market oneself and one's ideas.

Examples of approaches to teaching youth entrepreneurial skills include:

- Entrepreneurship education that provides an introduction to the values and basics of starting and running a business, such as developing a business plan and simulations of business start-up and operation;
- Enterprise development that provides supports and services that incubate and help youth develop their own businesses, such as helping youth access small loans or grants and providing more individualized attention to the development of viable business ideas; and
- Experiential programs that provide youth with experience in the day-to-day operation of a business.

13. Labor market information services

Labor market information (LMI) services refers to services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area and includes career awareness, career counseling, and career exploration services. LMI services also help youth identify employment opportunities and provide knowledge of job market expectations, including education and skill requirements and potential earnings.

14. Postsecondary preparation and transition activities

Postsecondary preparation and transition activities are activities that help youth prepare for and transition to postsecondary education and training. These activities include helping youth explore postsecondary education options, including technical training schools, community colleges, four-year colleges and universities, and Registered Apprenticeship programs.

Examples of other postsecondary preparation and transition activities include:

- assisting youth with preparation for SAT/ACT testing;
- assisting with college admission applications;
- searching and applying for scholarships and grants;
- filling out the proper financial aid applications and adhering to changing guidelines; and
- connecting youth to postsecondary education programs.

Privacy

Career planners must adhere to the confidentiality requirements of the Family Education Rights and Privacy Act, established under Section 444 of the General Education Provisions Act, including requirements regarding circumstances requiring written consent for disclosure of personally identifiable information from an education record.

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.

Continuity of Service

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Administrative Guidelines
	Effective Date 1/25/2021
	Supersedes
	Review/Revision Date

Continuity of Service Plan

American Job Center Certification

The Greater Nebraska Workforce Development Board will adhere to all requirements of the Nebraska Department of Labor's One-stop Delivery System Assessment and One-stop Center Certification, Change 2. The Board will work with the One Stop Operator and the system partners to make every effort to achieve certification of the American Job Center (AJC). In the event the Grand Island or Beatrice AJC is not certified, the Continuity of Service plan will be implemented.

Conditional Certification

Should recommendation of conditional certification be the initial action taken by the Evaluation & Certification Team, the Greater Nebraska Workforce Development Board (GNWDB) will follow the steps as outlined in state policy by sending a signed letter from the Team to the one-stop operator, identifying deficiencies that must be corrected within ninety (90) days of the date of the conditional certification and will send a copy of that letter to:

- WIOA policy mailbox at ndol.wioa_policy@nebraska.gov; and
- WIOA State Monitor at ndol.state_monitor@nebraska.gov

At this time, the Evaluation & Certification Team will schedule a 60 day review to determine the extent of progress being made by the one-stop operator and to work with the operator to resolve the findings. Immediately after the 60 day review, the Team will report in writing to the GNWDB with a forecast of the likelihood of all deficiencies being resolved within the next 30 days.

Once the one-stop operator informs the Chair of the GNWDB that all deficiencies have been resolved, the Chair or his/her designee will reconvene the Evaluation and Certification Team to conduct a follow-up evaluation using the same criteria and procedures in play during the initial evaluation in order to confirm correction of the deficiencies.

If the deficiencies are not resolved within the 90 days referenced above, the GNWDB will send a letter to the one-stop operator, signed by the Board Chair and by the Evaluation and Certification Team Lead,

stating that conditional certification of the AJC has been revoked and a finding of non-certification will trigger the Continuity of Service plan.

AJC Not Recommended for Certification

Should no recommendation for certification be the initial action taken by the Evaluation & Certification Team, the GNWDB will send a signed letter from the Team to the one-stop operator, with specific corrective action items and steps that must be taken within a time period not to exceed 60 days before certification can be approved and a copy of that letter must be sent to:

- WIOA policy mailbox at ndol.wioa_policy@nebraska.gov; and
- WIOA State Monitor at ndol.state_monitor@nebraska.gov

Once the one-stop operator informs the Chair of the GNWDB that all deficiencies have been resolved, the Chair or his/her designee will reconvene the Evaluation and Certification Team to conduct a follow-up evaluation using the same criteria and procedures in play during the initial evaluation in order to confirm correction of the deficiencies.

Once the GNWDB approves the certification of the AJC, the Administrative Entity will notify the Nebraska Workforce Development Board.

Non-Certification & Continuity of Service

The Greater Nebraska Workforce Development Board's Continuity of Service plan is to be initiated in the event that the Grand Island or Beatrice AJC is not certified. Under this plan, the GNWDB and its staff assume the duties of the One-stop Operator, either by performing directly such duties or by executing a short term professional services agreement, for a period not to exceed six months.

During this six month period, a process for competitive selection of a new one-stop operator begins immediately as a top priority for the GNWDB Board and the Chief Elected Officials Board (CEOB).

One-stop Operator

The GNWDB will adhere to all requirements of the Nebraska Department of Labor's One-stop Operator Competitive Selection policy. The GNWDB will work with the CEOB to make every effort to ensure the One-stop Operator role is filled utilizing a competitive bid process and the One-stop Operator role is clearly articulated. In the event the One-stop Operator role becomes vacant for any reason, the Continuity of Service plan will be implemented.

Continuity of Service

The Greater Nebraska Workforce Development Board's Continuity of Service plan is to be initiated in the event that the One-stop Operator role becomes vacant for any reason. Under this plan the Administrative Entity assume the duties of the One-stop Operator, either by performing directly such duties or by executing a short term professional services agreement, for a period not to exceed six months.

During this six month period, a process for competitive selection of a new one-stop operator begins immediately as a top priority for the GNWDB Board and the Chief Elected Officials Board (CEOB).

Basic Skills Deficiency Policy

Greater Nebraska Policy

Workforce Innovation and Opportunity Act (WIOA)

Greater Nebraska Workforce Development Area Nebraska Department of Labor (NDOL) Division of Reemployment Services 550 South 16 th St Lincoln, NE 68508 ndol.greaternebraska@nebraska.gov	Policy Category Program Guidelines
	Effective Date 9/15/2022
	Supersedes None
	Revision Date

Basic Skills Deficiency

Reference

Workforce Innovation and Opportunity Act (WIOA) 134; 20 CFR § 681.290; Ibid; TEGL 21-16, TEGL 23-19; Nebraska Department of Labor (NDOL) State Plan; Nebraska Department of Labor (NDOL) Priority Populations and Priority of Service policy.

Purpose

This policy establishes criteria in determining basic skills deficiency in the local area.

Background

Basic skills deficiency is a criterion used to determine priority of service and eligibility in certain circumstances. Per CFR §681.290 the State or Local Workforce Development Board must establish its policy on paragraph (a)(2) of the definition of basic skills deficient (see “B” below) in its respective State or local plan.²²

The State requires that local boards establish policies that:

- describes quantifiable methods that must be used to determine eligibility based on the “basic skills deficient” criterion, which must 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
- describes documentation required to demonstrate basic skills deficiency, as required for Federal reporting, based on this criterion.

Definition

The term “basic skills deficient” means -

- A youth who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

²² [20 CFR § 681.290](#)

- B. 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.²³

Policy

For the purposes of determining priority of service, eligibility, and potential needs of participants, staff should assess each individual for potential basic skills deficiency. Results must be noted as appropriate in the WIOA application and Objective Assessment, and objectives to address the deficiency must be included in the IEP/ISS. Formal assessment results within the last six months, provided by the participant or a partner agency, are acceptable to use for these purposes.

Per TEGL 21-16:

As discussed in 20 CFR § 681.290, “in assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.” **For purposes of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use in the Department of Education’s National Reporting System (NRS), nor are they required to determine an individual’s grade level equivalent or educational functioning level (EFL), although use of these tools is permitted.** Rather, local programs may use other formalized testing instruments designed to measure skills-related gains. It is important that, in addition to being valid and reliable, any formalized testing used be appropriate, fair, cost effective, well-matched to the test administrator’s qualifications, and easy to administer and interpret results. **Alternatively, skills related gains may also be determined through less formal alternative assessment techniques such as observation, folder reviews, or interviews.** The latter may be particularly appropriate for youth with disabilities given accessibility issues related to formalized instruments. Local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

Basic Skills Screening Tool

The Basic Skills Screening Tool may be used to screen WIOA applicants for priority of service and eligibility. Applicants that answer “No” to any of the questions on the tool (including being a high school drop-out) should be further assessed utilizing the approved tools outlined in this policy. Anyone unable to complete the screening tool without assistance must automatically be further assessed for basic skills deficiency.

The screening tool cannot be used to help determine a participant’s educational needs or to determine a measurable skills gain. If the screening tool identifies an individual as basic skills deficient, that individual should be further assessed to determine their educational needs.

²³ [WIOA Sec. 3\(5\)](#)

Enrollment may proceed with the use of this tool. Individuals determined to be basic skills deficient must be assessed using a formal tool, including alternative assessment techniques within 30 days of enrollment to identify specific educational needs and services / resources available to address deficiencies. Individuals not seeking training services (enrolling for job placement services only) are exempt from this requirement for formal testing.

Applicable Records from Education Institution

Per TEGL 23-19, transcripts, academic assessments, or other school documentation are acceptable for the purposes of documenting basic skills deficiency. The following may be used to support an assessment of basic skills deficiency:

- In school (secondary or postsecondary) with a Grade Point Average of less than 2.0
- Quit school without completion of the 8th grade
- One or more years behind modal grade for one's age group, with particular emphasis on those two or more years behind modal grade (Modal grade is the most frequent grade classification of students of a particular age; e.g. most 15 year olds are in 10th grade)
- For each year of secondary education, are at least two semesters behind the rate required to graduate from high school
- Documentation provided by the student's counselor or MDT/IEP team

Enrollment may proceed with the use of this documentation. Individuals determined to be basic skills deficient must be assessed using a formal tool, including alternative assessment techniques within 30 days of enrollment to identify specific educational needs and services / resources available to address deficiencies. Individuals not seeking training services (enrolling for job placement services only) are exempt from this requirement for formal testing.

Assessment Requirements

For the purposes of determining basic skills deficiency and educational needs, staff may accept any formalized testing approved by the Department of Education's National Reporting System, Nebraska Department of Education²⁴, or otherwise stated in this policy including:

ACCUPLACER®	ACT® WorkKeys® Curriculum™ Placement
ACT® WorkKeys® Assessment	CareerScope
CASAS	DCA (District Common Assessment)
ELPA21 (or most current version)	MAP (Measures of Academic Progress)
NCRC	NSCAS-AA
TABE®	

Assessments provide valuable information to help guide an individual towards an employment goal. The results of assessments must be explained to an individual and analyzed to provide guidance in determining action steps and services to be included in the Employment Plan. From

²⁴ [Nebraska Department of Education Statewide Assessments](#)

the information compiled during assessments, appropriate One-Stop partners and services should be identified in order to provide direct linkage to services in the One-Stop System.

Refer to the Assessment Guide in the Operations Manual for guidelines on evaluation of scores relative to basic skills deficiency.

Accommodations

In addition to specific accommodations provided by the appropriate assessment publishers, the following accommodations for students with documented disabilities enrolling in Title I programs may also be available:

- Assistive devices and equipment that enhance visual / auditory response
- Flexible scheduling
- Flexible settings
- Foreign language interpreters (for test administration directions only)
- Sign language interpreters (for test administration directions only)
- Braille format

Test administrators must always verify with the assessment publisher to determine if specific accommodations are allowable.

It may be appropriate to consider a consultation with Vocational Rehabilitation, Adult Education, and NDOL staff to ensure the needs or potential needs of the individual are being met.

When necessary, and with permission from the participant, Greater Nebraska staff should seek additional guidance and support from agencies that provide additional accommodations support to individuals enrolling for services.

Every effort must be made to accommodate individuals with disabilities. Should an available assessment accommodation or alternative accommodation offered not be of substantial assistance to benefit the student, documentation of all attempts should be included in NEworks.

Coordinated Referral

Individuals who are Basic Skills Deficient should be offered direct linkage to services through the Title II Adult Education program as a coordinated referral service for possible co-enrollment. It is the customer's choice to take part in such services.

Measurable Skills Gains

In accordance with TEGL 21-16, if measuring EFL gains after program enrollment under the measurable skill gains indicator, local programs must use an NRS approved assessment for both the EFL pre- and post-test to determine an individual's educational functioning level. Individuals assessed as basic skills deficient who will not receive a credential within the program year must be reassessed for EFL gains annually prior to participation date anniversary.

Nebraska utilizes the CASAS for this purpose.

Documentation

Per TEGL 23-19, source documentation may be in the form of the following:

- Case notes
- Assessment Test Results
- Applicable Records from Education Institution (transcripts, academic assessments, or other school documentation)

Compliance and Monitoring

Internal monitoring will be completed quarterly (January, April, July, and October) to ensure guidelines are followed. The Administrative Entity will provide a report to the System Coordination Committee on the status. Technical assistance will be provided by the administrative entity if discrepancies are found.

Local area compliance is also reviewed as part of routine program monitoring conducted by the NDOL State Monitor.

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.