

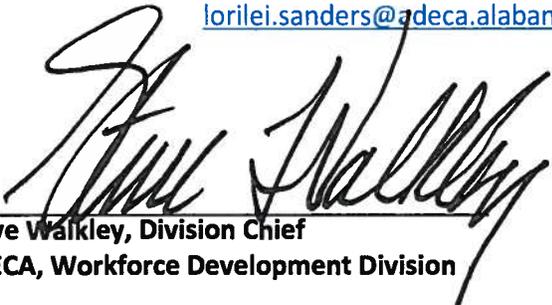
ALABAMA WORKFORCE INVESTMENT SYSTEM
Department of Economic and Community Affairs
Workforce Development Division
401 Adams Avenue
Post Office 5690
Montgomery, Alabama 36103-5690

GOVERNOR'S WORKFORCE DEVELOPMENT DIRECTIVE NO. PY2013-05, Change 3

SUBJECT: PY 2014/FY 2015 Local Workforce Investment Area Plans

- 1. Purpose.** To provide Local Workforce Investment Boards with instructions to modify their PY14/FY15 Annual Plans to incorporate correct Performance Goals for Adult, Dislocated Worker, and Youth programs.
- 2. Discussion.** GWDD PY13-05, Change 1 and Change 2 transmitted guidance on the development and submission of the respective PY14/FY15 Grant Agreement Packages as part of each local area's annual plan. The Grant Agreement Package, Section C, included Performance Goals based on PY2013's negotiated levels. After the plans were submitted, the State of Alabama negotiated PY2014 Performance Level Goals with the U.S. Department of Labor's (USDOL's) Employment and Training Administration (ETA) Regional Office in Atlanta, and most of the goals changed from the PY2013 levels. The three local workforce investment areas were then offered a chance to negotiate local area performance goal levels or to accept the State goal levels negotiated with the USDOL/ETA. All three local workforce investment areas subsequently did not wish to negotiate at this time; thus, accepting the State's goal levels. Therefore, to correct the Performance Goals submitted with the original Local Area Plans, modifications must be submitted for processing and approval. Please note that the PY14 Local Area Performance Goals and necessary planning forms are attached to this Directive.
- 3. Action.** Each local workforce investment board shall use the attached forms and Performance Goals when preparing/submitting its PY14/FY15 Grant Agreement modification to correct the PY14 Local Workforce Investment Area Performance Goals.

Local Area Grant agreement modification packages should be received at the Workforce Development Division by August 29, 2014.
- 4. Contact.** Any questions regarding this Directive should be referred to Lorilei Sanders, State Programs, Planning, and Divisional Budget Management Section at (334) 353-1632 or lorilei.sanders@adeca.alabama.gov.



Steve Walkley, Division Chief
ADECA, Workforce Development Division



Date

Attachments:

WIA-59; WIA-59A; WIA-59 Instructions
Alabama PY 2014 Performance Levels
Grant Agreement Package, Section C- LWIA Adult, Youth, and Dislocated Worker Performance Goals
Approval of Local Workforce Investment Act Plans for Program Year 2014

**Alabama Department of Economic and Community Affairs (ADECA)
Workforce Investment Act
Grant Agreement**

A. Plan No.:	Modification:	Revision:	Effective Date:
B. Grant Recipient		C. Administration Entity	
1. Name _____		1. Name _____	
2. Organization _____		2. Organization _____	
3. Address _____		3. Address _____	
4. City _____		4. City _____	
5. Zip _____		5. Zip _____	
6. Contact _____		6. Contact _____	
7. Telephone _____		7. Telephone _____	
8. E-Mail _____		8. E-Mail _____	
D. Program/Fiscal Year Proposed Funding: WIA Funds _____		E. Grant Period Start: _____ End: _____	
II. ASSURANCES AND Assurances/Certifications on page 2 are part of this Grant Agreement.			
III. LOCAL AREA SUBMISSION (Attach any comments on a separate sheet):			

Name/Title	Signature	Date
Grant Recipient		
WDD Chief		

**Alabama Department of Economic and Community Affairs (ADECA)
Workforce Investment Act
Grant Agreement**

Assurances and Certifications

- A. Signatories assure this Grant Agreement will be executed in accordance with the Workforce Investment Act of 1998 applicable federal regulations, State law, and Governor's Directives, pursuant to WIA , as published and amended.
- B. Liability for funds under this grant rests with the local workforce investment area grant recipient/signatory.
- C. Modifications to this initial grant become effective only after approval by the Governor's Designee. Plan modifications must adhere to advance publication requirements and be submitted according to directive procedures. Funding is contingent on actual appropriations by Congress.
- D. This grant is comprised of planned performance/ payment systems narrative and a grantee budget summary.
- E. The ADECA Workforce Development Division, acting for the Governor, will monitor for performance and require such reports as may be necessary to carry out this responsibility.
- F. Parties to this agreement certify to the best of their knowledge and belief that information contained in the attached plan/modification is a reasonably accurate depiction of WIA-funded planned activities. Signatories to the Agreement further attest that the LWIA and the LWIB will comply with the WIA assurances attached to the LWIA 5 Year Plan.
- G. As a condition of the award of financial assistance from the Department of Labor under Title I of WIA , the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Investment Act of 1988 (WIA), 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 WIA Title I - financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color, and national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities; the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I - financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

- H. Comply with the Americans with Disabilities Act of 1990, Title II, Subtitle A.
- I. Comply with the OSHA work place requirements.
- J. Comply with the WDD Procurement policy (includes all subrecipient/contractor levels).
- K. Comply with the ADECA Audit Policy, and with OMB Circular A-133.
- L. Certify that systems and procedures are in effect which parallel those described within the local area plan.
- M. Comply with other applicable statutes as related to workforce development programs.
- N. It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment No. 26. It is further agreed that if any provision of this grant shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this grant, be enacted, then that conflicting provision in the grant shall be deemed null and void. The grant's sole remedy for the settlement of any and all disputes arising under the terms of this agreement shall be limited to the filing of a claim with the Board of Adjustments for the State of Alabama.

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation.

- O. **Veterans Priority Provisions:** This program, funded by the U.S. Department of Labor is subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215), as implemented by 20 CFR Part 1010. The JVA provides priority of service to veterans and spouses of eligible veterans for the receipt of employment, training, and placement services. Agreement by a program operator to implement priority of service is a condition of receipt of DOL funds. The Planning Guidance (either the Stand-Alone Planning Guidance at 73 FR 72853 (December 1, 2008)) or the Unified Planning Guidance at 73 FR 73730 (December 3, 2008) requires states to describe the policies and strategies in place to ensure, pursuant to the Jobs for Veterans Act and the regulations, that priority of service is provided to veterans (and certain spouses) who otherwise meet the eligibility requirements for all employment and training programs funded in whole or in part by the U.S. Department of Labor. In addition, the states are required to provide assurances that they will comply with the Veterans' Priority of Service Provisions established by the Jobs for Veterans Act (38 USC 4215) and TEGL 10-09 (issued November 10, 2009). TEGL 10-09 is available at http://wr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.
- P. **Buy American Notice Requirement:** It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Investment Act should be American made. See WIA Section 505 – Buy American Requirements.
- Q. **Salary and Bonus Limitations:** In compliance with Pub. L. 111-117 (Division D, sec. 107), none of the funds appropriated in the Act under the heading 'Employment and Training' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative costs-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment & Training Administration programs. See Training and Employment Guidance Letter number 5-06 for further clarification.
- R. **Intellectual Property Rights:** The Federal Government reserves a paid-up, nonexclusive and irrevocable licenses to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the grantee, subgrantee or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or licensing fee associated with such copyrighted work, or the cost of acquiring by purchase a copyright in a work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income. Program income is added to the grant and must be expended for allowable grant activities. If applicable, the following needs to be on all products developed in whole or in part with grant funds:
This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The product was created by the grantee and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it. Internal use, by an organization and/or personal use by an individual for non-commercial purposes, is permissible. All other uses require the prior authorization of the copyright owner."
- S. **WIA PY2013 Agreement Transparency Act:** Federal Funding Accountability and Transparency Act of 2006 Pub. L. 109-282 as amended by section 6202 of Pub. L. 110-252 ("FFATA"). Grantees must ensure that they have the necessary processes and systems in place to comply with the reporting requirements of FFATA. See Training and Employment Guidance Letter (TEGL) No. 11-10 (issued November 15, 2010) <http://wdr.doleta.gov/directives/attache/TEGL/TEGL11-10acc.pdf> (and upcoming Change 1), and Attachment A to this agreement. (Note: ADECA's Workforce Development Division is responsible for issuing reporting guidelines for compliance and all local workforce areas should follow those guidelines to comply with Public Law 109-282 as awarded.)
- T. **Executive Order 13333:** This agreement may be terminated without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement." (22 U.S.C. § 7104(g))

- U. **Special Requirement for Conferences and Conference Space:** Grantee must obtain prior approval from the Grantor before holding any conference (which includes meeting, retreat, seminar, symposium, training activity or similar event held in either federal or non-federal space), or any activity related to holding a conference, including, but not limited to, obligating or expending Grantor funds, signing contracts for space or services, announcing Grantor's involvement in any conference, and using Grantor official's name or Grantor's name or logo. Grantor retains the right to obtain information from the Grantee about any conference that is funded in whole or in part with Grantor funds.
- V. **Seat Belts:** Pursuant to Executive Order (EO) 13043 (April 16, 1997), Increasing the Use of Seat Belts in the United States, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned.
- W. **Executive Order 13513: Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients.** Contractors, subcontractors, and recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or –rented vehicles or Government-owned, Government-leased, or Government-rented vehicles, or while driving privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government, and to conduct initiatives of the type described in section 3(a) of the Executive Order.
- X. **By signing this contract, grant, or other agreement, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.**

**Alabama Department of Economic and Community Affairs (ADECA)
Workforce Investment Act
Grant Agreement Minor Modification**

Minor Modification*, Revised Funding, Goal Revision:

**F. Program/Fiscal Year Proposed Funding:
WIA Funds \$**

Grant Recipient

Date

Division Chief,
Workforce Development Division

Date

- * Note: A minor modification would typically encompass any actions or series of local area actions with a collective impact upon local area obligation authority of \$50,000, or less. Approval authority for minor modifications to local area's approved Workforce Investment Act Grant Agreement Packages are delegated to the Division Director, Workforce Development Division. See GWDD 2004-14, Chg. 3 for additional information regarding minor modification requests.

**Alabama Department of Economic and Community Affairs (ADECA)
Workforce Investment Act
Grant Agreement Instructions**

I. GRANT RECIPIENT/DESIGNEE

A. Plan No.:

Enter the two digit local area plan number, per the following:

1st digit - year of WIA funds, e.g., 4 for 2014, 5 for 2015, etc.

2nd digit - local area, e.g., 2 for AWIA, 3 for Jefferson, or 4 for Mobile.*

Modification:

Indicate modification sequence: "0" for initial plan, "A" for first modification, "B" for second modification, etc.

Revision:

Revisions should only be used to indicate minor modifications.** Revision sequence: "1" for first minor modification, "2" for second minor modification revision, etc.

For example, 43-0 would be the Jefferson initial PY2014 Plan, 43-A would be the first modification to the Jefferson PY2014 Plan, 43-A Rev. 1 would be the first minor modification revision to the first modification of the

Effective Date:

This is the date the Plan, modification, or revision takes effect according to the effective date indicated within the corresponding directive. If an effective date is not provided in the directive the directive's release date should be used.

B. Grant Recipient:

Enter the name, organization, address, contact person, telephone, and E-mail address of the grant recipient.

C. Administrative Entity:

If different from the Grant Recipient, enter the name, organization, address, contact person, telephone number, and E-mail address of the administrative entity; otherwise, leave blank.

D. Program/Fiscal Year Proposed Funding:

Indicate the PY/FY time periods and fund origins, e.g., PY14/FY15 WIA Funds. Enter the total amount of actual or estimated LWIA funding for the time period covered by this action. This entry should be identical to that recorded on line 3.d. (Total LWIA Funds) of the accompanying WIA-60 form.

E. Grant Period:

Enter the start date and end date of the grant period.

II. ASSURANCES AND CERTIFICATIONS

Review the assurances and certifications on page 2 of the WIA-59; these are binding requirements on the LWIA.

III. LOCAL AREA SUBMISSION

Enter the typed name and title of each authorized signatory, as appropriate. Enter the signature of each authorized signatory beside the typed name and title.

* Note: This digit has been modified to coincide with standard Local Area numbering references.

** Note that it is not necessary for local areas to obtain the respective chief local elected official and LWIA Chair signatures when submitting a minor modification to their Grant Agreement Package. Rather, a third form, WIA-59 A, may be attached to the original WIA-59 WIA Grant Agreement Summary. The WIA-59 A form will indicate the revised WIA-59 Part E proposed funding and carry the signature of the local area Grant Recipient representative. Upon State approval of the minor modification, the WIA-59 A form will be countersigned by the Division Director, Workforce Development Division and attached to the signed WIA Grant Agreement accompanying the originally submitted local area Grant Agreement Package.

The approved local area Grant Agreement Package minor modification will be transmitted back to the local area under a Notice of Action, signed by the Division Director, Workforce Development Division. The Notice of Action will summarize local area WIA funding obligation authority.

Alabama

PY 2014 Performance Levels

WIA Program

PY 2014 Goals

Adult Measures

Entered Employment Rate	68.3%
Employment Retention Rate	86.0%
Average Six Month Earnings	\$12,750

Dislocated Worker

Entered Employment Rate	75.0%
Employment Retention Rate	91.8%
Average Six Month Earnings	\$15,632

Youth Common Measures

Placement in Employment or Education	56.4%
Attainment of Degree or Certificate	50.5%
Literacy and Numeracy Gains	53.5%

C. LWIA Adult, Youth, Dislocated Worker Performance Goals:

The State has been granted a waiver through June 30, 2017 that allows the State to replace the seventeen performance measures under WIA Section 136(b) with the common measures. The common measures assess performance of Youth (including both Younger Youth and Older Youth) and Adults (including both Adults and Dislocated Workers) served through WIA. Local Workforce Investment Areas should provide their respective proposed performance goals for the Adult, Dislocated Worker, Younger Youth and Older Youth programs in their grant agreement documents for consideration. The State office will be in contact with each local area to negotiate goals as Plans are reviewed.

Program:

Performance Goal:

Adult

Entered Employment Rate
Employment Retention Rate
Average Earnings

Dislocated Worker

Entered Employment Rate
Employment Retention Rate
Average Earnings

Youth (14-21)

Literacy and Numeracy Gains
Placement in Employment or Education
Attainment of a Degree or Certificate

As indicated in Governor's Workforce Development Directive No. PY06-04, dated February 2, 2007, "...local areas are responsible for the design and development of WIA participant training programs which meet the applicable requirements of USDOL TEGL No. 17-05, as appropriate to accommodate local labor market conditions..."

Each local area must provide a narrative description of adopted WIA credentialing/certificate programs and procedures in sufficient detail to indicate reasonable compliance with the applicable requirements of TEGL No. 17-05 and any subsequent additions or changes to TEGL No. 17-05.

Approval of Local Workforce Investment Act Plans for Program Year 2014

As required in the Workforce Investment Act's Implementing Regulations at 662.100(c), "The system must include at least one comprehensive physical center in each local area that must provide the core services specified in WIA Section 134(d)(2), and must provide access to other programs and activities carried out by the One-Stop partners."

In light of the recent WIA comprehensive review by the Employment and Training Administration's Region III Office in Atlanta, assurance is being sought that each local workforce investment area is in compliance with this regulatory requirement and will remain so during the term covered by the Program Year 2014 Plan funds (07/01/14 – 06/30/16).

Please denote assurance that your local workforce investment area is in compliance and will remain in compliance during the full term covered by the Program Year 2014 Plans.

I certify that _____ Local Workforce Investment Area is in full compliance with the regulatory requirements as noted above and will remain so during the timeframe covered by the Program Year 2014 Plan.

Signature of the Signatory Official for the
Local Workforce Investment Area

Date: _____

Printed Name