

**Region 10 Workforce Investment Board, Inc.**

**Request for Proposal**

**For**

**Veterans Employment Training Seminar Program**

**RFP Issue Date: January 25, 2016**

**Key Dates:**

**Mandatory Letter of Intent to bid due - February 1, 2016, 12:00 Noon EST Written**

**Questions Due – February 8, 2016, 12:00 Noon EST**

**Questions answered (Posted to Website) February 12, 2016**

**Application Due Date – February 24, 2016, 12:00 Noon EST**

**Award Announced – March 16, 2016**

**Contract Begins – April 1, 2016**

## I. Background and General Information

- A. The Region 10 Workforce Investment Board (hereinafter the Board) issues this Request for Proposal (RFP) to procure an entity or individual capable of providing the Veterans Employment Training Seminar program within WorkOne offices in Region 10.
- B. The purpose of this RFP is to expand existing services to Veterans in Region 10 by providing Veterans with a five day seminar that walks Veterans through strategies for re-employment. These seminars and job placement efforts will be integrated into existing WorkOne employment, training and job placement activities. A more detailed Statement of Work is included in this RFP.
- C. The Board intends to be as inclusive as possible in this solicitation. The goal is to receive a wide variety of applications from entities or individuals interested and qualified to provide the Veteran Seminars within Region 10. The possible points available in the evaluation process are 100. Minority and Women's Business Enterprises certified by the Indiana Department of Administration will be granted 4% extra consideration when proposals are evaluated. ***Documentation of such status must accompany application.***
- D. It is the intent of the Board to host the veteran seminars at the New Albany Indiana WorkOne offices at no facility rental cost to the contractor. WorkOne Express offices are located in Clark, Crawford, Harrison, Scott and Washington Counties. All other costs for delivery of the seminars will be borne by the contractor.
- E. The resulting contract with the successful applicant will be for a period beginning April 1, 2016 to June 30, 2017. The form of the contract will be a negotiated unit price contract with performance benchmarks.
- F. Economic Growth Region 10 consists of Clark, Crawford, Floyd, Harrison, Scott and Washington counties. Applicants are encouraged to visit the Board website at <http://www.workoneregion10.com> to learn more about Region 10.
- G. The Board is seeking interested and qualified entities able to provide effective Veterans Seminars in Region 10. The services delivered must meet the specifications of this RFP. The Board anticipates contracting with one entity for these services. The entity selected should demonstrate the characteristics listed below.
  - Flexibility
  - Creativity
  - Successful Similar Experience
  - Understanding of the Statement of Work

- H. The Board reserves the right to make an award to any applicant or to make no awards, if that is deemed to serve the best interests of the Board and Region 10. The application process is competitive and follows government procurement rules.
- I. The Workforce Innovation and Opportunity Act of 2014 provides the framework for a national workforce preparation system that is flexible, responsive, customer-focused and locally managed. The Board envisions a system that meets the needs of residents and businesses alike. The goal of programs under the Act is to increase employment, job retention, and earnings and develop the work potential of the residents of Region 10.
- J. This Request for Proposal is not in itself an offer of work nor does it commit the Board to fund any applications submitted. The Board is not liable for any costs incurred in the preparation or research of applications.
- K. Successful applicants must negotiate a contract before the Board will make any final commitment.
- L. All commitments made by the Board are contingent upon the availability of funds.
- M. The Board assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Innovation and Opportunity Act of 2014; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; The Age Discrimination Act of 1975, as amended; and Title IX of the Education Amendments of 1972, as amended. The Board also assures that it will comply with all other regulations implementing the laws listed above. This assurance applies to the WIOA Title I financially assisted program or activity, and to all agreements that the Board makes to carry out the WIOA Title I financially assisted program or activity. This WIOA Title I funded program is an equal opportunity employer / program. Auxiliary aids and services will be made available upon request for individuals with disabilities.
- N. By submitting an application, all applicants are providing an assurance that they will comply with the above nondiscrimination and equal opportunity provisions.
- O. The applicant should note that under the requirements of the Freedom of Information Act, the contents of your application or other information submitted to the Board is subject to public release upon request, except those items specifically exempt from disclosure. The applicant shall mark as "proprietary" those parts of its application that it deems proprietary. However, the applicant is alerted that this marking is advisory only and not binding on the Board. If there is a request from the public under F.O.I.A. to inspect any part of the application so marked, the Board will advise the applicant and request further justification in support of the "proprietary" marking. If the Board determines, after receipt of the justification, that the material is releasable, the applicant will be notified immediately. Under no circumstances will an application or any part of an application be released prior to the contract award decision.

- P. The Board will authorize the Region 10 Workforce Board Executive Director to negotiate a contract for the provision of services arising from this RFP.
- Q. The specifications in this RFP may change based on issuance of State or Federal policy. The Region 10 Board will work with the successful applicant to implement any changes required by the State of Indiana or Department of Labor. By submitting an application, the applicant agrees to work cooperatively with the Board and Workforce Board Executive Director to comply with subsequent changes.
- R. By submitting an application the applicant certifies to his/her knowledge and belief that there is no conflict of interest (real or apparent) inherent in the application or in delivering the plan of work if the Board awards a contract. A conflict of interest would arise if any individual involved in the preparation of this RFP, application review and rating or award decisions has a financial or other interest in or represents the applicant organization and would be likely to gain financially or personally from the award of a contract. The same would hold true for any member of the individual's family, partner, or an organization employing or about to employ any of the above as a direct result of the successful award of a contract under the RFP. Applicants are prohibited from attempting to influence the award of a contract by contacting Board members or Elected Officials. The Board reserves the right to disqualify an application or cancel a contract should a conflict of interest be discovered.
- S. The applicant assures that it will be the provider of the services requested and will not subcontract significant functions to other entities if awarded a contract.
- T. The successful bidder must maintain a financial management system that complies with generally accepted accounting principles. Financial records must be available for review and monitoring purposes.

## II. Application Requirements

- A. Applications must be received by 12 Noon EST, February 24, 2016 in person or by mail at the address indicated. Applications received after that time and date will be rejected. Please note that applications must be received not postmarked. Application in addition to the mandatory hard copy, is to be sent electronically.
- B. Submit three hard copies of your application on 8½" x 11" white bond. You may single space your application but margins must be at least an inch and font size must be no less than 12. One copy should be submitted unfolded and unstapled. Also submit an electronic copy in Word (.doc file) to [jjames@workoneregion10.com](mailto:jjames@workoneregion10.com). When you submit the electronic copy request, confirmation that that your application has been received.
- C. Audits: Submit independent audits of your organization for the past two years along with any separate management letters prepared by the auditors. You should submit the audits electronically when you submit your electronic copy of your proposal on February 24, 2016. Submit these audits to [jjames@workoneregion10.com](mailto:jjames@workoneregion10.com). The Board will review the audits to determine the financial stability and accountability of your organization.
- D. Attachment A, an application cover page, should be completed and used as the cover page for the application.
- E. Attachment B, Non-Collusion Affidavit needs to be signed and submitted.
- F. Attachment C, Assurances and Certifications should be signed and submitted.
- G. Attachment D, Sample Outline, Curriculum for 5-day Veteran Seminar. List of Staff (Potential Staff) available for delivery and qualifications of staff.
- H. Your response to the narrative section of the application is limited to no more than 10 pages. This page limitation is imposed for the sake of the reviewers of your application. This limitation does not include other sections of your application such as: Attachments A, B, C, & D. The Executive Summary will count toward the 10 page narrative limit.
- I. Applications will be submitted "Return Receipt Requested." If hand delivered, the deliverer must have a prepared receipt for signature and time/date. Faxed applications will not be accepted. The transmitting envelope will be clearly marked "application" and addressed to:

Jackie James, Operations Manager  
Region 10 Workforce Board, Inc.  
P.O. Box 6712 (U.S. Mail)  
2125 State Street, #16 (Hand Delivered)  
New Albany, IN 47150

J. Assemble your application using the following order. Use this as a checklist to ensure the proper order. Failure to follow RFP instructions could result in rejection of your application.

- Cover Page (Attachment A)
- Executive Summary
- Application Narrative
- Attachment B (Non-Collusion Affidavit)
- Attachment C (Assurances and Certifications)
- Attachment D (Sample Outline, Curriculum for 5-day Veteran Seminar)

K. All entities interested in submitting a proposal must submit a Letter of Intent no later than 12:00 Noon EST February 1, 2016 to Region 10 Workforce Board. These letters must be received, not postmarked by February 1, 2016. Your Letter of Intent may be mailed, or emailed to . If you email the Letter of Intent, please request confirmation that we have received the letter. The address is:

Jackie James, Operations Manager  
Region 10 Workforce Board, Inc.  
P.O. Box 6712 (U.S. Mail)  
2125 State Street, #16 (Hand Delivered)  
New Albany, IN 47150

L. Written questions regarding this RFP may be submitted in writing to Jacqueline James, Region 10 Workforce Board. You may also email questions to [jjames@workonregion10.com](mailto:jjames@workonregion10.com). All questions will be responded to, compiled and shared with all bidders that submitted a Letter of Intent to bid. Questions will be accepted up to 12:00 Noon, February 8, 2016.

M. The questions and answers will be researched, compiled and posted to [www.workonregion10.com](http://www.workonregion10.com) website on February 12, 2016 to all bidders submitting a Letter of Intent to bid.

N. An award decision is expected by March 16, 2016. A contract will be executed soon thereafter.

The application evaluation weights are listed below.

- 30% - Experience and Past Performance
- 40% - Understanding of Work to be performed
- 30% - Proposed Cost per Seminar Participant

- O. Appeals/Complaints: Applicants have the right to appeal any action or decision related to this RFP. Appeals will be reviewed and investigated by the Board. The decision of the Board in such situations shall be final. Applicants wishing to make a formal appeal should do so in writing to:

Jacqueline James, Operations Manager  
Region 10 Workforce Development Board  
PO Box 6712  
New Albany, IN 47150

### III. Application Narrative

#### A. Experience - Application Evaluation 30%

The narrative of your application is limited to 10 pages. This limitation does not include any of the required attachments or the one page resume.

Please include a one page Executive Summary that allows the reader to understand key aspects of the applicant and the approach to providing the requested services.

#### 1. Profile the Applicant

- a. What is the legal status of your organization? Is your organization certified by the State of Indiana as a Minority Owned Business or Woman Owned Business?
- b. Describe your organization, the governance structure, length of existence, vision, mission, goals and major services currently offered.
- c. Provide a brief resume of the individual(s) available for this project. We prefer one key individual to be assigned to this work. The individual(s) should perform the key functions required for the Veterans Seminars (does not count toward the 10 page limit.)
- d. Provide an organizational chart or listing of individuals within your organization. (does not count toward 10 page limit)
- e. Provide three references of individuals outside of your organization familiar with the quality of prior services you have provided.

#### 2. History of Similar Work

- a. Applications must include information to demonstrate that the provider has a record of success in delivering similar services or projects. Describe your related experiences and qualifications.
- b. Describe your knowledge and experience with programs funded by the Indiana Department of Workforce Development, the US Department of Labor, and/or eligible participants under this project.

**B. Understanding of Work to be Performed 40%**

- a. Describe your understanding of the Region 10 workforce development structure, services, funding and contractors.
- b. Describe your understanding of workforce challenges and opportunities in Region 10.
- c. Describe how you will implement the Statement of Work contained in this application.
- d. Describe how the Veterans Seminars will be integrated into the flow of services in the WorkOne, particularly toward the expected outcomes of job placement and retention.
- e. Describe how your organization will conduct outreach and promote the Veterans Seminars in the Region to recruit eligible participants under this contract.
- f. Describe the topics to be covered in each seminar. Attachment D. Provide a sample outline/curriculum to be delivered for the five-day program, i.e. Day 1, Day 2, etc. Describe types of engagement and instruction with seminar customers. Describe the seminar environment or "culture" you intend to provide. Provide a list of potential staff that will be involved in the training and qualifications/credentials of staff. A customer satisfaction survey will be required for each participant at the end of the 5-day seminar.
- g. What are the maximum and minimum numbers of participants per Seminar? Determine an approximate seminar schedule that you would implement for the project, and an estimate cohort planned per each 5-day schedule.
- h. Describe how your organization will be prepared to start the scope of work, effective April 1, 2016 and projected timeline for the first seminar to take place?

**C. Proposed Fee 30%**

- a. Up to \$75,000 is available for the Veterans Seminars, we anticipate 100 or more Veterans to complete veteran services employment training during the contract period. If you propose to complete training for more than 100 Veterans the Board may award additional points during the evaluation of the applications.
- b. The proposed funds request should be an all-inclusive fee that includes your cost for compensation, travel, supplies and other costs. There is no need to break this amount down to component costs.
- c. How many Veterans do you propose to enroll in the Seminars during the contract period?
- d. How many Veterans constitute a "seminar class"? What is the minimum number of Veterans needed to operate a seminar?
- e. How many Veterans do you project will complete the seminars?
- f. What is the projected cost per seminar completer?

#### IV. Statement of Work

The purpose of this project is to expand the existing Veterans services in Region 10. The Veterans Seminar program will provide Veterans who are eligible as dislocated workers under the NEG grant with information needed to seek and retain employment. This program shall consist of a five (5) day seminar that instructs participants in strategies for reemployment and retention of employment. This program shall take place at the New Albany Indiana WorkOne offices, and may be held at WorkOne Express offices in Region 10 depending on demand and space availability. Seminars to be held at Express offices must be prior approved by WorkOne Operations staff.

As part of implementation, the following activities will occur:

- Contractor will work in coordination with WorkOne Operations Staff to establish a projected schedule and site requirements for Veteran Seminars.
- Contractor will work in coordination with WorkOne Operations Staff, Disabled Veteran Specialist Staff, and Local Veteran Business Specialist to conduct outreach and promotion for the Veteran Seminars. All outreach and promotional materials must be approved by the Region 10 Operations staff. Contractor will be responsible for outreach and promotion of Veteran seminars to recruit eligible participants for employment and training programs. *(See Attachment D: TEGL 31-14 Sec. 4 for description of eligible participants).*
- Prior to attending the five-day program, appropriate participants will be enrolled in WIOA and assigned a career coach. All participants will be actively integrated into WorkOne services and expected to participate in services with a Career Coach to gain and retain employment. Seminar participants will be Veterans and as such shall receive Priority of Service. Self-sustaining employment and retention is the priority of this program.
- WorkOne staff will be fully integrated into the seminar program, creating a sense of partnership and cooperation between WorkOne staff, dislocated workers/Veterans, and seminar presenters and trainers.
- The Region 10 WorkOne Operations Staff (or designee) will oversee and direct the coordination of all activities between WorkOne staff and contractor staff delivering the seminars.
- The LVER, DVOP, case managers and other appropriate WorkOne staff will be engaged in the seminar, as appropriate, to provide presentations on topics such as WorkOne services, job search, and labor market information.
- The Region 10 WorkOne staff shall be responsible for all job placement services to Veterans attending the seminar. Seminar staff are not expected to contact employers in Region 10. If employer contacts are required to obtain employer participation in the proposed seminars, such contacts will be made by the Region 10 Business Services Manager or other WorkOne staff.

All activities will be conducted in accordance with federal, state, and local laws and regulations applicable to the program. The activities will also be in alignment with the State of Indiana's grant award for this project (EM-27352-15-60-A-18) and federal policy related to the Sector Partnership, including TEGL 31-14 and TEGL 22-04.

## Deliverables

On a monthly basis, the contractor shall provide a detailed activity report to the Board representative of significant activities, problems encountered and:

- Synopsis of outreach and promotion to recruit participants;
- Dates of Seminars planned and conducted by location;
- Number of Veterans enrolled;
- Number completing the 5 day seminar
- Copy of customer satisfaction surveys at end of each 5-day seminar.
- Tracking report, in coordination with career coach, of training , employment and retention of participants during the contract (i.e. participated in MSSC training 3-1 to 3-31-16; gained employment with XYZ company effective 4-15-16; etc. An outline/chart will be designed in coordination with Region 10 Operations Manager.

Attachment A

APPLICATION COVER SHEET

Organization's Legal Name		
Contact Person:		
Address		
Telephone	Fax	
E-mail	Cell	
Total Funds Requested:		
Total Number of Veterans projected to be enrolled:		
Projected Cost per Seminar Veteran Enrolled:		

Check all applicable boxes:

For Profit Corporation		Sole Proprietorship	
Not-for-profit Corporation		Faith-Based Organization	
Partnership		State Agency	
Educational Institution		Labor Organization	
Business Association		Community Based Organization	
Other Public Agency (Specify)			
Federal ID #			
Authorized Signature		Date	
Print Name:			
Title:			

**Attachment B**

**Non-Collusion Affidavit**

State of Indiana

County of \_\_\_\_\_

The respondent is hereby giving oath that it has not, in any way, directly or indirectly, entered into any arrangement or agreement with any other respondent or with any officer or employee of the Region 10 Workforce Board whereby it has paid or will pay to such other respondent or officer or employee any sum of money or anything of real value whatever; and has not, directly or indirectly, entered into any arrangement or agreement with any other respondent or respondents which tends to or does lessen or destroy free competition in the letting of the agreement sought for by the attached response; that no inducement of any form or character other than that which appears on the face of the response will be suggested, offered, paid, or delivered to any person whomsoever to influence the acceptance of the said response or awarding of the agreement, nor has this respondent any agreement or understanding of any kind whatsoever, with any person whomsoever, to pay, deliver to, or share with any other person in any way or manner any of the proceeds of the agreement sought by this response.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Print or Type Name

Subscribed and sworn to me this day \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Notary Public

County of

Commission Expiration Date

**Attachment C**

**Assurances and Certifications**

The authorized representative agrees to comply with all applicable State and Federal laws and regulations governing the Workforce Innovation and Opportunity Act, Workforce Investment Boards, and any other applicable laws and regulations. The authorized representative certifies that the proposing organization possesses legal authority to offer the attached proposal. A resolution, motion or similar action has been duly adopted or passed as an official act of the organization's governing body authorizing the submission of this proposal.

In addition, the authorized representative assures, certifies and understands that:

Workforce Innovation and Opportunity Act (WIOA) recipients are obligated to maintain the following assurance for the period during which WIOA Title I financial assistance is extended. Each request for proposal, proposal and application for financial assistance under WIOA Title I shall contain the following assurances.

"As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the recipient assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I- financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color or national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the bases of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs."

The recipient also assures that it will comply with WIOA implementing regulations (due in January 2015) and all other regulations implementing the laws listed above. This assurance applies to the recipients operation of the WIOA Title I-financially assisted program or activity, and to all agreements the recipient makes to carry out the WIOA Title I-financially assisted program or activity. The recipient understands that the United States has the right to seek judicial enforcement of this assurance.

<p><b>Debarment, Suspension, and Other Responsibility Matters:</b> This certification is required by the Federal Regulations, implementing Executive Order 12549, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85), Department of Health and Human Services (45 CFR Part 76).</p>
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**The undersigned applicant certifies that neither it nor its principals:**

- (1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency;
- (2) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this section; and
- (4) Have not within a three-year period preceding this application had one or more public transactions terminated for cause or default.

**Nondiscrimination:** The undersigned applicant certifies that it shall comply with the nondiscrimination provisions outlined in the WIOA of 2014 including Title I, Sec. 188.

**Conflict of Interest:** The undersigned applicant certifies that:

- (1) No manager, employee or paid consultant of the Proposer is a member of the Board of Directors, or an employee of the Board;
- (2) No manager or paid consultant of the Proposer is married to a member of the Board of Directors, or an employee of the Board;
- (3) No member of the Board of Directors, or an employee of the Board owns or has any control in the Proposer's organization;
- (4) No spouse of a member of the Board of Directors, or employee of the Board receives compensation from Proposer for lobbying activities;
- (5) Proposer has disclosed within the proposal response any interest, fact or circumstance which does or may present a potential conflict of interest;
- (6) Should Proposer fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Proposer shall not be entitled to the recovery of any costs or expenses incurred in relations to any contract with the Board and shall immediately refund the Board any fees or expenses that may have been paid under the contract and shall further be liable for any other costs incurred or damages sustained by the Board relating to that contract.

**Lobbying:** This certification is required by the Federal Regulations, Implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code for the Department of Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned applicant certifies that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence any officer or employee of Congress, or an employee of a Member of Congress, or locally elected officials.
- (2) In connection with the awarding of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- (3) If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, any officer or employee of Congress, an employee of a Member of Congress, or locally elected officials in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (4) The undersigned shall require that the language of this certification be included in the award for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and provide disclosure accordingly.

**Drug-Free Workplace:** This certification is required by the Federal Regulations, Implementing Section 5150-5160 of the Drug-Free Workplace Act, 41 U.S.C. 701; for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Part 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76).

The undersigned applicant certifies that it shall provide a drug-free workplace by:

- (a) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;
- (b) Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug abuse violations in the workplace;
- (c) Providing each employee with a copy of the Contractor's policy statement;

- (d) Notifying the employees in the Contractor's policy statement that as a condition of employment under this contract, employees shall abide by the terms of the policy statement and notifying the Contractor in writing within five (5) days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
- (e) Notifying the Commission within ten (10) days of Contractor's receipt of a notice of a conviction of an employee; and,
- (f) Taking appropriate personnel action against an employee of violating a criminal drug statute or require such employee to participate in drug abuse assistance or a rehabilitation program.

These certifications are material representations of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction.

**WIOA Sec. 184 (f): Discrimination Against Participants:** -- If the Secretary determines that any recipient under WIOA Title I has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to WIOA Title I, or has testified or is about to testify in any such proceeding or investigation under or related to WIOA Title I, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provision of WIOA Title I or the Secretary's regulations, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

**WIOA Sec. 188 (a):**

- (1) Federal financial assistance.** -- For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.
- (2) Prohibition of discrimination regarding participation, benefits, and employment.** -- No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.
- (3) Prohibition on assistance for facilities for sectarian instruction or religious worship.** -- Participants shall not be employed under WIOA Title I to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian

instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing service to participants).

- (4) **Prohibition on discrimination on basis of participant status.** -- No person may discriminate against an individual who is a participant in a program or activity that receives funds under WIOA Title I, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.
- (5) **Prohibition on discrimination against certain non-citizens.** -- Participation in programs and activities or receiving funds under WIOA Title I shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

**Section 188 (3) WIOA Title I funds may not be spent on the employment or training of participants in sectarian activities.**

**Further, the undersigned applicant certifies that it shall comply with the provisions outlined by the U.S. Department of Health and Human Services (45 CFR 80 and 84).**

With regard to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the provider agrees to comply with the implementing regulations that require that each program of training services, when funded in all or in part with federal funds, shall be accessible to qualified individuals with disabilities. The provider further agrees to meet all applicable requirements regarding facility access.

By signing, the applicant certifies that it will comply with all other regulations implementing the laws cited above. This assurance applies to the applicant's operation of the WIOA Title I - financially assisted program or activity, and to all agreements, the applicant makes to carry out the WIOA Title I-financially assisted program or activity. The applicant understands that the United States, Indiana Department of Workforce Development, and the Board have the right to seek judicial enforcement of this assurance. NOTE: WIOA non-discrimination regulations will be published in January 2015. WIOA Section 188 and WIA Section 188 are identical.

**Documentation of Financial Stability:** The undersigned applicant certifies that it shall comply with the Indiana Department of Workforce Development with regard to providing documentation of financial stability. As part of their local application requirements, the Board is to specify its local protocol for documentation and submission requirements.

**Reporting Requirements:** The undersigned applicant certifies that it shall comply with the provisions of Sec. 122 of the Workforce Innovation Act of 2014 and the reporting and procedural requirements issued by the Board or the Indiana Department of Workforce Development.

Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective recipient shall attach an explanation to this certification.

The undersigned Authorized Representative of the applicant herein certifies that the statements above pertaining to Debarment, Suspension and Other Responsibility Matters; Nondiscrimination; Conflict of Interest; Education Standards and Procedures; Documentation of Financial Stability and Reporting Requirements are true and correct as of the date of submission. This does not preclude the Board from requiring additional assurances as part of the local application requirements.

Further, the Authorized Representative acknowledges that if the information given to the Board by the applicant causes harm to a third party, then applicant will be held liable for any Board action resulting from reliance on that information.

The applicant must notify the Board in writing if the authorized signatory changes.

Certified by:

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Signature of Authorized Official	Title	Date
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Typed/Printed Name of Signatory

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Name of Organization

<b>EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> WIA National Reserve
	<b>CORRESPONDENCE SYMBOL</b> OWI
	<b>DATE</b> April 29, 2015

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 31-14

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE ADMINISTRATORS  
STATE WORKFORCE LIAISONS  
STATE AND LOCAL WORKFORCE BOARDS AND CHAIRS  
STATE LABOR COMMISSIONERS  
WIA SECTION 166 INDIAN AND NATIVE AMERICAN PROGRAM  
GRANTEES

**FROM:** PORTIA WU   
Assistant Secretary

**SUBJECT:** Sector Partnership National Emergency Grants

1. **Purpose.** To announce the availability of up to \$150 million for Sector Partnership National Emergency Grants (SP NEG's).
2. **References.**
  - Workforce Innovation and Opportunity Act (WIOA), section 170, Public Law (Pub. L.) 113-128, enacted July 22, 2014
  - Workforce Investment Act of 1998 (WIA), section 173 (29 U.S.C. 2918)
  - WIA regulations at 20 CFR part 663 and 671
  - Training and Employment Guidance Letter (TEGL) No. 16-03 "National Emergency Grant (NEG) Policy Guidance," dated January 26, 2004
  - TEGL No. 16-03, Changes 1, 2, 4 and 5, "National Emergency Grant (NEG) Policy Guidance"
  - "Workforce Investment Act: National Emergency Grants – Application Procedures," 69 Federal Register Notice 23052 (April 27, 2004)
  - Information Collection Forms – ETA 9103, 9104, 9105, 9106, 9107 (OMB Control No. 1205-0439); ETA Form 9090 and the Workforce Investment Act Standardized Record Data (WIASRD) format (OMB Control No. 1205-0420); and ETA Form 9130 (OMB Control No. 1205-0461)

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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- TEGL14-03, "Performance Reporting Submission Procedures for the Workforce Investment Standardized Record Data (WIASRD) and the Annual Report under Title IB of the Workforce Investment Act (WIA)," dated November 13, 2013
- Training and Employment Notice (TEN) 32-10, "Revised National Emergency Grant Application Submission and Review Process," dated March 30, 2011
- TEGL No.10-09, "Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the U.S. Department of Labor (DOL)," dated November 10, 2009
- TEGL 22-04, "Serving Military Service Members and Military Spouses under the WIA Dislocated Worker Formula Grant," dated March 22, 2005
- TEGL 15-10, "Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System, "Dated December 15, 2010
- 2 CFR Part 180
- 29 CFR Part 98
- ETA Sector Strategies Framework:  
<http://businessengagement.workforce3one.org/resources/files/sector-strategies-framework>.

3. **Background.** NEG's are discretionary grants awarded by the Secretary of Labor under section 173 of WIA<sup>1</sup> to provide employment-related services for dislocated workers. NEG's provide resources to states and other eligible applicants to respond to large, unexpected layoff events causing significant job losses. This funding is intended to temporarily expand capacity to serve dislocated workers and meet the increased demand for employment and training services, with the goal of quickly reemploying laid-off workers and enhancing their employability and earnings. Qualifying layoff events include plant closures and mass layoffs as well as other events recognized by the Secretary. Most provisions of WIOA are scheduled to take effect on July 1, 2015, and the Department of Labor (the Department or DOL) intends for this funding to be used consistent with WIOA's requirements. The Department will issue additional Operating Guidance for WIOA administration before the July 1, 2015 implementation date of the new law. This Operating Guidance will address a range of topics including services for dislocated workers.

Despite recent employment growth, many states continue to experience a number of smaller dislocation events that occur over time, and an ongoing lag in reemployment for long-term unemployed workers. These dislocation events add to the already significant number of long-term unemployed individuals who have been jobless for 27 weeks or more, and who represent 30 percent of all unemployed persons, according to the Bureau of Labor Statistics.<sup>2</sup>

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<sup>1</sup> Under WIOA, the relevant provision is found at section 170 on National Dislocated Worker Grants. The terms of WIOA section 170 that address economic dislocations are substantively the same as the terms of WIA section 173. Although these grants are authorized under WIA, grantees are to administer these SP NEG's consistent with the requirements and services of WIOA. This is consistent with the Department's transition authority under Section 503 of WIOA, which authorizes the Secretary of Labor to take such actions as the Secretary determines to be appropriate to provide for the orderly transition from the WIA to any provision of Title I of WIOA.

<sup>2</sup> <http://www.bls.gov/news.release/empsit.t12.htm>

The Secretary recognizes the impact of these layoffs across the nation as a significant dislocation event for purposes of NEG assistance.

These circumstances have strained the workforce investment system's ability to provide crucial training and reemployment services to improve dislocated workers' employment prospects. Analysis of program and administrative data has demonstrated that the system's response to this strain in resources has been a decline in the intensity of services provided, despite the fact that participant levels remain at near historic highs. From PY 2010-2013,<sup>3</sup> individuals receiving core services declined by 12 percent while individuals receiving intensive services declined by 49 percent. According to DOL performance data, individuals who receive more intensive levels of services have greater success in finding employment: in the Dislocated Worker program, individuals who received intensive services had a 64.7 percent entered employment rate (EER) compared to a 54.8 percent EER for those who received only core services in PY 2013.<sup>4</sup> These individually tailored services are shown to help dislocated workers find work, align their skills with in-demand occupations, and identify occupational requirements where additional training may be needed. Such services are also more effective in meeting the needs of the many businesses that are having difficulty finding and hiring workers with the right skills for jobs they need to fill.

To support an American economy that provides opportunity for all, workers must have skills that align with the needs of businesses and must be readily able to adapt as business needs evolve. States and local areas are strategically positioned to support a job-driven approach to workforce development through sector partnerships and sector strategies. Sector strategies are regional, industry-focused approaches to workforce and economic development that improve access to good jobs and increase job quality in ways that strengthen an industry's workforce. These strategies bring together partnerships among businesses, training providers, labor unions, community organizations, workforce development organizations, and other key stakeholders around specific industries to address the workforce needs of both businesses and workers. Eligible dislocated workers generally have a strong connection to the workforce but may not return to their previous industry or occupation. Partnerships across growing and in-demand industries can support dislocated workers to translate their skills into new sectors, identify the training they need to succeed in a new industry, and acquire the necessary skills for this transition. Sector-based approaches can provide businesses with the skilled workforce they need and dislocated workers with new skills, credentials, and careers where they can succeed.

Sector partnerships are fundamental to effective sector strategies, and the Department has structured the SP NEGs opportunity to advance and complement the more integrated and comprehensive dislocated worker services envisioned by WIOA. The SP NEGs are intended to provide new services and flexibilities that can be integrated with WIOA, not simply to

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<sup>3</sup> PY 2010, 2011, 2012, and 2013 WIASRD Databooks:

[http://www.doleta.gov/performance/results/pdf/py\\_2010\\_wiasrd\\_data\\_book.pdf](http://www.doleta.gov/performance/results/pdf/py_2010_wiasrd_data_book.pdf),

[http://www.doleta.gov/performance/results/pdf/py\\_2011\\_wiasrd\\_data\\_book.pdf](http://www.doleta.gov/performance/results/pdf/py_2011_wiasrd_data_book.pdf),

<http://www.doleta.gov/performance/results/pdf/PY2012WIASRDDataBook.pdf>

[http://www.doleta.gov/performance/results/pdf/PY\\_2013\\_WIASRD\\_Data\\_Book.pdf](http://www.doleta.gov/performance/results/pdf/PY_2013_WIASRD_Data_Book.pdf)

<sup>4</sup> National Summary of Annual Performance Data, PY 2013

supplement or replenish regular WIA Dislocated Worker formula funds. The specific activities targeted by these grants serving dislocated workers include regional sector planning and strategies, enhanced career services to dislocated workers, and work-based training opportunities.

4. **Eligible Participants.** Dislocated workers are eligible participants in SP NEG. Generally, a dislocated worker is an unemployed individual with previous attachment to the workforce who was laid off. (For a full definition of dislocated worker eligibility, see WIOA section 3(15).) States or other eligible entities should use labor market information to appropriately target outreach and services to dislocated worker populations, including dislocated workers that may have additional barriers or challenges to reemployment, such as long-term unemployed jobseekers (unemployed for at least 27 weeks in aggregate over the past year), Unemployment Insurance claimants profiled as likely to exhaust their benefits, and foreign-trained workers that have faced barriers to obtaining employment in their field or profession. States or other eligible entities identifying targeted dislocated worker populations should use labor market and administrative data to clearly establish the need for such targeting. Similar to other ETA-funded programs, veterans will receive Priority of Service for training and services made available under SP NEG, as required by the Jobs for Veterans Act and described in TEGL 10-09. As clarified in TEGL 22-04, separating service members are generally considered to have satisfied the termination component of the WIA definition of a dislocated worker. Therefore, as long as a separating service member satisfies the other criteria for dislocated worker eligibility, including the requirement that the individual is “unlikely to return to a previous industry or occupation,” he or she would generally be an eligible dislocated worker under SP NEG. Coordination with intensive and case management services that are provided to unemployed post-9/11 era veterans are strongly encouraged.

5. **Eligible Applicants and Application Requirements.** Eligible applicants are:

1. The state agency responsible for administering WIA title I activities, including those in outlying areas.
2. Entities eligible to receive funding under section 166 of WIA.

States or other eligible entities must partner with local area Workforce Investment Boards (or local Workforce Development Boards as Workforce Investment Boards have begun to transition to WIOA), which may be clustered to align with regional areas, on grant activities, including regional planning efforts, sector strategies, and enhanced dislocated worker services.

**Applicants must address the following in their application narrative:**

Partnerships

Applicants must address partnerships the applicant has, or will create, with local area Workforce Investment Boards or Workforce Development Boards to conduct the planned grant activities, including the regional planning efforts and sector strategies, and the delivery of enhanced dislocated worker services. Applicants also must identify current or targeted multiple (at least three) employer partners that represent a significant percentage of the jobs in the sector of focus which will be engaged in proposed sector strategies, regional planning, and/or work-based learning activities.

In-Demand-Occupations

Proposed strategies should be developed around activities that ultimately result in employment in in-demand occupations that have been identified using available labor market information. Applicants must identify these targeted occupations or industries.

Regional Planning and Strategies - (Up to 25 percent of total funds, but not more than \$500,000)

One of the Employment and Training Administration's (ETA) priorities is to increase the number of states and regions that actively participate in regional planning and regional, industry-focused approaches to workforce and economic development that are commonly referred to as sector strategies. Regional planning and strategies support dislocated workers by assessing the regional economic landscape to identify new or growing employment opportunities in the region. They also help ensure partnerships and regional assets from the workforce investment system, industry, community colleges, labor unions, nonprofits and other stakeholders are aligned and integrated under strategies that can be used to respond to economic shocks, such as plant closings, natural disasters, and long-term unemployment within the regional workforce.

Sector Strategies represent a strategic and demand-driven way for workforce organizations to conduct business, moving from a "program administration" focus to a more proactive role building regional talent pipelines, addressing skill shortages, and creating meaningful career pathways for a range of workers in important regional industries. A demand-driven full-scale sector strategy means putting the business community in the middle, and thinking more broadly about what a workforce organization or intermediary can do to help businesses thrive and grow beyond simply placing workers in jobs and arranging training; resulting in the provision of new employment opportunities for dislocated workers.

Dislocated workers generally have a successful work history and have lost their employment through no fault of their own. These dislocations are caused by economic disruptions, industry decline, or a change of the type of workforce the business needs. Dislocated workers are unlikely to find work in their previous occupation or industry and could benefit greatly by receiving services that are strategically aligned with sector strategies and industry

partnerships. States that have robust sector strategies in place are able to align resources to address the skills and other requisite needs of in-demand industries.

Recognizing WIOA's emphasis on regional planning and sector strategies and the benefits these activities can provide in better serving job seekers, including dislocated workers, a portion of the SP NEG must be used to fund activities that support regional planning and sector strategies. These activities may support the development of new strategies or updates and expansion of preexisting plans and strategies.

Allowable uses of funds include but are not limited to:

- Partnership and program development with stakeholders, employers, apprenticeship programs, etc.
  - Including convening among regional partners, employers, or other stakeholders
- Acquisition, analysis and utilization of workforce information to identify regional trends, including but not limited to labor market information and other state or private data.
- Asset mapping and other analysis, such as Strength, Weaknesses, Opportunities, and Threats (SWOT) analysis
- Developing regional plans
- Training for staff in State and local areas necessary to facilitate regional planning and implement regional strategies
- Establishing social and/or peer learning networks among regions using sector strategies
- Identifying and mapping the necessary skills and competencies for in-demand jobs
  - Assessing how well those skills and competencies are reflected in existing training programs and curricula
  - Identifying aligned industry credentials for those skills and competencies needed

Employers, regional industry representatives, and national industry representatives if applicable, should be actively engaged in designing and implementing the sector strategy in five key areas: (1) serving on the project's leadership team; (2) helping implement program strategies and goals; (3) identifying and mapping the necessary skills and competencies for the program(s); (4) assisting with curriculum development and designing the program; and (5) where appropriate, assisting with the design of an assessment or credential that will address industry skill needs.

The planning component of the grant will take place simultaneously with training and other service delivery activities. Up to 25 percent, but not more than \$500,000 of the total funds may be used for regional planning activities. The applicant must describe how the funds will be used for planning and provide ETA with copies of any regional plans or other related grant products as a result of these funds upon completion of the grant.

## Program Services

ETA is interested in funding programs that can effectively recruit and serve a range of dislocated workers, and are built around a comprehensive, up-front assessment of participant skills relative to those required for employment and provide customized interventions across three tracks: 1) re-employment services such as comprehensive skills assessments, intensive coaching, relocation assistance, and other short-term, specialized services culminating in direct job placement; 2) short-term training and work-based learning opportunities such as OJT leading to employment; and 3) accelerated skills training, with a focus on work-based training, that leads to industry-recognized credentials and employment such as registered apprenticeship. ETA is particularly interested in programs that coordinate closely with Unemployment Insurance (UI) programs to ensure UI claimants, individuals who have exhausted UI benefits, and other dislocated workers encountering long-term unemployment are provided intensive, staff assisted counseling, reemployment services and assessments to help them navigate entry into new careers. SP NEG Program Services are categorized into two categories:

1. Enhanced Career Services to Dislocated Workers and
2. Training and Work-Based Training Models

### *Enhanced Career Services to Dislocated Workers— (At least 20 percent of total funds)*

The enhanced dislocated worker services/career services provide the workforce system the opportunity to build on a customer-focused approach to service delivery. This opportunity is designed to provide dislocated workers with the range of services, training, and job placement assistance they need to fill middle and high-skill jobs in identified high demand sectors. Many of these workers may require re-employment services such as career coaching and assistance in adapting their skills and experience to new industries, while others at lower skill levels may benefit from short-term and even longer-term training to obtain jobs that can match their previous earnings. These workers may require targeted and customized employment assistance and counseling, training, and other specialized service interventions to succeed in the labor market as rapidly as possible.

These SP NEGs will be administered consistent with WIOA, which allows greater flexibilities in providing services to dislocated workers through career services. Applicants must describe the types of career services, consistent with WIOA and applicable state and local policies, to be undertaken in their proposal which include:

- Short-term prevocational services, including –
  - Development of learning skills
  - Communication skills
  - Interviewing skills
  - Punctuality
  - Personal maintenance skills
  - Professional conduct skills

- Internships or work experiences that are linked to careers
- Out-of-area job search assistance and relocation assistance, including the development and planning of policies for the provision of these services
- English-language acquisition programs in coordination with other activities, as appropriate for individuals to obtain unsubsidized employment
- 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 development of individual employment plans
- Career planning, job coaching and job matching services
- Identification of appropriate training programs
- Job development and placement
- Provision of referrals to, and coordination with, other programs and services.

ETA is interested in applications that make available these new career services allowed under WIOA, particularly focusing on more intensive services that have been reduced in recent years. Applicants are encouraged to develop policies in the provision of these services that also can be used to inform and support the implementation of WIOA policies in serving dislocated workers. Investments in technology enabled tools to support better skills assessments and job matching is allowed under the SP NEG.

#### Training and Work-Based Training Models - (At least 30 percent of total funds)

Similar to the Dislocated Worker Training (DWT) and Job-Driven (JD) NEGs, a key component of the SP NEGs will be training with an emphasis on work-based learning models, which research has shown to be effective in helping jobseekers to quickly reenter the workforce, learn the desired skills in the workplace, and obtain or retain employment utilizing the newly acquired skills and competencies. Applicants must discuss and provide a rationale for the types of work-based learning to be undertaken under the SP NEGs. Allowable training and work-based strategies under the SP NEGs are consistent with the expanded strategies authorized by WIOA and include:

- Increasing the use of On-the-Job Training, consistent with WIOA
- Development and provision of transitional job opportunities and policies
- Development and provision of Incumbent Worker Training (IWT) opportunities and policies that provide underemployed dislocated workers with opportunities for advancement and wage gains within their company or used to avert layoffs. IWT must include matching resources from the employer which may include the wages of the

participant paid by the employer while in the training. The employer match may be provided in cash or in-kind.

- Pre-apprenticeship training for dislocated workers with linkages to Registered Apprenticeships
- Referrals and support in placing participants into Registered Apprenticeship programs, including development of policies for use of individual training accounts (ITAs) and supportive services to support participation in these programs
- Development of customized/cohort-based training to meet the needs of employers
- Development and provision of work support activities for workers with barriers to employment while in training, including low-wage workers and workers with disabilities, such as supportive services, activities during non-traditional hours, assistive technology, benefits planning, and the inclusion of onsite child care while participating in these activities
- Update curricula and train faculty in existing programs to be better aligned with employer needs
- Invest in transitioning to competency-based training strategies that result in stackable and/or latticed credentials that are industry recognized

A minimum of 30 percent of the total funds must be used for one or more of the training and work-based training models identified in the application narrative. Selected work-based training models must comply with the following requirements:

- OJT opportunities and customized training must be provided under a contract with an employer in the private-nonprofit or for-profit sector
  - Credential attainment is **not** required to be a part of OJT, and OJT will continue to be exempt from the Department's credential measure. However, grant recipients are strongly encouraged to prioritize OJT opportunities to include a formal training component that leads to a credential
  - The parameters associated with OJT in ETA's current OJT NEG guidance, TEGLs 4-10 and 16-12, apply to any OJT opportunities offered under the SP NEGs, notwithstanding the definition of prolonged unemployed contained in these guidance documents and the OJT reimbursement rate allowed in TEGL 4-10
  - Consistent with WIOA, the application should identify the wage cap for OJT. Generally it is 50 percent, however, the Governor or local board may increase it to 75 percent based on certain factors. If seeking an increase in the wage cap to 75 percent, the application should identify the factors it is using to make the determination, they may include:
    - Participant characteristics
    - Size of the employer or employers

- Quality of the employer-provided training, as well as any advancement opportunities for participants
  - Other factors identified in the application
- Although the purpose of the SP NEG is to provide support for dislocated workers who are currently unemployed, a portion of available funding may be used for incumbent worker training (IWT) strategies for underemployed workers—i.e., workers who would prefer full-time work but are working part-time for economic reasons. While these workers are employed, they have experienced a reduction in hours or a previous dislocation that has led them to accept reduced employment and often lower wages that may have a permanent effect on their careers. IWT strategies, if proposed by the applicant, must be described in the application narrative. These strategies must focus on increasing skills for underemployed frontline workers in an effort to advance these workers to more skilled positions with the same employer or industry sector leading to an increase in earnings through more work hours or an increase in pay. Once these workers advance, the employer must provide an opportunity to the local service provider to fill this now vacant position with a local dislocated worker. As part of the Incumbent Worker upskilling strategy, applicants must describe their upskill/backfill strategy in their application narrative. IWT training must be provided under an agreement with an employer in the private-nonprofit or for-profit sector. In addition:
  - **Not more than 10 percent of the total funds** may be used for Incumbent Worker training
  - Incumbent Worker training must have an employer match based on the size of the company. Wages paid to the participant while in training can be included as part of the match. The matching requirements are as follows:
    - At least 10 percent of the cost, for employers with 50 or fewer employees
    - At least 25 percent of the cost, for employers with 51 to 100 employees
    - At least 50 percent of the cost, for employers with more than 100 employees
- Transitional jobs opportunities must be provided under a contract with an employer in the private non-profit or for-profit sector, as well as non-federal public sector employers. Transitional jobs are time-limited work experiences that are subsidized for individuals with barriers to employment who are either chronically unemployed, long-term unemployed, or have an inconsistent work history. Successful transitional jobs strategies often include partnerships with other programs such as TANF. If transitional jobs are part of the proposal, they should be described in the application narrative.
  - **Not more than 10 percent of the total funds** may be used for Transitional Jobs described in the application narrative
- For non-work-based training, project operators must limit the training opportunities provided to training providers listed in their Eligible Training Provider List (ETPL), as proposed training programs must have demonstrated success in serving the targeted

population. Additionally, project operators should give preference to competency-based education and training that result in stackable, industry-recognized credentials.

### Alignment and Coordination with Other Resources

Applicants must describe how they will deliver services in coordination with at least two other federal, state, or local resources, which can include, but are not limited to:

- Unemployment Insurance
- Wagner-Peyser Employment Service
- WIA/WIOA Adult and DW programs
- Trade Adjustment Assistance
- State Apprenticeship Agencies
- Jobs for Veterans State Grants
- Homeless Veterans' Reintegration Program
- Career and Technical Education programs Authorized under the Carl D. Perkins Career and Technical Education Act.
- Employment and Training Activities carried out under the Community Service Block Grant Act
- Adult Education and English for Speakers of Other Languages (ESOL)
- Vocational Rehabilitation Services
- Temporary Assistance for Needy Families (TANF)
- Supplemental Nutrition Assistance Program (SNAP) Employment and Training
- Economic development, such as Manufacturing Extension Partnerships
- Transportation infrastructure, such as Transportation Investment Generating Economic Recovery (TIGER) grants and Innovative Public Transportation Workforce Development Program Ladders of Opportunity Initiative
- Child Care and Child Support programs operated at the state or local level
- State Medicaid Programs
- Other Federal agency supported job-driven workforce development initiatives, under the Departments of Transportation, Energy, Veterans Affairs, Housing and Urban Development, Interior, Health and Human Services, and Defense programs

Coordination with these programs may include the leveraging of funds, participant referrals, co-enrollment or other demonstrated formal partnerships (including planning and the development of formal agreements for service delivery). In addition to public funding streams, applicants are also encouraged to leverage resources and activities with relevant philanthropic and community-based organization efforts in their target communities. ETA is interested in proposals that build upon existing partnerships with particular interest in proposals that build new sustainable partnerships.

Administrative Costs -- (Up to 10 percent of total funds)

Up to 10 percent of the funds may be used for administrative costs associated with operating the grant at the state and project operator levels. The applicant must describe how the 10 percent available for administrative activities will be distributed between the state and local project operators.

Evaluation

Applicants must acknowledge in their application that they understand that ETA may conduct an independent evaluation of the outcomes and benefits of these NEG's, and by accepting a SP NEG award, agree to participate in such an evaluation.

6. **Use of Funds.** Applicants must address the following parameters in their narrative, as well as complete the budget forms that are part of the application process described in Section 6 that show the requested funding being distributed according to these parameters. The percentages outlined represent that maximum or minimum levels for each category of services; applicants must customize the percentages to meet their specific needs.

SP NEG Activity	Allowable Percentages of Total Grant Funds
Regional Planning	Up to 25 percent, but no more than \$500,000
Program Services	At least 50 percent
Enhanced Services for Dislocated Workers	At least 20 percent
Work-based Training Models	At least 30 percent <ul style="list-style-type: none"><li>• Not more than 10 percent of total grant funds may be used for IWT</li><li>• Not more than 10 percent of total grant funds may be used for Transitional Jobs</li></ul>
Administrative Costs	Up to 10 percent

7. **Awards.** Based on the amount of funds that will be available for SP NEGS, the Department intends to make awards that range between \$500,000 and \$7 million. Awards will take into consideration economic and labor market need, as described in the application narrative. We may also consider grantee capacity and previous grantee performance.
8. **Funds Availability.** These funds will be available for expenditure from the date of award (prior to June 30, 2015) through June 30, 2017. However, the Department reserves the right to provide period of performance extensions beyond this date, as it deems appropriate and necessary, to achieve the purposes of these awards.

9. **Application Process for SP NEGs.** Applications for SP NEGs are to be submitted via the NEG Electronic Application System (eSystem). **Applications must be received by 11:59 PM EDT on May 29, 2015, to be considered for funding.** NEGs are listed in the Catalog for Federal Financial Assistance under 17.277 and are funded by the Employment and Training Administration. This Training and Employment Guidance Letter serves as the announcement for a new funding opportunity FOA-ETA-15-09, Sector Partnership National Emergency Grants. The application must contain:

- A SF-424 (OMB No. 4040-0004)
- A SF-424A (OMB No. 4040-0006)
- A Project Synopsis – Form 9106 (OMB No. 1205-0439)
- A Planning Form – Form 9103 (OMB No. 1205-0439), with projected enrollment and expenditure information. Work-based learning activities should be included under the existing “OJT” fields.
- A brief narrative that addresses the items discussed in Section 5 above (OMB No. 1205-0439), including the funding parameters contained in the “Use of Funds” portion of this section. A typical narrative should be no more than 15 pages in length (double spaced).

Note: Work-based learning activities should be included in the grant application under the existing “OJT” fields.

All applications received by the closing date will be given an initial review for completeness by the Grant Officer prior to being provided to panel reviewers to assess and rate the technical merit and responsiveness of each application. The technical merit review panel will carefully evaluate the applications against the criteria outlined in this TEGl to determine the merits of each application. These criteria are based on the policy goals, priorities, and emphases set forth in this TEGl. The technical merit review panel results will serve as the primary basis for selection of applications for funding; however, the panel results are advisory in nature and not binding on the Grant Officer. The Grant Officer reserves the right to make selections based solely on the final scores, or to take into consideration other relevant factors when applicable. Such factors may include the geographic distribution of funds and/or other relevant factors. The Grant Officer may also consider any information that comes to his/her attention. NOTE: The Department will determine if the applicant had any restriction on spending for any ETA grant due to adverse monitoring findings within the past three years. Depending on the severity of the findings, the Grant Officer may elect to not provide the applicant a grant award.

ETA may elect to award a grant with or without discussions with the applicant. Should a grant be awarded without discussions, the award will be based on the applicant’s signature on the SF-424, including electronic signature, which constitutes a binding offer by the applicant.

All applications deemed to be responsive by the merit review panel will then go through a risk review process. Prior to making an award, ETA will review information available through any Office of Management and Budget (OMB)-designated repository of government-wide eligibility qualification or financial integrity information, such as the Federal Awardee

Performance and Integrity Information System (FAPIS), Dun and Bradstreet, and “Do Not Pay.” Additionally, ETA will comply with the requirements of 2 CFR Part 180 codified at 29 CFR Part 98 (Government-wide Debarment and Suspension (Non-procurement)). This risk evaluation may incorporate results of the evaluation of the applicant’s eligibility (application screening), or the quality of its application (merit review). If ETA determines that an entity is responsible and an award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Risk-related criteria to be evaluated include:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in the Uniform Grant Guidance;
- (3) History of performance. The applicant’s record in managing awards, cooperative agreements, or procurement awards, if it is a prior recipient of such Federal awards, including timeliness of compliance with applicable reporting requirements, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Sub-part F – Audit Requirements of the Uniform Grant Guidance or the reports and findings of any other available audits and monitoring reports containing findings, issues of non-compliance, or questioned costs;
- (5) The applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on recipients.

**10. Performance and Fiscal Reporting for SP NEGs.** To ensure ETA is able to assess the success of these SP NEGs and other WIA and WIOA programs, the collection of accurate, quality data is a critical component of financial and performance accountability. To satisfy statutory and regulatory recordkeeping and reporting requirements, states and other entities must report characteristics, services received, and outcomes of participants served with WIA and WIOA funds, including these SP NEGs. Such information is necessary to determine the success of these investments. The following performance and fiscal reports are required:

- ETA 9090 – WIA Quarterly Report (OMB Control No. 1205-0420)
- Workforce Investment Act Standardized Record Data (WIASRD) Quarterly Submission (OMB Control No. 1205-0420)
- ETA 9130 – U.S. DOL ETA Quarterly Financial Status Report (OMB 1205-0461)
- ETA 9104 – NEG Quarterly Performance Report (QPR) (OMB 1205-0439)

States must submit the WIASRD quarterly on all participants and exiters from SP NEGs. All relevant WIASRD data elements must be completed. An explanation of some of the particularly important elements follows:

- WIASRD data items 923 and 924 (1st and 2nd NEG Project IDs), which make it possible to isolate the individuals who were provided services through these SP NEGs from the general WIA/WIOA DW population, as well as other NEGs
- WIASRD data item 901 (Date of Exit) will be used in the calculation of SP NEGs outcomes

In order to evaluate the success of SP NEGs, it is imperative that states make every effort to submit the required reports on a timely basis, and that they be accurate and complete.

Individuals in OJT should not be included in the employment and **credential attainment measure** for the SP NEG program, unless the OJT results in the attainment of a credential and subsequent employment. It should be noted that while the individual participating in OJT is not counted for performance under this measure, the information on credential attainment for each individual must still be collected and reported in the WIASRD and submitted to ETA. The number of participants and exiters in the SP NEG must be included in the quarterly aggregate counts submitted by states in the ETA 9090, WIA Quarterly Report.

States and other eligible entities also are encouraged, but not required, to develop other metrics and to provide the results in the comments section of their ETA 9104 submissions. States and other eligible entities might want to consider gathering information on provider and employer level characteristics, services delivered, and the number of long-term unemployed served. They also may wish to develop metrics that measure things such as initial employer involvement, the depth of the employer's involvement, and a demonstration of repeat usage of the workforce investment system by the employer.

**11. Paperwork Reduction Act (PRA) Statement.** According to the PRA, no persons are required to respond to a collection of information unless such collection displays a valid OMB Control Number. The Department notes that a Federal agency may not conduct or sponsor a collection of information, nor is the public required to respond to a collection of information unless it is approved by OMB under the PRA, and displays a currently valid OMB Control Number (44 U.S.C. 3507). Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB Control Number (44 U.S.C. 3512). The currently valid OMB Control Number for this collection is OMB 1205-0439.

**12. Inquiries.** Questions regarding this guidance should be directed to the appropriate ETA Regional Office. For more information about SP NEGs, please visit <http://www.doleta.gov/layoff>.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA
	CORRESPONDENCE SYMBOL OWI
	DATE September 28, 2007

**TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 22-04, CHANGE 1**

**TO:** ALL STATE WORKFORCE AGENCIES  
 ALL STATE WORKFORCE LIAISONS

**FROM:** EMILY STOVER DeROCCO /s/  
 Assistant Secretary

**SUBJECT:** Serving Military Spouses as Dislocated Workers under the  
 Workforce Investment Act Dislocated Worker Formula Grant

1. **Purpose.** The purpose of this guidance is to clarify Department of Labor policy regarding existing flexibility under the Workforce Investment Act (WIA) to serve military spouses as dislocated workers under the WIA Dislocated Worker formula grant.
2. **References.** Workforce Investment Act of 1998, as amended; WIA Regulations at 20 CFR Part 663.115; TEGL No. 2-05, "Workforce Investment System Support of Actions of the 2005 Base Realignment and Closure Commission (BRAC)," dated August 11, 2005; TEGL No. 22-04, "Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant," dated March 22, 2005; TEGL No. 16-03, Change 1, "NEG Policy Guidance - Assistance for Returning Members of the National Guard and Military Reserves," dated August 18, 2004; TEGL No. 16-03, "NEG Policy Guidance," dated January 26, 2004; and TEGL No. 5-03, "Implementing the Veterans' Priority Provisions of the Jobs for Veterans Act," dated September 16, 2004.
3. **Background.** Military spouses make an important contribution to the careers of military service members, including helping with retention of military members. However, the careers of military spouses often take a subordinate role to the government's mission, with lifelong consequences for spouses' career advancement and educational attainment. Military spouses experience frequent, and often very significant education and career interruptions due to service

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE:</b> Continuing
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members' assignments to new duty stations. The workforce investment system is uniquely positioned to leverage the full array of its resources, particularly WIA Dislocated Worker formula funding, to implement innovative education, retraining, and reemployment strategies to ensure that military spouses have full access to the resources necessary for their career stability and advancement.

This guidance is intended to amplify the guidance provided in TEGL No. 22-04, and to encourage the workforce system to take full advantage of the flexibility provided by WIA to serve military spouses as dislocated workers under WIA.

4. **Policy Clarification.** WIA regulations provide that state and local boards have authority to establish policies and procedures for use in determining an individual's eligibility as a dislocated worker, as long as they are consistent with the statutory definition of Dislocated Worker (20 CFR 663.115(b)). The Department has previously issued guidance on permissible ways to apply this authority with regard to military spouses. As outlined in TEGL No. 22-04, a military spouse who leaves his/her job to follow his/her spouse to a new duty assignment can be served with WIA Dislocated Worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship due to the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker (WIA Section 101(9)(A)(i)). As provided in TEGL No. 22-04, military spouses in such circumstances must still be determined to be "unlikely to return to a previous industry or occupation" in order to qualify as a dislocated worker.

This policy guidance further clarifies that the spouse's cessation of employment, due to the service member's permanent change of military station or his/her discharge from the military, can also be considered to meet the "unlikely to return to a previous industry or occupation" criterion of the WIA definition of dislocated worker outlined in Section 101(9)(A)(iii). This portion of the definition of a dislocated worker recognizes the breadth of job types and considers whether the individual is likely to return to either his/her prior industry or (not "and") occupation. Furthermore, the phrase specifically uses the term "unlikely" to return; thus, the standard for determining the likelihood of return is not absolute, but rather a matter of judgment based on relevant circumstances. In the majority of cases, the circumstances in which military spouses are required to leave a job/occupation as a result of the military member's transfer do not position the spouse to return immediately to his/her previous occupation or industry, particularly at the same level for the following reasons:

- Spouses are generally not resuming employment with the same employer.
- Even if a spouse resumes employment with the same employer, the employment is in a new location, and occupations/jobs will generally not be the same structurally or organizationally as in the prior location.
- When military spouses do get jobs in their new locations, it is likely, as new employees, that they will start at lower levels of seniority than the levels of their positions in their prior locations.
- There is frequently a gap in employment as spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of occupation or type of job.

Based upon the totality of these circumstances, it would be reasonable for states and local areas to conclude that in the vast majority of cases, military spouses impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion of WIA Section 101(9)(A)(iii) and could thus be served as dislocated workers under WIA Section 101(9). State and local workforce system leaders are strongly encouraged to reexamine their WIA Dislocated Worker program eligibility policies in light of this clarification and to take full advantage of the flexibility provided under the dislocated worker definition to engage and serve military spouses in need of education, training, and career assistance. Workforce system leaders are also reminded of the broad flexibility provided by WIA for Governors and Local Boards to establish policies and procedures for One-Stop Career Center operators to use in determining an individual's eligibility as a dislocated worker (20 CFR Part 663.115(b)). These policies and procedures could take into account a broad variety of additional factors, including:

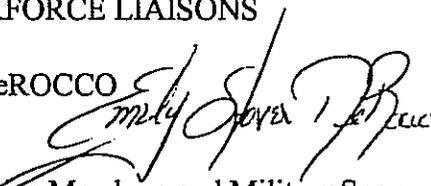
- The skills of the spouse, e.g., obsolete or inadequate skills to meet the advancing competency needs of the 21<sup>st</sup> century workforce and economy;
- The decline of the industry in which the spouse has prior work experience, in the region to which the spouse has relocated; and
- An excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region.

5. **Action**. States shall distribute this guidance to all appropriate staff.
6. **Inquiries**. Questions concerning this guidance may be directed to the appropriate Regional Office.

<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b> <b>ADVISORY SYSTEM</b> <b>U.S. DEPARTMENT OF LABOR</b> <b>Washington, D.C. 20210</b>	CLASSIFICATION WIA
	CORRESPONDENCE SYMBOL OWI
	DATE March 22, 2005

**TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 22-04**

**TO:** ALL STATE WORKFORCE AGENCIES  
ALL STATE WORKFORCE LIAISONS

**FROM:** EMILY STOVER DeROCCO  
Assistant Secretary 

**SUBJECT:** Serving Military Service Members and Military Spouses under the Workforce Investment Act Dislocated Worker Formula Grant

1. **Purpose.** To clarify the Department of Labor policy regarding Workforce Investment Act Dislocated Worker Formula Grant-funded services for two populations: (1) military service members (non-retirees) and (2) military spouses.
2. **References.** Workforce Investment Act of 1998 (WIA), as amended; WIA Regulations at 20 CFR Part 663.115; TEGL No. 16-03, Change 1, "NEG Policy Guidance – Assistance for Returning Members of the National Guard and Military Reserves," dated August 18, 2004; TEGL No. 16-03, "NEG Policy Guidance," dated January 26, 2004; and TEGL No. 5-03, "Implementing the Veterans' Priority Provisions of the Jobs for Veterans Act," dated September 16, 2003.
3. **Background.** A review of current WIA law and regulations indicates there is limited policy guidance on serving returning military service members (non-retiree) or military spouses as dislocated workers. These populations may be served with WIA Adult Formula Grant funds in accordance with the requirements of that program. Unlike the WIA Adult Program, however, the WIA Dislocated Worker Formula Grant Program has basic eligibility criteria that must be met for a participant to be considered a dislocated worker.

The Jobs for Veterans Act (PL 107-288) provides an emphasis on serving veterans by establishing a *priority of service* for veterans and certain spouses in all employment and training programs administered by the Department of Labor. The WIA Dislocated Worker Formula Grant Program is one of the affected programs, and guidance was issued in September 2003 (TEGL No. 5-03) explaining how the veterans' priority of

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service was to be implemented in all employment and training programs. In general, the guidance holds that the veterans' priority must be applied consistent with programmatic eligibility standards and other priorities mandated by statute.

Thus, to be served in the dislocated worker program, a participant must meet the statutory eligibility criteria to qualify as a dislocated worker and then, if the participant is a veteran or a spouse of certain veterans, must be given priority over dislocated workers who are non-veterans.

4. **Definitions.** For the purposes of this guidance, the following definitions apply:

Veteran - an individual who served in the active military, naval, or air service, and who was discharged or released from such service under conditions other than dishonorable, which may include National Guard or Reserve personnel;

Military Spouse - an individual who is married to an active duty service member including National Guard or Reserve personnel on active duty. The surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq or other combat-related areas is considered to be a military spouse.

Adult - an individual who is 18 or older.

Dislocated Worker - The term "dislocated worker" is statutorily-defined for receiving services under WIA. The specific requirements for eligibility are at WIA Section 101(9) as well as WIA Sections 173(c)(2)(A) and 173(d)(2) for certain National Emergency Grants (NEGs). Generally, a dislocated worker is an individual who has been or is scheduled to be laid off or terminated and requires assistance (including retraining or upgrading of skills) to find or qualify for new employment in a 21<sup>st</sup> Century workplace. This includes a single worker or small groups of workers, as well as workers affected by mass layoffs, plant closures, defense downsizing and realignments, certain self-employed individuals as well as displaced homemakers as defined at WIA Section 101(10).

Displaced Homemaker - an individual who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income, and is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

5. **Policy Clarification.** This guidance provides clarification of the Department of Labor's policy regarding the eligibility of military service members and military spouses for services under the WIA Dislocated Worker Formula Grant Program. It is important to note that WIA regulations provide that state and local boards also have the authority to establish policies and procedures for use in determining an individual's eligibility as a dislocated worker.

## 1. MILITARY SERVICE MEMBERS

### Policy

A basic requirement to qualify as a dislocated worker is that the worker be terminated or laid-off. The term "terminated" is not defined in the law or regulations. It is a Department of Labor policy that being discharged (under honorable circumstances) either voluntarily or involuntarily terminates an employment relationship between an individual and the military and thus falls within the scope of the termination component of the WIA definition of dislocated worker. The separating military personnel must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the individual is "unlikely to return to a previous industry or occupation." Additionally, under the priority of service provisions of the Jobs for Veterans Act, separating service members who, upon discharge, meet the eligibility criteria for dislocated workers would be afforded priority over individuals who are not veterans.

## 2. MILITARY SPOUSES

### Policy

A military spouse who leaves his/her job to follow his/her spouse can be served with dislocated worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship because of the service member's permanent change of military station, or the military spouse loses employment as a result of the spouse's discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIA definition of dislocated worker, as discussed above. The military spouse must also satisfy the other criteria for dislocated worker eligibility, including the requirement that the spouse is unlikely to return to a previous industry or occupation. When these criteria are met, the military spouse is eligible to be served under the Dislocated Worker Formula Grant Program.

Additionally, a military spouse may also qualify to be served as a dislocated worker if he/she meets the definitional requirements for a displaced homemaker.

Surviving spouses of veterans and military service members may also be served with WIA funds. If a surviving spouse qualifies as a dislocated worker or displaced homemaker, he/she could be served under the WIA Dislocated Worker Formula Program. These requirements are set forth in section 4 of this document. If a surviving spouse does not meet those requirements, he/she could be served under the WIA Adult Formula Program. In either program, a surviving spouse of a veteran may receive priority of service if he/she qualifies for such priority under the Jobs for Veterans Act (P.L. 107-288 (38 USC 4215 (a)(1)(B))).

6. **Action Required.** States shall distribute this guidance to all appropriate staff.
7. **Inquiries.** Questions concerning this issuance may be directed to the appropriate Regional Office.