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August 28, 2023

SN (64)

WIOA BULLETIN NO. 12-16, Change 4

TO: WIOA Partners

FROM:  Maricar Pilotin-Freitas, Administrator
Workforce Development Division

SUBJECT: One-Stop Infrastructure Funding and Memoranda of Understanding Deadline

PURPOSE

The purpose of this bulletin is to amend the Timeline and final deadline for Negotiation of MOUs and Infrastructure Funding Agreements (IFAs) for the American Job Centers (AJCs) in each local area.

In addition, it revises the authorizing body from the Workforce Development Council to the Workforce Development Division (WDD).

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) mandates that all required One-Stop partners contribute a portion of their funds for both infrastructure costs, WIOA Sec. 121 (b)(1)(A)(ii), and additional costs, WIOA Sec. 121 (i).

Instructions on negotiating local Memoranda of Understanding and Infrastructure Costs were issued in WIOA Bulletin No. 12-16 (One-Stop Infrastructure Funding and Memoranda of Understanding) distributed to WIOA Partners on October 3, 2016 (bulletin provided for reference as Attachment 1). Section 1 (Negotiation of Local Memoranda of Understanding), Section 2 (Negotiation of Infrastructure Costs), and Section 3 (Negotiation of Local One-Stop Delivery System Costs) of that bulletin remain in effect.

Changes to that bulletin included No. 12-16, Change 1 (issued September 25, 2018) and No. 12-16, Change 2 (issued October 14, 2019), which were issued to provide revised deadlines. No. 12-16, Change 3 (issued September 22, 2022) was issued to include National Dislocated Worker Grants as a partner in the One-Stop MOUs and IFAs.

POLICY

Each local area shall submit signed MOAs and IFAs for each AJC partner: core, mandatory, and optional, to the WDD by Monday, October 2, 2023.

State Funding Mechanism [WIOA 121(h)(1)(A)(i)(I)]:

Should the Local WDB fail to reach consensus with all of the required partners by the above date, the State Funding Mechanism may be triggered.

Appeals Process for Infrastructure Costs:

A required partner may appeal the determination on the basis of a claim that:

1. The determination is inconsistent with the proportionate share requirements of 20 CFR 678.735(a).
2. The determination is inconsistent with the cost contribution caps described in 20 CFR 678.735(c).

An appeal must be made within 21 days of the WDD's determination by following the appeal process outlined in the State Unified Plan.

INQUIRIES

Inquiries regarding this bulletin may be directed to Ms. Lisa Simmons at (808) 586-8812 or Lisa.E.Simmons@hawaii.gov

REFERENCES

- WIOA Section 121 (h) Funding of One-Stop Infrastructure
- 20 CFR 678.400 - 410
- 20 CFR 678.700 and 678. 760
- 20 CFR 700 and 678. 760
- WIOA Bulletin No. 12-16
- WIOA Bulletin No. 12-16, Change 1
- WIOA Bulletin No. 12-16, Change 2
- WIOA Bulletin No. 12-16, Change 3

ATTACHMENT

- Attachment 1, WIOA Bulletin No. 12-16

c (via email): Francis Kagawa, Acting Administrative Services Officer
Frederick Pascua, Oahu Branch Manager
Kevin Kimizuka, Maui Branch Manager
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(SN 12)

WIOA BULLETIN NO. 12-16

DATE: October 3, 2016
TO: WIOA PARTNERS
SUBJECT: One-Stop Infrastructure Funding and Memoranda of Understanding

PURPOSE AND APPLICABILITY

These guidelines fulfill the WIOA requirement that the Workforce Development Council (WDC) issue guidance to State and local partners for negotiating cost sharing, service access, service delivery and other matters essential to the establishment of effective local workforce development services under WIOA §678.705. They apply to:

- All State-level agencies and entities in Hawaii responsible for planning and administration of federally-funded workforce development programs [678.400 and 678.700(c)], and
- Local Workforce Development Boards (LWDBs) and Chief Local Elected Officials (CLEOs), the county Mayors, responsible for planning and administering workforce development services in a local workforce area (LWA).
- All required partners, LWDBs and CLEOs are expected to act in accordance with these guidelines and to otherwise comply with them. As required by WIOA, WDC will monitor local areas to assure compliance with these guidelines.

The public workforce system envisioned by WIOA seeks to provide all participants with access to high-quality one-stop centers that connect them with the full range of services available in their communities, whether they are looking to find jobs, build educational or occupational skills, earn a postsecondary certificate or degree, obtain guidance on how to chart careers, or are employers seeking skilled workers. A genuinely seamless, one-stop experience requires strong partnerships across programs that are able to streamline service delivery and align program requirements. (p. 55880 Federal Register, Vol. 81, No. 161, 8/19/16, Rules and Regulations).

GOALS

WIOA establishes ambitious goals for the integration of workforce service programs. These goals are intended to maximize the value and benefits to customers of services available to them under federally-funded workforce development programs. Included are business customers seeking to acquire the talent and skills needed to compete in a global economy. Also included are program participants seeking to acquire skills and recognized credentials to move along pathways that lead to high-paying jobs in growing sectors of the economy that offer long-term opportunities for stable employment.

Carefully planned and coordinated services among all federally-funded workforce development programs are necessary to achieve the level of integrated service delivery WIOA envisions. This means that all federally-funded workforce development programs work collaboratively in partnership to optimize the quality of services provided.

Recognizing that successful integration is directly related to coordinated and joint use of resources, WIOA also requires each partner to contribute its proportionate share of costs required for operation of local one-stop delivery systems.

Section I: Negotiation of Local Memoranda of Understanding

Negotiating of Memoranda of Understanding is a collaborative and good-faith process that LWDBs and partners are expected to use to negotiate MOUs. "Good-faith" negotiations may include fully and repeatedly engaging partners, transparently sharing information, and maintaining a shared focus on the needs of the customer. Development and negotiation of local memoranda of understandings will follow these basic principles and guidelines:

- a. The local MOU will be used as an essential tool for achieving a key goal of WIOA: establishing integrated and effective local workforce delivery systems that produce the skilled workers businesses in the local and regional economies require.
- b. Local MOUs will reflect the shared vision and commitment of LWDBs and required partners to high-quality workforce development systems and centers, and be consistent with the vision articulated by WIOA and State and local priorities.
- c. Local MOUs will reflect and document how each partner will contribute its proportionate share of infrastructure costs for the comprehensive one-stop center.
- d. All required partners entering into the MOU development and negotiation process will be empowered to make commitments for the partner organization, including staff or other local representatives of the following State administered programs:
 1. Department of Labor and Industrial Relations (DLIR), Workforce Development Division (WDD): Wagner-Peyser Act, Trade Adjustment Act, SCSEP
 2. Department of Labor and Industrial Relations (DLIR), Unemployment Insurance Division
 3. Hawaii Department of Education (HIDOE), Adult Education and Family Literacy
 4. University of Hawaii (UH), Career and Technical Education (CTE) under the Carl D. Perkins Act
 5. Department of Human Services (DHS), Division of Vocational Rehabilitation (DVR) and Temporary Assistance for Needy Families (TANF)
 6. Department of Public Safety (PSD), Second Chance Act

And the representatives of the following federal agency:

7. Department of Housing and Urban Development

Each required partner entering into the MOU development and negotiation process will designate a specific individual with authority to commit financially and programmatically on behalf of the required partner. This individual may be staff from a State agency's state or local office or a local representative providing services for a State-level entity through a contract, grant or similar agreement.

Required Partners [WIOA sec. 121(b)(1)(B) and 20 CFR 678.400]:

1. Programs authorized under Title I of WIOA (Adult, Dislocated Worker, and Youth);
2. Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);
3. Adult education and literacy activities authorized under Title II;
4. Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) (other than section 112 or part C of title I of such Act (29 U.S.C. 732, 741);
5. Activities authorized under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);
6. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);
7. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);

8. Activities authorized under Chapter 41 of Title 38, United States Code;
9. Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
10. Employment and training activities carried out by the Department of Housing and Urban Development;
11. Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);
12. Programs authorized under Section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and
13. Programs authorized under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.).

Additional Partners [WIOA sec. 121 (b)(2)(B) and 20 CFR 678.410]:

With approval of the LWDB and CLEO, other entities that carry out workforce development programs, in addition to the required entities may be one-stop partners for the local area and carry out the same responsibilities as the required partners. Those programs may include:

1. Employment and training programs administered by the Social Security Administration, including the Ticket to Work and Self-Sufficiency Program established under Section 1148 of the Social Security Act (42 U.S.C. 1320b-19);
2. Employment and training programs carried out by the Small Business Administration;
3. Programs authorized under Section 6(d)(4) of the Food and Nutrition Act of 2008 [7 U.S.C. 2015(d)(4)];
4. Work programs authorized under Section 6(o) of the Food and Nutrition Act 2008 [7 U.S.C. 2015(o)];
5. Programs carried out under Section 112 of the Rehabilitation Act of 1973 (29 U.S.C 732);
6. Programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.); and
7. Other appropriate Federal, State, or local programs, including employment, education, and training programs provided by public libraries or in the private sector.

All individuals participating in the development and negotiation of local MOUs will negotiate in good faith to reach agreement and to bring about a unified vision for the local one-stop delivery system. Local MOU negotiations will be conducted according to these guidelines.

Each MOU shall contain, provisions describing [WIOA Sec. 121 (c)(2) and 20 CFR Part 678, Subpart C; 34 CFR 361.500-361.550; 34 CFR 463.500-463.510]:

- a. The services to be provided through the one-stop delivery system consistent with the requirements of WIOA Section 121; including the manner in which the services will be coordinated and delivered through the system;
- b. The location(s) of the comprehensive one-stop center at which these services will be accessible; LWDBs and CLEOs may also designate affiliated sites or specialized centers at their discretion, provided they meet the requirements of 20 CFR 678.310, 678.315, and 678.320;
The role of the one-stop operator; the role of the one-stop operator must comply with requirements specified in 20 CFR 678.620, 678.625 and 678.630;
- c. The specific method of delivery for each required partner providing services and how the services will be coordinated;
- d. How the costs of the services and the operating costs of the system will be funded, including:
 - i. funding through cash and fairly evaluated in-kind contributions, which may include funding from philanthropic organizations or other private entities, or through other alternative financing options to provide a stable and equitable funding stream for ongoing one-stop delivery system operations; and
 - ii. funding of the infrastructure costs of the one-stop centers according to these guidelines; and
 - iii. funding of the infrastructure costs which are consistent with Chapter II of Title II, Code of Federal Regulations.
- e. The specific methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;

- f. The specific methods and the specific arrangements to ensure the needs of workers and youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in the provision of necessary and appropriate access to services, including access to technology and materials, made available through the one-stop delivery system;
- g. How core program partners will share local data and information and otherwise collaborate to assure that all common primary indicators of performance for the local area will be achieved while ensuring confidentiality of Personally Identifiable Information (PII) for program participants;
- h. Identifying the specific infrastructure and local workforce development system costs that will be shared among the required partners;
- i. The duration of the MOU and the procedures for amending the memorandum during the duration of the memorandum, and assurances that the memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and
- j. Any other provisions, consistent with the requirements of WIOA, as the parties to the agreement determine to be appropriate.

Each MOU shall also include:

An approved annual budget in a format similar to the table provided in Appendix VIII and negotiated in accordance with these guidelines.

The chair of the LWDB will designate:

- 1. An individual who will take the lead responsibility for negotiation of the MOU; and
- 2. Designate a private sector member of the board, or other impartial individual, as having lead responsibility for negotiation of infrastructure costs.

The individual the LWDB chair designates to lead the MOU negotiation process and local required partners will use as a starting point for their negotiations the “State-level Career Services Summary” and the “State-Level Program and Activities Services Summary,” Appendices III and IV. Additional partners may be added at the discretion of the LWDB and CLEOs and with agreement of these additional partners.

The MOU will identify the local comprehensive one-stop center(s) in the local area, describe the role of the operator in the local comprehensive one-stop center(s), including the local operator’s role and responsibilities for coordinating referrals among required partners. The role of the one-stop operator must comply with requirements specified in 20 CFR 678.620, 678.625 and 678.630. LWDBs and CLEOs may also designate affiliated sites or specialized centers at their discretion, provided they meet the requirements of 20 CFR 678.310, 678.315 and 678.320.

Other MOU requirements:

The proportion of each required partner’s shared infrastructure and local workforce development systems costs will be determined according to these guidelines. All cost sharing determinations must be consistent with the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

Upon agreement, the LWDB, required partners and CLEO(s) will be required to sign the MOU, which may either be an umbrella agreement encompassing all required partner programs or separate agreements with each required partner or groups of required partners. LWDBs are encouraged to use umbrella MOUs in the interest of transparency. The LWDB will report to the WDC on the results of MOU negotiations in a format similar to the form provided in Appendix IX of these guidelines.

Signed MOUs must be submitted to the Executive Director of WDC before July 1st of each year in which an MOU is negotiated.

The process and efforts of the LWDB and required partners to negotiate the MOU and the process to be followed when consensus cannot be reached must be described in the MOU. The MOU should also address the process for resolving any disputes that evolve after the agreement is reached.

The duration of local MOUs and the frequency with which MOUs will be reviewed will be determined by LWDBs but may not exceed three years. A budget for infrastructure and shared system costs must be negotiated annually and incorporated into the MOU through the amendment procedures described in the MOU.

Local MOU negotiations will occur during a prescribed 90-day period as described in Section 4, with each local area reporting to the WDC at the end of this negotiation period as described in Section 4.

In addition to the 90-day period of negotiation, a 30-day remediation period will be provided for local areas reporting that they were unable to come to agreement on an MOU during the prescribed period of negotiation. During this remediation period, a State-level team, comprised of representatives of the core programs under WIOA, supplemented as necessary with a representative of other affected program partner(s), will work with the LWDB, CLEOs and required partners in an attempt to facilitate agreement.

Only local areas that fail to reach agreement at the end of the remediation period will be considered to be at impasse. The State funding mechanism will apply to certified comprehensive one-stop centers only in local areas which cannot reach agreement on an MOU at the end of the 30-day remediation period.

The MOU must acknowledge that the agreements made are contingent on the availability of Federal funding for each required program.

SECTION 2 – NEGOTIATION OF INFRASTRUCTURE COSTS

Local areas are expected to reach agreement on how infrastructure costs will be shared among required partners. One of two mechanisms for funding the infrastructure costs of comprehensive one-stop centers can be used: a local funding mechanism when all required partners agree on how infrastructure costs will be shared, which is the expectation, and a State-determined funding mechanism that will be used only as a last resort when it is impossible to reach local agreement. Use of either of these methods must conform to the requirement of 20 CFR Subpart E – One-Stop Operating Costs (20 CFR 678.710). (A summary comparison of requirements and features associated with each mechanism is included as Appendix V.)

Local comprehensive one-stop center infrastructure costs to be shared among all required partners will be defined on a budget form as described in Section 5 and Appendix VIII. (A list of infrastructure cost line items and definitions is included as Appendix VI. This list is not all inclusive.)

An infrastructure budget for each comprehensive one-stop center will be prepared annually on a WIOA program year basis.

The chair of each LWDB will designate a private sector member of the board, or other impartial individual, to assume lead responsibility for negotiation of infrastructure costs. Upon designation, the private sector board member or other impartial individual will convene an initial meeting of all required partners and CLEOs, or their representatives, to begin developing the one-stop center infrastructure cost budget.

Prior to the initial meeting, the entity or entities serving as the leaseholder for the designated comprehensive one-stop center(s) will provide the representative of the LWDB, CLEO, and all required partners with the following specific information:

1. Information on the term of the lease;
2. The specific items of cost covered by the lease; and
3. Actual costs in the prior year for all line items included which are not covered by the lease.

The private sector board member or other impartial individual designated by the LWDB chair to lead the infrastructure cost negotiation process will also see that required partners are provided information on the number of Full-time Equivalents (FTEs) that required partners committed to the operation of the local one-stop delivery system the prior year.

At their initial meeting, the private sector board member or other impartial individual designated by the LWDB chair, and required partners will review and discuss actual costs in the prior year and new needs for the coming budget year.

The private sector member or other impartial individual the LWDB chair designates to lead the infrastructure negotiation process will obtain all assistance needed to prepare a draft budget for future consideration by all required partners. The draft budget must be consistent with these guidelines.

The private sector board member or other impartial individual the LWDB chair designates to lead the infrastructure cost negotiation process will see that a draft budget is presented to all required partners at least two weeks prior to a second meeting of required partners. This draft budget will also be submitted simultaneously to a person(s) to be designated at the State level.

At their second meeting, the required partners will review the draft budget and make all revisions agreed upon.

The private sector board member or other impartial individual the LWDB chair designates to lead the infrastructure cost negotiation process will prepare a final budget that allocates agreed-upon infrastructure costs equitably among required partners. These costs will be allocated among required partners in accordance with the methodology agreed to by the required partners.

Full-time equivalent method:

The proportion of each required partner's FTE staffing dedicated to support the operation of comprehensive one-stop centers will be used as the basis for determining each required partner's share of infrastructure costs. FTE staffing is defined to include:

- Required partner or contractor FTE staff onsite at the one-stop center; and
- Required partner or contractor FTE staff offsite but who are dedicated and available on demand to meet service access requirements via "direct linkage."

Square foot allocation method:

The proportion of space each required partner occupies or commits to occupy in the one-stop may be used as the basis for determining each required partner's share of infrastructure costs. This method is also the basis for the State's infrastructure funding mechanism except that the State's mechanism does not allow in-kind contributions. The State infrastructure funding mechanism requires all cash contributions.

The formula the WDC will use to determine each required partner's proportionate share of comprehensive one-stop center infrastructure costs in the case of an impasse:

A = Total infrastructure cost

B = Total square footage of the one-stop center minus the common areas

C = Cost per square foot = A/B

D = Square footage occupied by each partner, including space for technology; (required partners must commit to space)

E = Required partner's proportionate share = (C) (D)

Any cost allocation method the required partners agree upon must be consistent with "Uniform Administrative

Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

The private sector board member or other impartial individual designated by the LWDB chair to lead infrastructure cost negotiations will distribute this final budget at least two weeks prior to a third meeting of required partners, at which time all required partners will be asked to approve the infrastructure cost budget.

If, after the 30-day period of remediation, a required partner as identified in Section 1 does not agree to approve the local budget, then the infrastructure costs allocated to that required partner under the local budget will be compared to the amount of infrastructure costs that would be calculated under the State funding formula. If the amount allocated to this required partner under the State funding formula is greater than or equal to the amount allocated in the local budget, then the required partner must accept the local budget.

The final approved budget will be incorporated annually into the approved Memorandum of Understanding (MOU) as an amendment using amendment procedures specified in the MOU. Failure to reach agreement on comprehensive one-stop center infrastructure costs at the end of the established 30-day remediation period will result in the use of the State infrastructure funding method.

Following the end of each State fiscal year, and after all budgeted infrastructure costs have been incurred, the private sector board member the LWDB chair designates to lead the MOU negotiation process will assure budgeted costs by required partners are reconciled to actual costs and that any necessary adjustments are made.

SECTION 3: NEGOTIATION OF LOCAL ONE- STOP DELIVERY SYSTEM COSTS

All required partners under WIOA are required to use a portion of their program funds to pay additional costs relating to operation of the local one-stop delivery system. These costs include the costs of providing shared career services to individuals, costs to support LWDB functions and other costs that promote integration of services. (Appendix VII provides a list of costs that may be considered shared local system costs. This list should not be considered all inclusive.)

Required partners may meet their cost sharing obligations through any of the following methods:

- Cash contributions as allowed by the statutes and regulations governing each program;
- Locally agreed upon and fairly valued in-kind contributions that provide tangible benefits for the local service delivery system to offset a cash contribution the partner may otherwise be asked to make;

Required partners are encouraged to give priority to those shared costs which bring about integration, streamline service delivery and lead to better outcomes.

The amount each required partner contributes to local one-stop service delivery system costs must be allowable under each required partner’s statutory and regulatory requirements. Contribution amounts must also be proportionate to the benefit received and determined in accordance with “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

SECTION 4: TIMELINES FOR NEGOTIATION OF MOUS AND INFRASTRUCTURE COSTS

Local boards may begin their negotiations related to services, methods of delivery, infrastructure and other shared costs at any time, but they must be concluded by April 30 of each calendar year.

A final report on the outcomes of these negotiations must be provided by May 15 of each calendar year to the WDC’s Executive Director (refer to Appendix IX).

A 30-day period for remediation will begin on or around April 15th of each calendar year and continue through the end of May. Failure to reach agreement on comprehensive one-stop center infrastructure costs at the end of the established 30-day remediation period will trigger infrastructure funding using the State infrastructure funding

mechanism. Each required partner's proportionate share of infrastructure costs using the State infrastructure funding mechanism in these instances will be determined based on square footage occupied by each program at the One-Stop center.

Local areas that cannot reach agreement on an MOU at the end of the 30-day remediation period for reasons other than the allocation of infrastructure costs will be reported to the U.S. Secretary of Labor and head of any other relevant Federal agency as required in 20 CFR 678.510.

SECTION 5: REPORTING OF FINAL NEGOTIATION OUTCOMES

Local boards must provide a draft budget to the Executive Director of the WDC by no later than February 28th of each calendar year. This budget is to be provided in a standard format. (A suggested budget is included as Appendix VIII.)

A final report on the outcomes of the MOU negotiations must be provided by March 31st each calendar year to WDC's Executive Director. (Appendix IX is the report required from local areas regarding final outcomes of MOU negotiations.)

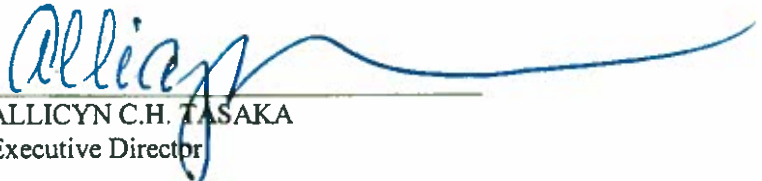
SECTION 6: APPEALS PROCESS FOR INFRASTRUCTURE COSTS

The WDC will make the final determination of each required partner's proportionate share of statewide infrastructure costs under the State funding mechanism as described in these guidelines.

A required partner may appeal the determination on the basis of a claim that:

1. The determination is inconsistent with the proportionate share requirements of 20 CFR 678.735(a).
2. The determination is inconsistent with the cost contribution caps described in 20 CFR 678.735(c).

An appeal must be made within 21 days of the WDC's determination and follow the appeal process outlined in the State Unified Plan.


ALLICYN C.H. TAsAKA
Executive Director

APPENDIX I
Glossary

TERM	DEFINITION
1. Comprehensive one-stopcenter	A single physical location in each Local Workforce Development Area (LWDA) where on-demand access to career services, training services, employment services and all required programs is available. Staff must provide Adult, Dislocated Worker, Youth and Wagner-Peyser services physically on-site.
2. Full-time equivalent (FTE)	The ratio of the total number of hours worked (whether part-time, full-time or contracted) divided by an average full-time work week (e.g., 40 hours). Example: Two employees who work 20 hours per week are the equivalent of one full-time employee or one FTE. One employee who works 20 hours per week is expressed as .5 FTE.
3. Infrastructure costs	WIOA §121(h)(4) defines infrastructure costs to mean: "...the non-personnel costs that are necessary for the general operation of the one-stop center, including the rental costs of facilities, the costs of utilities and maintenance, equipment (including assessment-related products and assistive technology for individuals with disabilities), and technology to facility access to the one-stop center, including the center's planning and outreach activities."
4. Local one-stop delivery system	The network of workforce-related products, programs, services and service locations established to meet business and jobseeker needs in a LWDA.
5. Local Workforce Development Area (LWDA)	A geographic area designated by WDC to receive and administer WIOA funding at the local level according to WIOA §106.
6. Memorandum of Understanding (MOU)	A document defining the agreement between the local board, CLEO and required partners relating to the operation of the workforce delivery system in the local area, including operating and infrastructure costs.
7. Proportionate share	An amount determined by the WDC that represents a required partner's portion of comprehensive one-stop infrastructure costs statewide for purposes of the State infrastructure funding mechanism. This amount is determined through a reasonable cost allocation methodology that assigns costs to required partners in proportion to relative benefits received.

TERM	DEFINITION
8. Required partners	<p>WIOA identifies 17 required program partners, four of which are “core program partners,” that must provide services in comprehensive one-stop centers and share in the cost of maintaining the one-stop delivery system subject to a Memorandum of Understanding (MOU). The 17 required partners follow:</p> <ul style="list-style-type: none"> a. Workforce Development Activities serving Youth, Adults and Dislocated workers under Title IB of WIOA b. Adult Education and Literacy programs under Title II of WIOA c. Employment Services under the Wagner-Peyser Act and Title III of WIOA d. Vocational rehabilitation services under Title I of the Rehabilitation Act of 1973 and Title IV of WIOA e. Career and technical education programs at the secondary and post-secondary levels under the Carl D. Perkins Career and Technical Education Act f. Programs under the Trade Act of 1974 (TAA) g. Title IV of the Social Security Act (Temporary Assistance for Needy Families (TANF) programs) h. Senior Community Services Employment Program (SCSEP) i. Employment and training activities under the Community Services Block Grant (CSBG) j. Housing and Urban Development employment and training activities k. Unemployment compensation programs l. Activities under the Second Chance Act of 2007 m. Veterans job counseling, training and placement programs under Chapter 41 of Title 38, United States Code n. Migrant and Seasonal Farmworkers o. National Farmworker Jobs Program p. Job Corps career and technical education for youth q. YouthBuild education and job pathways
9. Shared system costs	<p>Additional, non-infrastructure costs, required one-stop partners are required to pay. These shared costs may include the cost of shared services authorized for an individual participant, such as intake and assessment costs, as well as shared costs of local board functions.</p>

TERM	DEFINITION
10. State infrastructure funding mechanism	<p>The formula the WDC uses to determine each required partner's proportionate share of comprehensive one-stop center infrastructure costs. This formula is:</p> <p>A = Total infrastructure cost</p> <p>B = Total square footage of the One-Stop center minus the common areas</p> <p>C = Cost per square foot = A/B</p> <p>D = Square footage occupied by each partner, including space for technology; (required partners must commit to space,</p> <p>E = Required partner's proportionate share = (C) (D)</p>

APPENDIX II
SAMPLE TIMELINE FOR MOU AND INFRASTRUCTURE NEGOTIATIONS

TIMEFRAME	ACTIVITY
January 1, 2017	Initiation of local negotiations of memoranda of understandings (MOUs) and infrastructure cost sharing agreements
February 28 of each year	Local boards provide draft budgets to the WDC.
March 31, 2017 and by March 31 of each subsequent year in which a local area renegotiates its MOU. (MOUs must be renegotiated at a minimum once every 3 years.)	<p>Local MOU negotiations end. However, LWDBs may include an interim infrastructure funding agreement in the MOU if all other parts of the MOU have been negotiated (§ 678.715(c)). The interim infrastructure agreement must be finalized within six months of the date the MOU is signed.</p> <p>Local board chairs and chief elected officials report outcomes from local MOU negotiations to the Executive Director of the WDC with a copy sent to each required partner in a format similar to the letter provided in Appendix IX.</p>
APRIL 15 each year	For LWDA's not reaching agreement on infrastructure costs, a 30-day remediation period begins.
May 15, 2016 and by May 15 of each subsequent year in which a local area renegotiates its MOU (minimum of once 3 years).	<p>LWDA's unable to reach agreement on MOUs for reasons other than infrastructure costs are referred to the U.S. Secretary of Labor and head of any other relevant Federal agency</p> <p>LWIAs at an impasse about infrastructure costs are referred to the Chair of the WDC; the WDC will make the final determination about each required partner's proportionate share of infrastructure costs under the State funding mechanism. LWDA have 21 days from the date of the determination to appeal.</p>
July 1 on every year an MOU is negotiated.	A signed MOU must be submitted to the Executive Director of WDC.

**APPENDIX III
WIOA SERVICE MATRIX – CAREER SERVICES**

*-Onsite staff means staff available at all times during regular business hours
-Technology means technology that meets the "direct linkage" requirements of WIOA
-Career services provided by Wagner-Peyser staff. "All of the Basic Career Services must be made available by WP staff in coordination with other one-stop center partners." Career Services 1 through 11 on the WIOA Service Matrix – Career Services are Basic Career Services (TEGL 3-15: Section 5)*

	STATE REQUIRED PARTNERS AND METHOD(S) OF SERVICE DELIVERY (HUD Employment and Training, Job Corps and YouthBuild are required but are not included in this table as they only apply in some local areas.)										
CAREER SERVICE	Community Service Block Grant	SNAP	DVR	Adult Ed and Family Literacy	Persons	SCSEP	Title IB	Wagner Peyser, UL, TAA	National Farmworker Program	Second Chance	
1. Eligibility for Title I B participants							Onsite staff		Onsite staff and technology (i.e., Skype and phone)		
2. Outreach, intake and orientation	Technology	Onsite contract service provider	Onsite staff and technology	Onsite adult education service provider staff	Technology	Onsite SCSEP subrecipient staff or national contractor staff and technology	Onsite staff and technology	Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology	
3. Skills and supportive service needs assessment		Onsite contract service provider	Onsite staff	Onsite adult education service provider staff	Technology	Onsite SCSEP subrecipient staff or national contractor staff and technology	Onsite staff and technology		Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology	
4. Labor exchange services					Technology		Onsite staff and technology	Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology	
5. Program coordination and referral	Technology		Onsite staff and technology	Onsite adult education service provider staff		Onsite SCSEP subrecipient staff or national contractor staff and technology	Onsite staff and technology	Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology	
6. Labor market information			Onsite staff and technology					Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)		
7. Training provider performance and cost information			Onsite staff and technology	Onsite adult education service provider staff	Technology		Onsite staff and technology		Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology	

STATE REQUIRED PARTNERS AND METHOD(S) OF SERVICE DELIVERY

(HUD Employment and Training, Job Corps and YouthBuild are required but are not included in this table as they only apply in some local areas.)

CAREER SERVICE	Community Service Block Grant	SNAP	DVR	Adult Ed and Family Literacy	Perkins	SCSEP	Title IB	Wagner Peyser, UI, TAA	National Farmworker Jobs Program	Second Chance
8. Performance information for the local area as a whole			Onsite staff and technology	Onsite adult education service provider staff	Technology		Onsite staff and technology	Onsite staff	Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology
9. Information about the availability of supportive services and referral to these services	Technology	Onsite contract service provider	Onsite staff and technology	Onsite adult education service provider staff	Technology		Onsite staff and technology	Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology
10. Information and assistance with UI claims								Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)	
11. Assistance establishing eligibility for financial aid			Onsite staff and technology		Technology		Onsite staff and technology		Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology
12. Employment retention services		Onsite contract service provider	Onsite staff and technology		Technology		Onsite staff and technology	Onsite staff and technology	Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology
13. Follow-up services for Title I-B participants							Onsite staff and technology		Onsite staff and technology (i.e., Skype and phone)	Onsite staff and technology

APPENDIX IV

WIOA SERVICES MATRIX OF STATE-LEVEL REQUIRED PARTNER

PROGRAM AND ACTIVITIES (In most cases, services are restricted to individuals eligible for and/or in need of service under each program. The service delivery method may also depend on local agreements or arrangements), other than career services accessed at comprehensive one-stop centers.

<p align="center">SERVICES ACCESSED THROUGH ONSITE STAFF</p>	<p align="center">SERVICES ACCESSED THROUGH TECHNOLOGY (Meeting the "Direct Linkage" requirement)</p>
<p align="center">Title IB</p> <ul style="list-style-type: none"> • Analysis and use of labor market data to support local economic development • Business services – interaction with business and economic development representatives • Analysis and use of labor market data to support local economic development – interaction with business and economic development representatives • Case management and local delivery of TAA services 	<p align="center">TAA</p> <p>1. State Merit Staff approval of training, waiver issuance, out of area job search and out of area relocation</p>
<p align="center">Wagner-Peyser</p> <ul style="list-style-type: none"> • Labor exchange – job search and posting • Apprenticeship program • Re-entry employment services 	<p align="center">Wagner-Peyser</p> <ul style="list-style-type: none"> • Labor exchange – job search and posting • Apprenticeship program • Re-entry employment services
<p align="center">Other Programs</p> <ul style="list-style-type: none"> • Veterans' assistance – job preparation, employer outreach • Migrant seasonal farmworkers • Unemployment insurance • Trade Readjustment Assistance determination and benefits 	<p align="center">Other Programs</p> <ul style="list-style-type: none"> • Veterans' assistance – job preparation, employer outreach • Migrant seasonal farmworkers • Trade Readjustment Assistance determinations and benefits • A/RTAA eligibility determinations and benefits • Unemployment Insurance
<p>DHS – Division of Vocational Rehabilitation</p> <ul style="list-style-type: none"> • Overview and orientation to vocational rehabilitation services • Evaluation and assessment of eligibility for vocational rehabilitation services • Vocational rehabilitation guidance and counseling • Development of individualized plan for employment, including job placement, vocational training or post-secondary education services 	<p>DHS – Division of Vocational Rehabilitation</p> <ul style="list-style-type: none"> • Overview and orientation to vocational rehabilitation services • Evaluation and assessment of eligibility for vocational rehabilitation services • Vocational rehabilitation guidance and counseling • Development of individualized plan for employment, including job placement, vocational training or post-secondary education services
<p align="center">Adult Education and Literacy (Provided by onsite adult education service provider staff where space allows and by any combination of adult education providers in the LWDA.)</p> <ul style="list-style-type: none"> • Assessment • Student support services 	<p align="center">Adult Education and Literacy Online instruction – must meet minimum criteria</p>

SERVICES ACCESSED THROUGH ONSITE STAFF	SERVICES ACCESSED THROUGH TECHNOLOGY (Meeting the "Direct Linkage" requirement)
<p style="text-align: center;">Senior Community Service Employment Program</p> <ul style="list-style-type: none"> • Outreach activities • Professional development • Recruitment • Financial assistance • Benefits screening 	<p style="text-align: center;">Community Services Block Grant (CSBG)</p> <ul style="list-style-type: none"> • Employment and training services • Employment support services (e.g., uniforms, protective gear, tools) • Linkages – referrals to other programs
<p style="text-align: center;">TANF (20 CFR 678.430)</p> <p>“the States must provide individuals with the opportunity to initiate an application for assistance and non-assistance benefits and services...” and agencies must identify employment services and related support being provided by TANF program (within the local area) that qualify as career services and ensure access to them via the local one-stop delivery system.”</p>	<p style="text-align: center;">Post-Secondary Perkins</p> <ul style="list-style-type: none"> • Academic counseling and career advising • Resume writing / interview skills

APPENDIX V
SUMMARY COMPARISON OF INFRASTRUCTURE FUNDING REQUIREMENTS
UNDER THE LOCAL AND STATE FUNDING MECHANISMS

Requirement or Characteristic	Local Funding Mechanism	State Funding Mechanism
Partner contributions to infrastructure costs	Required	Required
Partner compliance with its own governing laws and regulations	Required	Required
Partner compliance with "Uniform Standards" circular	Required	Required
Partner contributions based on proportionate use	Required	Required
Partner contributions determined by Governor	No	Yes
Cash contributions from required partners	Allowed	Required
In-kind contributions from required partners	Allowed	Not Allowed
Limitation or cap on partners contributions	Only as imposed by the statutory and regulatory requirements of each required program	New WIOA defined caps
Title IB		3% of program and administration funds
Wagner-Peyser		3% of administration funds
SCSCEP		1.5% of program and administration funds
Perkins Career and Technical Education, and Adult Education and Family Literacy		1.5% of funds for State administration
Vocational rehabilitation		1.5% phased in over 5 years
Trade Act of 1974		1.5% of funds for administration
Title IV of Social Security Act (TANF) Senior Community Services Employment Program (SCSEP) Community Services Block Grant		

Housing and Urban Development employment and training Veterans job counseling, training and placement Migrant and Seasonal Farmworkers National Farmworker Jobs Program Jobs Corps for youth YouthBuild		
Source of funds for partner contributions	As allowed under each required partner's program	Either administration or program funds Title IB and SCSCEP Funds for State administration, non- Federal matching or maintenance of effort funds or funds for local administration Perkins Career and Technical Education Adult Education and Family Literacy Funds for administration – All other programs
Philanthropic and private fund use	Allowed	Not allowed
Interim agreement for up to six months pending final negotiations	Allowed	Not allowed
Appeal process available to partners	No	Yes
Certification required to fund one-stop center infrastructure costs	No	Yes

Appendix VI
INFRASTRUCTURE COST LINE ITEMS AND DEFINITIONS

COST CATEGORY/LINE ITEM	LINE ITEM DEFINITION
Facilities Costs	
Lease cost	Annual amount due for comprehensive center space costs pursuant to a lease or other contractual arrangement.
Facility maintenance	Annual costs for upkeep and maintenance of leased space, including grounds keeping, trash and shredding, if not already included as part of the lease.
Property and casualty insurance	Annual cost of property and general liability insurance for the space, if not already included in the lease.
Security services	The cost of third party contractors and/or camera-based surveillance, if not already included in the lease.
Cleaning services	Cost of janitorial services, if not already included in the lease.
Utilities	Electricity, water, gas and other utility costs associated with the comprehensive center space, if not included in the lease cost.
Technology Costs	
Telecommunications, including Internet	Cost of phone and internet connectivity in the resource room and other shared spaces in the comprehensive center.
Equipment and technology costs	Costs of shared computers, printers, fax machines, copiers, postage machines utilized for the operation of the comprehensive center and related maintenance and supply costs.
Assistive technology for individual with disabilities	Cost of assistive technology enabling individuals with disabilities to utilize the resource room or other services provided at the comprehensive one-stop center.
Marketing Costs Related to Common Identifier	
Signage	One-time costs associated with new exterior and interior signage displaying the "common identifier"
Other "common identifier" costs	Printed materials, costs of website changes, business cards and similar costs incurred to implement the "common identifier."

Appendix VII
SELECTED LIST OF POSSIBLE LOCAL ONE-STOP SYSTEM SHARED COSTS

COST TYPE	EXAMPLES OF POSSIBLE SHARED SYSTEM COSTS
Mandatory	
Costs to promote integration and streamlining of services	Joint staff training, including staff of comprehensive one-stop centers Customer satisfaction measurement Business services Receptionist at comprehensive one-stop center Resource room materials and staffing costs at comprehensive one-stop centers or affiliated sites
Optional	
Shared services costs authorized for one-stop partner programs	1. Any allowable cost item (e.g., initial intake or needs assessments) agreed upon by local required partners

**APPENDIX VIII
STANDARD BUDGET FORMAT FOR SHARED COSTS**

SHARED COST CATEGORY	TOTAL ANNUAL BUDGET	ANNUAL BUDGET ALLOCATION TO PARTNERS							
		Title IB	Wagner - Peyser	Adult Education	Vocational Rehab	Perkins	SCSEP	Other Partner	Other Partner
Part 1: Comprehensive One-Stop Center Infrastructure Costs									
Facilities Costs									
Lease cost									
Facility maintenance									
Property and casualty insurance									
Security services									
Cleaning services									
Utilities									
Technology Costs									
Telecommunications and Internet									
Equipment and technology costs									
Assistive technology									
Common Identifier Marketing Costs									
Signage									
Other "common identifier" costs									
Other Infrastructure Costs									
Other Cost Description									
Other Cost Description									
Other Cost Description									
Total Infrastructure Costs									

Note:

Cash contributions in black font.

In-kind in blue font.

SHARED COST CATEGORY	TOTAL ANNUAL BUDGET	ANNUAL BUDGET ALLOCATION TO PARTNERS							
		Title IB	Wagner - Peyser	Adult Education	Vocational Rehab	Perkins	SCSEP	Other Partner	Other Partner
Part 2: Local One-Stop Delivery System Costs									
Costs associated with marketing									
Costs of strategic data gathering									
Other Cost Description									
Other Cost Description									
Costs to Promote Service Integration									
Joint staff training									
Customer satisfaction measurement									
Business services									
One-stop center reception									
Resource room materials and staffing									
Other Cost Description									
Other Cost Description									
Total, One-Stop Delivery System Costs									
Shared Costs Summary									
Shared One-Stop Infrastructure Costs									
Shared One-Stop Delivery System Costs									
Total: All Shared Costs									

**APPENDIX IX
REPORT OF OUTCOMES FROM LOCAL MOU NEGOTIATIONS**

Local Workforce Development Area:

Notice is provided to the Governor as required by 20 CFR 678.725 that the local partners in this local area have reached consensus on a Memorandum of Understanding (MOU), including how comprehensive one-stop center infrastructure costs will be funded for the year beginning July 1, . A copy of the budget on which agreement was reached is attached to this notice.

OR

Notice is provided to the Governor as required by 20 CFR 678.725 that, despite every effort, the local partners in this local area did not reach consensus on a local Memorandum of Understanding for the period beginning July 1,_____.

A. Failure to agree for reasons other than infrastructure costs

Listed below are the program partners that did not agree and the main reasons for their inability to agree.

Program Partner Name	Reasons
1.	
2.	

B. Failure to agree on one-stop center infrastructure costs

The inability to reach agreement was because one or more partners do not agree with how comprehensive one-stop center infrastructure costs will be funded for the year beginning July 1, _ . Listed below are the program partners who did not agree to the budget for comprehensive one-stop center infrastructure costs. A copy of the budget on which agreement was not reached is attached to this notice.

Program Partner Name	Reasons
1.	
2.	

Signatures:

Chair Local Workforce Development Board

Chief Elected Official

Date: _____

Date: _____

References:

- WIOA §678.400
- WIOA §678.700(c)
- WIOA §678.705
- p. 55880 Federal Register, Vol. 81, No. 161, 8/19/16, Rules and Regulations
- WIOA sec. 121(b)(1)(B)
- 20 CFR 678.400
- Wagner-Peyser Act:
 - 29 U.S.C. 49 et seq.
 - 29 U.S.C.720 et seq.
 - 29 U.S.C. 732, 741
- Older Americans Act of 1965, 42 U.S.C. 3056 et seq.
- Carl D. Perkins Career and Technical Education Act of 2006, 20 U.S.C. 2301 et seq.
- Title II of the Trade Act of 1974, 19 U.S.C. 2271 et seq.
- Title 38, United States Code
- Community Services Block Grant Act, 42 U.S.C. 9901 et seq.
- Second Chance Act of 2007, 42 U.S.C. 17532
- Social Security Act, 42 U.S.C. 601 et seq.
- WIOA sec. 121 (b)(2)(B)
- 20 CFR 678.410
- Social Security Act, 42 U.S.C. 1320b-19
- Section 6(d)(4) of the Food and Nutrition Act of 2008, 7 U.S.C. 2015(d)(4)
- Section 6(o) of the Food and Nutrition Act 2008, 7 U.S.C. 2015(o)
- Rehabilitation Act of 1973, 29 U.S.C 732
- National and Community Service Act of 1990, 42 U.S.C. 12501 et seq.
- WIOA Sec. 121 (c)(2)
- 20 CFR Part 678, Subpart C; 34 CFR 361.500-361.550; 34 CFR 463.500-463.510
- 20 CFR 678.310, 678.315, and 678.320
- 20 CFR 678.620, 678.625 and 678.630
- 20 CFR 678.710
- 20 CFR 678.735(a)
- 20 CFR 678.735(c)