ALABAMA WORKFORCE INVESTMENT SYSTEM

Department of Commerce
Workforce Development Division
401 Adams Avenue
Post Office Box 304103
Montgomery, Alabama 36130-4103

May 3, 2016

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2015-18

SUBJECT: Local Workforce Innovation and Opportunity Area Four-Year Plans

1. Purpose. To provide Local Workforce Development Boards with guidance on the development and submission of their respective Local Area Four-Year Plans.

2. Discussion. The instructions for local area preparation of Local Area Four-Year Plan submissions are attached for guidance. An approved Local Area Four-Year Plan providing the appropriate degree of information on local area existing and projected Workforce Innovation and Opportunity Act (WIOA) program / participant operational procedures is required. Plans should be for a period of four years as required in WIOA Section 108 and 20 CFR 679.550(a) covering PY2016 – PY2019.

Please note that plans will need to be updated at the end of the first two-year period (PY 2018) in accordance with 20 CFR 679.580(b). Also, budgets and performance measures will be revised annually as part of the Grant Agreement.

The Local Area Plans should comply with the requirements of the Workforce Innovation and Opportunity Act (WIOA) as outlined in the draft implementing regulations at 20 CFR 679.560 and other applicable sections, on which the attached Local Area Plan Instructions are based. When the final Implementing Regulations are released, they will be reviewed in regard to any changes in the final Implementing Regulations pertaining to the requirements for local plan development; and a change to this

Directive will be issued if necessary. If necessary, a modification to the plans will be requested to incorporate any needed changes. Also, the WIOA Performance Measures have not been negotiated with the U.S. Department of Labor's (USDOL's) Regional Office in Atlanta, Georgia as of the issuance of these guidelines. Once this is completed, then negotiations with the local areas will occur. This process may occur prior to the final WIOA Implementing Regulations being issued by the USDOL. Local Area Plans are also required to be in alignment with Alabama's Combined State Plan. A copy of the State Plan will be provided to the local areas via email. Please note that a separate Directive will be issued with directions for submitting the regional plans required under WIOA Section 106(c) and 20 CFR 679.500 - .540.

Prior to submission to the State, Local Areas must make their local plans available to the public through electronic and other means and include an opportunity for comment by members of the public, including representatives of business, labor organizations, and education in accordance with 20 CFR 679.550(b). The comment period must be no longer than thirty days, and any comments expressing disagreement with the plan must be submitted to the State along with the plan. Further, consistent with WIOA Section 107(e), the local area must make information about the plan available to the public on a regular basis through electronic means and open meetings (20 CFR 679.550(b)(5)). If in the future modifications are made to the plan, a public comment period must be provided prior to submission (20 CFR 679.550(b)).

In accordance with WIOA Section 108 and 20 CFR 679.570, Local Plans shall be considered approved by the Governor at the end of the ninety day period beginning the day the Workforce Development Division (WDD) receives the plan, unless the Governor makes a written determination during the ninety day period that:

1) There are deficiencies in workforce investment activities that have been identified through audits and the local area has not made acceptable progress in implementing plans to address deficiencies; or

2) The plan does not comply with applicable provisions of WIOA and the WIOA regulations, including the required consultation and public comment provisions, and the nondiscrimination requirements of 29 CFR part 37.

3) The plan does not align with Alabama's Combined State Plan, including in regard to the alignment of the core programs to support the strategy identified in the State Plan.

3. Action. Each local board shall use the attached guidance when preparing / submitting its respective Local Area Four-Year Plan. Local Area Plans should be received at the Workforce Development Division by June 3, 2016.

4. Contact. Questions or comments concerning this Directive should be referred to Lorilei Sanders, State Programs, Planning, and Divisional Budget Management Section at (334) 353-1632 or lorilei.sanders@commerce.alabama.gov.

Steve Walkley, Division Director, WDD
Alabama Department of Commerce

5/3/2016
Date

Attachments

- **Grant Agreement**
- **Local Area Plan Instructions**

Grant Agreement Package

The WIOA Grant Agreement package depicts a local area's planned proposed performance goals, fund transfer activity, and program budgets.

LWDA Adult, Youth, Dislocated Worker Performance Goals:

Below are the expected WIOA Performance Measures, which will be effective on July 1, 2016. The goals for each measure are expected to be negotiated prior to July 1, 2016. Goals will be negotiated with each LWDA after the State negotiates goals with the U.S. Department of Labor (USDOL).

Program:	WIOA Performance Goal:
Adult	
Entered Employment	TBD
Employment Retention	TBD
Median Earnings	TBD
Credential Rate	TBD
Skill Gains	TBD
Dislocated Worker	
Entered Employment	TBD
Employment Retention	TBD
Median Earnings	TBD
Credential Rate	TBD
Skill Gains	TBD
Youth	
Placement in Education, Employment, or Training	TBD
Retention in Education, Employment, or Training	TBD
Median Earnings	TBD
Credential Rate	TBD
Skill Gains	TBD

T:DivBudMngt/GrantAgreementPackage/Pages1-4

Note: **Employer Services -** Pursuant to the WIOA Section 116(b)(2)(A)(IV), prior to the start of the second full program year, the Secretary of Labor and Education shall jointly develop one or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.

Participant Payment Systems:

Describe the local area's planned delivery system for supportive services, including financial supportive services, to WIOA Adult, Dislocated Worker and Youth participants.

Transfer of Funds:

A local board may transfer, if such a transfer is approved by the Governor, up to and including 100 percent of the funds allocated to the local area for Adult and Dislocated Worker between employment and training activities and dislocated worker employment and training activities per WIOA Section 133(b)(4).

Any such LWDA funds transfer request must be submitted in the Grant Agreement document or modification and must further be accompanied by appropriate justification, clearly indicating why the request is being made and how granting of the request will benefit local area delivery of workforce development services. If the Governor approves the Adult and Dislocated Plan, then the transfer is considered approved if adequately included in the Plan Narrative and related budget.

Any local workforce development area funds transfer should observe relevant provisions of the Act and the WIOA's Implementing Regulations.

Budget Summary:

Each LWDA Grant Agreement Package includes a Grantee Budget Summary (WIOA-60) showing the program year funds allocated for each of the funding streams, transfers between the Adult and Dislocated Worker allocations, and the net amounts available for expenditure. In addition, the budget form shows how the funds are planned for expenditure between the administrative and program categories.

Each LWDA will have one year to obligate WIOA funds and one additional year to expend the funds, subject to the first year 80 percent obligation requirement and to any subsequent year reallocations. A modification to the Grant WIOA-60 will be necessary to depict any increase or decrease in LWDA allocation (net) amounts resulting from such fund reallocations. A modification to the Grant WIOA-60 will also be required to document any Governor's Incentive/Capacity Building funds awarded the LWDA.

Using the allocations for Program Year 2016 WIOA Adult, Youth, and Dislocated Worker programs, which can be found in the annual allocation directive upon receipt of funding amounts from the USDOL/ETA and allocation by the State Office, complete a Grantee Budget Summary (WIOA-60) Form, depicting LWDA Adult/Dislocated Worker/Youth funding for the grant period, and attach it to the Grant Agreement Package. This WIOA-60 budget document will be a part of the Grant Agreement Package until budgeted funds have been fully expended.

Note that it is not necessary for local areas to obtain the respective chief local elected official and LWDA Chair signatures when submitting a minor modification to their Grant Agreement Package. Rather, a third page may be attached to the original WIOA-59 WIOA Grant Agreement Summary. This additional page will indicate the revised WIOA-59 Part E proposed funding and carry the signature of the local area Grant Recipient representative. Upon State approval of the minor modification, this same page will be countersigned by the Division Director, Workforce Development Division, and attached to the signed WIOA 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 WIOA funding obligation authority.

Note: The definition of a "minor" modification has been retained for the WIOA Plans as initially issued under the WIA program in GWDD PY2004-14, Change 3. 1) A reduction or an increase in overall local area program year/fiscal year funding amount of $50,000 or less, 2) any changes to previously approved program year/fiscal year performance goal measures of less than five percent, or 3) the addition/deletion of up to two planned program year/fiscal year participant activities.

Forms and Instructions:

The following forms and instructions are to be used in the preparation of LWDA Grant Agreement Package:

Form Title/Number	Adult	Dislocated Worker	Youth
Grant Agreement Sheet (WIOA-59)	X	X	X
Grantee Budget Summary (WIOA-60)	X	X	X
Notice of Governor's Action (WIOA-55)/ Notice of Action (WIOA-55A) (Plan Approval Documents – for WDD Use Only)	X	X	X

The Workforce Development Division has furnished each LWDA an electronic copy of each form suitable for use in their Grant Agreement submissions. Additional copies may be requested by contacting Kristen Sexton, Workforce Development Division, at (334) 353-4386 or *kristen.sexton@commerce.alabama.gov.*

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement

A. Plan No.:	Modification:	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: WIOA Funds _____	E. Grant Period Start: End:

II. **Assurances/Certifications** beginning on Page 2 are part of this Grant Agreement Form

III. **LOCAL AREA SUBMISSION** (Attach any comments on a separate sheet):

Name/Title	Signature	Date
Grant Recipient		
Grant Recipient		
Local Workforce Investment Board		
Greg Canfield Secretary, Alabama Department of Commerce		
Robert Bentley Governor		

WIOA-59 / Page 1 of 1 - T:\DivBudMngt\GrantAgreementPackage\Revised 04/2016

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement

Assurances and Certifications

1. Applicable Authority:

Funds provided under this agreement must be expended in accordance with all applicable federal statutes, regulations and guidance, including those of the Workforce Innovation and Opportunity Act as presently in effect and as may become effective during the terms of this Agreement.

2. Administration Limitation:

Local areas are limited to spending no more than 10 percent of their annual allocation on administrative costs. Flexibility is provided to States and local areas in the statute by allowing administrative funds from the three formula funding streams awarded under subtitle B to be pooled and used together for administrative costs for any of the three programs, at the State and locals' discretion.

3. 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.

4. 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 the Uniform Guidance. 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.

5. 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.

6. 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/attach/TEGL/TEGL11-10acc.pdf*.

7. Personally Identifiable Information:

Recipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Recipients must meet the requirements in Training and Employment Guidance Letter (TEGL 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII)), (located at *http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872*).

8. Violation of the Privacy Act:

These funds cannot be used in contravention of the 5 USC 552a or regulations implementing that section.

9. Executive Orders:

12928:

Pursuant to Executive Order **12928**, the recipient is strongly encouraged to provide subcontracting / subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

13043:

Pursuant to Executive Order **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.

13513:

Pursuant to Executive Order **13513,** 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.

13166:

Pursuant to Executive Order **13166**, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure the LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Pages 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, to *http://www.lep.gov* .

13333:

Pursuant to Executive Order **13333,** This agreement may be terminated without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor engages in "(i) severe forms of trafficking in persons; (ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect; (iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; (22 U.S.C. § 7104(g)) or (iv) acts that directly support or advance trafficking in persons."

10. 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 Innovation and Opportunity Act should be American made. See WIOA Section 502 – Buy American Requirements. (Sections 8301 of Title 41, United States Code)

11. Special Requirement for Conferences and Conference Space:

Conferences sponsored in whole or in part by the recipient of Federal awards are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and judgement to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and allowability of costs associated with conferences, refer to 2 CFR 200.432.

12. Health Benefit Coverage:

The recipient must ensure that the use of these funds for health benefits coverage complies with *506 and 507 of Division G of Public Law 113-235, the Consolidated and Further Continuing Appropriations Act, 2015.*

13. Flood Insurance:

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*, provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

14. Architectural Barriers:

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 *et seq.*, as amended, the Federal Property Management Regulations (see 41 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

15. Drug-Free Workplace:

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 *et seq.*, and 2 CFR 182 require that all organizations receiving grants from any Federal agency maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

16. Hotel-Motel Fire Safety:

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at *http://www.usfa.dhs.gov/applications/hotel* to see if a property is in compliance, or to find other information about the Act.

17. Prohibition on Contracting with Coporations with Felony Criminal Convictions:

The recipient is prohibited from entering into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

18. Prohibition on Contracting with Inverted Domestic Corporations:

No funds made available under a Federal Act may be used for any contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity. Waivers to this regulation may be granted by the Secretary of Labor if the Secretary determines that the waiver is required in the interest of national security.

19. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities:

The recipient may not enter a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

20. Prohibition of Providing Federal Funds to ACORN:

These funds may not be provided to the Association of Community Organizations for Reform now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

21. Profit

Pursuant to 2 CFR 200.400(g), non-Federal entities may not earn or keep any profit resulting from Federal financial assistance, except as authorized by WIOA Section 121(d) for One-Stop operators (American Job Centers) or service providers which are for-profit entities.

22. Contracts:

LWDBs must ensure that these requirements as well as any state and local requirements are included in all contracts with WIOA Grant funds.

(A) Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of ''federally assisted construction contract'' in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, ''Equal Employment Opportunity'' (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 39), as amended by Executive Order 11375, ''Amending Executive Order 11246 Relating to Equal Employment Opportunity,'' and implementing regulations at 41 CFR part 60, ''Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.''

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, ''Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction''). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland ''Anti-Kickback'' Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, ''Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States''). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of ''funding agreement'' under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that ''funding agreement,'' the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, ''Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,'' and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of $100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(K) § 200.322 Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grant Agreement Minor Modification

Minor Modification*, Revised Funding, Goal Revision:

F. Program/Fiscal Year Proposed Funding:
WIOA Funds $

Grant Recipient | Date

Division Director
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 Innovation and Opportunity Act Grant Agreement Packages are delegated to the Division Director, Workforce Development Division.

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
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 WIOA funds, e.g., 5 for 2015, 6 for 2016, 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. This modification sequence is used for both regular and minor modifications.**

Revision:
For example, 54-0 would be the Mobile Works, Inc. initial PY2015 Plan, 54-A would be the first modification to the Mobile Works, Inc. PY2015 Plan, 54-B would be the second modification of the Mobile Works, Inc. PY2015 Plan. 54-A is a regular modification and 54-B is a minor modification. The same sequence method is used regardless of the modification being a regular or minor modification.

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., PY15/FY16 WIOA Funds. Enter the total amount of actual or estimated LWDA funding for the time period covered by this action. This entry should be identical to that recorded on line 3.d. (Total LWDA Funds) of the accompanying WIOA-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 beginning on page 2 of the WIOA-59; these are binding requirements on the LWDA.

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: It is not necessary for local areas to obtain the respective chief local elected official and LWDA Chair signatures when submitting a minor modification to their Grant Agreement Package. Rather, a third form, WIOA-59 A, may be attached to the original WIOA-59, WIOA Grant Agreement Summary. The WIOA-59 A Form will indicate the revised WIOA-59 Part E proposed funding and carry the signature of the local area Grant Recipient representative. Upon State approval of the minor modification, the WIOA-59 A Form will be countersigned by the Division Director, Workforce Development Division and attached to the signed WIOA 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 WIOA funding obligation authority.

State of Alabama
Workforce Development Division

Grantee Budget Summary

1.	Grant Recipient:		
	Address:		
	Contact Person:	E-mail:	
	Title:	DUNS No:	
		Phone No.:	Fax No.:
2.	Plan No.:	Yr. of Funds:	Effective Date:
	Directive No.:	Grant Period - Adult/D.W.:	
	USDOL Grant No.:	Grant Period - Youth:	

	3. Program:	Governor's Set Aside	Adult Funds	Youth Funds	Dislocated Worker Funds	d. Total LWDA Funds
a.	CFDA Number					
b.	Allocation Year					
c.	Fund Allocation/Grant Amount					
4.	Cost Categories/Budget:					
a.	Administration Funds					
b.	Program Funds					
c.	Program Fund Transfers					
d.	Adjusted Program Funds					
e.	Total Funds					

Remarks:

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Grantee Budget Summary Instructions

LWDA Adult, Youth, and Dislocated Worker program budgeting information will be consolidated on a single WIOA-60 form. Each executed WIOA-60 will remain a valid budget document for the full grant period.

1. **Grant Recipient:** This should be the same as reported on the Grant Agreement Sheet; the contact person should be able to answer any questions regarding information contained in this form.
2. **Plan No:** Enter the two digit local area plan number, per the following:
   - 1st digit - year of WIOA funds, e.g., 5 for 2015, 6 for 2016, etc.
   - 2nd digit - local area, e.g., 2 for AWIA, 3 for Jefferson, or 4 for Mobile.*
   - Indicate modification sequence per the following: "0" for initial plan, "A" for first modification, "B" for second modification, etc. This modification sequence is used for both regular and minor modifications.

   For example, 54-0 would be the Mobile Works, Inc. initial PY2015 Plan, 54-A would be the first modification to the Mobile Works, Inc. PY2015 Plan, 54-B would be the second modification of the Mobile Works, Inc. PY2015 Plan. 54-A is a regular modification and 54-B is a minor modification. The same sequence method is used regardless of the modification being a regular or minor modification.

   Directive No.: Reference Governor's Workforce Innovation Directive(s) used for Plan changes.

   USDOL Grant No: The USDOL Grant Number can be found on the Notice of Obligation (NOO) issued by USDOL to Commerce/WDD. Copies of all NOOs will be provided to local areas as Attachments to the Allocation GWID.

   Yr. of Funds: Enter the PY/FY number corresponding to the year grant funds were first made available. The number should be consistent with the USDOL Notice of Obligation (NOO).

   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.

   Grant Period – Adult/D.W.: Enter the start date and end date of the Adult/D.W. funds grant period.

   Grant Period – Youth: Enter the start date and end date of the Youth funds grant period, as shown on the WIOA-59 section E.

   LWDA Identifying Grant Numbering Methodology

   LWDA programs have four separate fund categories; Governor's Set Aside, Adult, Youth,

3. **Program** :

a. **Catalog of Federal Domestic Assistance (CFDA) Number:** This information is provided by WDD. No LWDA entry is necessary.

b. **Allocation Year**: Provide the allocation year for the effected funds.

c. **Fund Allocation/Grant Amount:** By column, enter the amount of any Governor's Set Aside funds awarded the LWDA, and the amounts of Adult, Youth, and Dislocated Worker funds granted the LWDA. Amounts entered should incorporate any additional (or reductions in) funds due to reallocations, rescissions, etc. Additional detail regarding the break down of LWDA allocation amounts is found on the WIOA-55 Notice of Governor's Action accompanying the completed Grant Agreement Package.

d. **Total LWDA Funds:** This information is calculated based on the data provided in section 3c.

4. **Cost Category/ Budget**: Enter the total amount of grant funds budgeted for expenditure by cost category.

a. **Administration Funds:** Enter, by column, the amount of any LWDA Governor's Set Aside, Adult, Youth, and Dislocated Worker funds reserved for administration. Enter the total of LWDA funds available for program administration expenditures. Include any additions to (or reductions in) Administration funds due to reallocations. Not more than 10 percent of Adult, Youth, and Dislocated Worker grant funds may be budgeted/expended for purposes of administration.

b. **Program Funds:** Enter, by column, the amount of any LWDA Governor's Set Aside, Adult, Youth, and Dislocated Worker, and the total of LWDA funds which may be expended for program costs. Include any additions to (or reductions in) program funds due to reallocations.

c. **Program Fund Transfers:** By column, enter any amount of LWDA Adult Program Funds the LWDA seeks to transfer to its Dislocated Worker program and/or the amount of any LWDA Dislocated Worker Program Funds the LWDA seeks to transfer to its Adult program. Beginning with Program Year 2015 / Fiscal Year 2016, up to 100 percent of the WIOA formula allocated Adult funds and/or Dislocated Worker funds may be transferred between the two programs with Governor's approval.

d. **Adjusted Program Funds:** Enter, by column, the amount of available LWDA Adult and Dislocated Worker funds, and the total of LWDA funds, adjusted for any above-indicated Adult-Dislocated Worker Program Funds transfer activity.

e. **Total Funds:** By column, enter the LWDA's available Administration and Program Governor's Set Aside, Adult, Youth, and Dislocated Worker, and Total funds. Entries on this line must agree with corresponding entries on line 3.c.

WORKFORCE DEVELOPMENT DIVISION
Alabama Department of Commerce
NOTICE OF GOVERNOR'S ACTION FOR LWDA PLANS

1. Local Workforce Development Area Grantee:

Name: _____

Address: _____

_____

City: _____ **State:** _____ **Zip:** _____

2. Grant Plan No.: _____

Directive No.:

Grant Periods	
Adult	
Youth	
Dislocated Worker	

3. Effective Date: _____

4. Summary:

5. Explanation of Funding:

Source:	Rapid Response		Adult		Youth		Dislocated Worker		Total
	PY	FY	PY	FY	PY	FY	PY	FY	
Allocation	-	-	-	-	-	-	-	-	-
Transfer	-	-	-	-	-	-	-	-	-
Adjusted Allocation with Rescission	-	-	-	-	-	-	-	-	-
Adjusted Transfer	-	-	-	-	-	-	-	-	-
Incentives	-	-	-	-	-	-	-	-	-
WIOA Transition	-	-	-	-	-	-	-	-	-
Total Funds Available:	-	-	-	-	-	-	-	-	-

6. Staff Review:

Staff _____ Date _____

Philip Fetzer, Section Supervisor, FS WDD _____ Date

7. Division Approval:

Bill Hornsby, Supervisor, State Programs _____ Date

Steve Walkley, Division Director, WDD _____ Date

8. Department Approval:

Greg Canfield, Secretary, Commerce _____ Date

Note: This document is completed by the State WIOA Office as part of the review and approval process.

NOTICE OF GOVERNOR'S ACTION
LWDA PLANS
WIOA 55

The Notice of Governor Action (NGA) is a LWDA plan approval document. The NGA will be attached to all approved LWDA plans, including the original Four (4)-Year Plan Grant Agreement Package, and each subsequent Plan Modification.

The NGA will be prepared by WDD staff. No LWIA staff action is required.

NGAs will feature details regarding the break down of LWDA available funds beyond that provided by the WIOA - 60 Grantee Budget Summary. This detail will include allocations, rescisions, incentive awards, fund reallocations, and Adult - Dislocated Worker funds transfers.

NGAs will provide an overview of total available PY funds. These documents should prove useful to State and local area staff for fund tracking and identification purposes.

Note: The WIOA-55 is completed by the State WIOA Office as part of the review and approval process.

Local Area Plan Instructions
Four-Year Plan

I. Local Area Governance

a. Provide the most current organizational chart depicting the relationship of the agencies comprising the workforce system, including education, economic development, and the one-stop delivery system partners.

b. Identify the entity responsible for the disbursal of grant funds, as determined by the chief elected official or the Governor (20 CFR 679.560(b)(14)). Identify by name, function, and organizational affiliation of the local area:

   i. Signatory Official

   ii. Grant Recipient

   iii. Chief Elected Official

   iv. Workforce Development Board Chair

   v. Chief Fiscal Officer

   vi. One-Stop Delivery System Area Managers

II. Local Workforce Development Board

a. Provide a current listing of Local Board membership, including the category of representation as outlined in WIOA sec. 107(b)(2). The board must include:

   i. Business Representatives – majority of members

   ii. Workforce Representatives – at least twenty percent, and must include:

   Representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representative of employees

   A representative of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program, if such a program exists

   iii. Education and Training Activities Representatives

   iv. Governmental & Economic and Community Development Representatives.

b. If the local board has not been formed at the time of plan submission, or it needs membership changes to be in compliance, include a timeframe to become compliant and the process that will be used to meet the requirements for local boards included in WIOA sec. 107. This process must include notifying the State of the formation of or any changes to the board and providing a list following the guidelines in Section II.a. above.

III. Career Centers

a. List the Comprehensive Career Centers and the Satellite Career Centers operating within the local area.

   i. Identify which partners are represented in the Career Center; and

   ii. Provide the name, title, telephone number, and email address of principle Career Center contacts.

Note: The State Board will develop and review current statewide policies affecting the coordinated provision of services through the State's one-stop delivery system in accordance with WIOA Section 101(d)(6). When these policies are finalized, local areas will be provided with the policies, and, if necessary, a modification to the local plans will be requested to incorporate any needed changes.

IV. Analysis of Local Area Conditions and Needs

a. Provide analysis of local area economic conditions including existing and emerging in-demand industry sectors and occupations (20 CFR 679.560(a)(1)(i)). Existing current analysis may be used if available and appropriate (20 CFR 679.560(a)(1)(iii)).

b. Provide analysis of local area employment needs of employers in existing and emerging in-demand industry sectors and occupations (20 CFR 679.560(a)(1)(ii)). Existing current analysis may be used if available and appropriate (20 CFR 679.560(a)(1)(iii)).

c. What knowledge and skills are needed to meet the employment needs of the employers in the local area, including employment needs in in-demand industry sectors and occupations (20 CFR 679.560(a)(2))?

d. Provide analysis of the local area's workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment 20 CFR 679.560(a)(3)).

e. Provide analysis of the local area's current workforce development activities, including education and training. This analysis must include the strengths and weaknesses of workforce development activities and capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment, and the employment needs of employers (20 CFR 679.560(a)(4)).

V. Vision

a. What is the local board's strategic vision to support the area's economic growth and economic self-sufficiency? This vision should be supported by analysis of the local area (Section I) and align with Alabama's Combined State Plan (20 CFR 679.560(a)(5)).

b. Identify the local area's goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment)(20 CFR 679.560(a)(5)).

VI. Local Area Strategy

a. Based on the analysis in Section IV, what is the local area's overall strategy to work with the entities that carry out the core programs and required partners to align resources available to the local area, to achieve the strategic vision and goals described in Section II (20 CFR 679.560(a)(6))?

b. What programs are included in the local area's workforce development system (20 CFR 679.560(b)(1)(i))? Provide a listing and brief description of each program.

c. How will the local board support the strategies identified in Alabama's Combined State Plan and work with the entities carrying out core programs and other workforce development programs, including programs of study authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 *et seq.*) to support service alignment (20 CFR 679.560(b)(1)(ii))? Provide information concerning how the local board will work with entities carrying out core programs to:

   i. Expand access to employment, training, education, and supportive services for eligible individuals, particularly those with barriers to employment (20 CFR 679.560(b)(2)(i));

   ii. Facilitate the development of career pathways and co-enrollment, as appropriate, in core programs (20 CFR 679.560(b)(2)(ii)); and

   iii. Improve access to activities leading to a recognized post-secondary credential (including a credential that is an industry-recognized certificate or certification, portable, and stackable) (20 CFR 679.560(b)(2)(iii)).

d. What strategies and services will the local area use to:

   i. Facilitate engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations (20 CFR 679.560(b)(3)(i));

   ii. Support a local workforce development system that meets the needs of businesses in the local area (20 CFR 679.560(b)(3)(ii));

   iii. Better coordinate workforce development programs and economic development (20 CFR 679.560(b)(3)(iii));

   iv. Strengthen linkages between the one-stop delivery system and unemployment insurance programs (20 CFR 679.560(b)(3)(iv)); and

   v. Implement initiatives such as incumbent worker training programs, on-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of local area employers. Any of the above initiatives the local area chooses to implement should be in support of the other strategies to serve employers outlined above in Section III.d. (20 CFR 679.560(b)(3)(v)).

e. How will the local board coordinate local workforce investment activities with regional economic development activities carried out in the local area (20 CFR 679.560(b)(4))?

f. How will the local board promote entrepreneurial skills training and microenterprise services (20 CFR 679.560(b)(4))?

g. Provide a description of the one-stop delivery system in the local area, including:

   i. How the local board will ensure the continuous improvement of eligible providers of services through the system and that such providers will meet the employment needs of local employers, workers, and jobseekers (20 CFR 679.560(b)(5)(i));

   ii. How the local board will facilitate access to services provided through the one-stop delivery system, including in remote areas, through the use of technology and other means (20 CFR 679.560(b)(5)(ii));

iii. How entities within the one-stop delivery system, including career center operators and the career center partners, will comply with WIOA sec. 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities (20 CFR 679.560(b)(5)(iii)); and

iv. What the roles and resource contributions of each career center partner (20 CFR 679.560(b)(5)(iv))?

h. Provide a description and assessment of the type and availability of adult and dislocated worker employment and training activities in the local area (20 CFR 679.560(b)(6)).

i. Provide a description of how the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities (20 CFR 679.560(b)(7)).

j. Provide a description and assessment of the type and availability of youth workforce investment activities in the local area including activities for youth who are individuals with disabilities, which must include an identification of successful models of such activities (20 CFR 679.560(b)(8)).

k. How will the local board coordinate relevant secondary and post-secondary education programs and activities with education and workforce investment activities to coordinate strategies, enhance services, and avoid duplication of services (20 CFR 679.560(b)(9))?

l. How will the local board coordinate WIOA Title I workforce investment activities (adult, dislocated worker, and youth programs) with the provision of transportation and other appropriate services in the local area (20 CFR 679.560(b)(10))?

m. Provide plans and strategies for maximizing coordination, improving service delivery, and avoiding duplication of Wagner-Peyser Act services and other services provided through the one-stop delivery system (20 CFR 679.560(b)(11)).

n. How will the local board coordinate WIOA Title I workforce investment activities (adult, dislocated worker and youth programs) with adult education and literacy activities under WIOA Title II? This description must include how the local board will carry out the review of local applications submitted under Title II consistent with WIOA Secs. 107(d)(11)(A) and (B)(i) and WIOA Sec. 232, for example, promoting concurrent enrollment in programs and activities, as appropriate (20 CFR 679.560(b)(12)).

o. **Attach current copies of Memorandums of Understanding** or other executed cooperative agreements which define how all local service providers, including additional providers, will carry out the requirements for integration of and access to the entire set of services available in the local one-stop delivery system (20 CFR 679.560(b)(13)).

p. Provide a statement indicating that the local area will negotiate local levels of performance consistent with WIOA sec. 166(c) with the Workforce Development Division (WDD) and that these performance levels will be included in each year's Grant Agreement. These levels will be negotiated when the U.S. Department of Labor and other applicable federal agencies finalize performance levels for the State (20 CFR 679.560(b)(16)).

q. What actions will the local board take toward becoming or remaining a high-performing board, consistent with the factors developed by the State Board (20 CFR 679.560(b)(17))?

r. How will individual training accounts be used to provide training services to adults and dislocated workers? Will contracts for training services be used? If training contracts for services are used, how will this be coordinated with the use of individuals training accounts? How will the local board ensure informed customer choice in the selection of training programs regardless of how the training services are to be provided (20 CFR 679.560(b)(18))?

s. Describe the one-stop delivery system's current intake and case management information system(s). Are all WIOA and career center partners using the same system? How do WIOA and career center partners plan to implement and transition to an integrated, technology-enabled intake and case management information system (20 CFR 679.560(b)(20))?

t. What policies does the local board have in place for the local one-stop delivery system that ensure priority for adult career and training services will be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (20 CFR 679.560(b)(21))?

u. How will the local area, and in particular the career centers, comply with the Jobs for Veterans Act requirements?

VII. Service Provider Selection Policies

a. Provide a description of the competitive process that will be used to award any subgrants and contracts for WIOA Title I activities (20 CFR 679.560(b)(15)).

b. Identify local board criteria for awarding grants for youth activities.

c. How will the local area determine service provider suitability for inclusion on the Eligible Training Providers List?

d. How will the local area secure the required performance information from service providers?

VIII. Monitoring & Oversight Policy

a. Provide a copy of the local area's monitoring and oversight policies and procedures.

IX. Grievance Procedures and Policies

a. Provide a copy of the local area's Grievance Procedures and Policies.

X. Comment Period

a. What process will the local board use to provide a public comment period no longer than thirty days prior to submission of the plan? How will the local board ensure that the public, particularly representatives of businesses, education, and labor organizations, have an opportunity to have input into the development of the plan (20 CFR 679.550(b), 679.560(b)(19))?

XI. Assurances

a. Provide a copy of the Assurances (Attachment A) signed by the Chief Local Elected Official and the Chair of the Local Workforce Development Board.

Attachment:

A. Assurances

Note: References to the WIOA's Implementing Regulations will be reviewed upon final issuance of the WIOA's Implementing Regulations in mid calendar year 2016. If any revisions to references are required, a change to this policy will be issued by the Workforce Development Division.

Alabama Department of Commerce
Workforce Innovation and Opportunity Act (WIOA)
Assurances

1. Applicable Authority:

Funds provided under this agreement must be expended in accordance with all applicable federal statutes, regulations and guidance, including those of the Workforce Innovation and Opportunity Act as presently in effect and as may become effective during the terms of this Agreement.

2. Administration Limitation:

Local areas are limited to spending no more than 10 percent of their annual allocation on administrative costs. Flexibility is provided to States and local areas in the statute by allowing administrative funds from the three formula funding streams awarded under subtitle B to be pooled and used together for administrative costs for any of the three programs, at the State and locals' discretion.

3. 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.

4. 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 the Uniform Guidance. 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.

5. 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.

6. 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/attach/TEGL/TEGL11-10acc.pdf.

7. Personally Identifiable Information:

Recipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Recipients must meet the requirements in Training and Employment Guidance Letter (TEGL 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII)), (located at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872).

8. Violation of the Privacy Act:

These funds cannot be used in contravention of the 5 USC 552a or regulations implementing that section.

9. Executive Orders:

12928:

Pursuant to Executive Order **12928**, the recipient is strongly encouraged to provide subcontracting / subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

13043:

Pursuant to Executive Order **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.

13513:

Pursuant to Executive Order **13513,** 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.

13166:

Pursuant to Executive Order **13166**, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure the LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Pages 32289-32305.

Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, to http://www.lep.gov.

13333:

Pursuant to Executive Order **13333,** This agreement may be terminated without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor engages in "(i) severe forms of trafficking in persons; (ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect; (iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; (22 U.S.C. § 7104(g)) or (iv) acts that directly support or advance trafficking in persons."

10. 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 Innovation and Opportunity Act should be American made. See WIOA Section 502 – Buy American Requirements. (Sections 8301 of Title 41, United States Code)

11. Special Requirement for Conferences and Conference Space:

Conferences sponsored in whole or in part by the recipient of Federal awards are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and judgement to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and allowability of costs associated with conferences, refer to 2 CFR 200.432.

12. Health Benefit Coverage:

The recipient must ensure that the use of these funds for health benefits coverage complies with *506 and 507 of Division G of Public Law 113-235, the Consolidated and Further Continuing Appropriations Act, 2015.*

13. Flood Insurance:

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*, provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

14. Architectural Barriers:

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 *et seq.*, as amended, the Federal Property Management Regulations (see 41 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

15. Drug-Free Workplace:

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 *et seq.*, and 2 CFR 182 require that all organizations receiving grants from any Federal agency maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.

16. Hotel-Motel Fire Safety:

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at http://www.usfa.dhs.gov/applications/hotel to see if a property is in compliance, or to find other information about the Act.

17. Prohibition on Contracting with Corporations with Felony Criminal Convictions:

The recipient is prohibited from entering into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

18. Prohibition on Contracting with Inverted Domestic Corporations:

No funds made available under a Federal Act may be used for any contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity. Waivers to this regulation may be granted by the Secretary of Labor if the Secretary determines that the waiver is required in the interest of national security.

19. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities:

The recipient may not enter a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

20. Prohibition of Providing Federal Funds to ACORN:

These funds may not be provided to the Association of Community Organizations for Reform now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

21. Profit:

Pursuant to 2 CFR 200.400(g), non-Federal entities may not earn or keep any profit resulting from Federal financial assistance, except as authorized by WIOA Section 121(d) for One-Stop operators (American Job Centers) or service providers which are for-profit entities.

22. Contracts:

LWDBs must ensure that these requirements as well as any state and local requirements are included in all contracts with WIOA Grant funds.

(A) Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60–1.3 must include the equal opportunity clause provided under 41 CFR 60–1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964–1965 Comp., p. 39), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141–3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701–3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required

to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of $100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(K) § 200.322 Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

Signed:

Chief Local Elected Official	**Date**
Chair, Local Workforce Development Board	**Date**