

**CORPORATION  
FOR BUSINESS,  
WORK, AND LEARNING**

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**Policy: 00-13**

**Date: April 13, 2000**

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**To:** Chief Elected Officials  
Regional Employment Board Chairs  
Regional Employment Board Directors

**cc:** Career Center Directors  
DET Regional Directors  
DET Area Directors  
Service Delivery Area Directors or Designee  
WIA State Partners  
(Distributions attached)

**From:** Jonathan Raymond, President 

**Subject:** CBWL MOU Instructions

**Purpose:** To distribute the document *Scope of Services Instructions for Local Partner MOUs* to guide LWIBs in the preparation of the memorandum of understanding for programs administered by CBWL. The Scope of Services document was initially distributed at the Local Planning Conference on March 22.

**Policy:** LWIBs and CEOs must submit a Five-Year Local Plan on June 1, 2000 that includes an MOU(s) negotiated with a Local Partner(s) regarding programs for which CBWL is the funding agency:

**References:** Workforce Investment Act of 1998, Public law 105-220  
Workforce Investment Act Interim Final Rule (20 CFR 652 et al)  
WIA Communication No. 00-04: Memorandum of Understanding  
WIA Communication No. 00-12: Local Planning Instructions

**Inquiries:** Questions should be directed to Linda Rohrer at (617) 727-8158, ext. 1341.

**Filing:** Please file this in your notebook of previously issued CBWL Policies.

**WIA FY 2001  
Corporation for Business, Work, and Learning**

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for Local Partner MOU**

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**WIA FY 2001**  
**Corporation for Business, Work, and Learning**

**Scope of Services Instructions**  
**for Local Partner MOU(s)**

**INTRODUCTION**

Programs included here:

- Title I Youth Activities
- Title I Adults & Dislocated Workers Employment and Training Services
- Welfare to Work Activities
- Trade Adjustment Assistance Assurances

The LWIB may elect to address each of these programs in a separate MOU, or may elect to address them in one or more MOUs. If more than one MOU will be used, each MOU must include all of the required MOU sections. Instructions for the other required sections of the MOU can be found in WIA Communication No. 00-04 (February 14, 2000). The completed MOU(s) must be submitted by the LWIB with the Five-Year Local Plan, due on June 1, 2000.

**Title I - YOUTH**

This document provides planning questions that must be answered by the LWIB in the Scope of Services section of the Memorandum of Understanding regarding the delivery of Title I services for youth under the Workforce Investment Act.

**Title I – ADULTS and DISLOCATED WORKERS**

This document provides planning forms and planning questions that must be answered by the LWIB in the Scope of Services section of the Memorandum of Understanding regarding the delivery of Title I services for adults and dislocated workers under WIA.

**WELFARE-to-WORK**

This document provides questions that must be answered by the LWIB in the Scope of Services section of the Memorandum of Understanding regarding the delivery of Welfare-to-Work services in the one-stop career center system.

Regional Employment Boards previously have submitted and received approval for Welfare to Work plans for the period ending September 23, 2002. It is not necessary to attach a copy of that plan to the MOU. Instead, the enclosed Welfare-to-Work Assurances (which incorporate the plan by reference) must be submitted as part of the MOU Scope of Services section.

**Trade Program Assurances**

Trade Program funds are administered by CBWL for statewide Trade eligible clients. The only locally disbursed funds are issued directly to Trade eligible clients to pay training and training related costs. The Trade Program staff at CBWL provides training, support and policy guidance to local career center staff regarding Trade eligible clients. The enclosed Trade Program questions and Assurances must be submitted with the MOU Scope of Services section.

## **PLANNING QUESTIONS for TITLE I YOUTH ACTIVITIES**

[Please note: Information related to performance measurement for youth programs is included in *Section E – Title I Program Summary, Performance Goals and Budget Summary*, below]

### **A. Youth Services**

1. Describe your service delivery design for each of the following youth activities:
  - eligibility determination – 20 CFR § 664.200;
  - objective assessment – WIA § 129(c)(1)(A); and
  - development of an individual service strategy – WIA § 129(c)(1)(B).
2. Describe your local service design and discuss how you will provide eligible youth with access to each of the ten program elements described in WIA § 129(c), including follow-up services.
3. Describe your strategy to serve youth that have significant barriers to employment. These include youth with substantial language or cultural barriers, who have been adjudicated as offenders, or are homeless.
4. How will your youth program and its activities be connected to the One Stop delivery system? Describe which services, if any, will be provided through the One-Stop Career Center.
5. Describe how your service delivery design will assure that Title I Youth Activities are provided not as a stand alone activity, but as part of an array of youth development services available in the local area including, for example, local education providers, health and human services providers, Job Corps, CBOs, foster care, and juvenile justice programs. In addition, please describe how you will use:
  - referrals and coordination with appropriate service, training and education programs that have the capacity to serve Title I youth either on a sequential or concurrent basis to Title I youth activities;
  - referrals and coordination with appropriate service, training and education programs that have the capacity to serve youth who are not eligible for, or otherwise cannot be served in, Title I youth activities.
6. Since stand-alone summer employment is no longer permissible under WIA, local areas must pay careful attention to how summer employment opportunities will be connected to year round services. With respect to your plans for summer activities, discuss:
  - your process for selecting service providers for summer employment;
  - how summer employment will be linked to academic and occupational learning;
  - how summer employment will be integrated into a comprehensive year-round strategy in which youth have access to all ten required WIA program elements;
  - how you will provide a minimum of twelve months follow-up services.

## **B. Enrollment and Eligibility**

1. If the local board has adopted youth eligibility definitions or other youth eligibility policies beyond those found in the Title I Eligibility Policy, please describe those here.
2. Up to five percent of youth participants served by youth programs in a local area may be individuals who do not meet the income criteria for eligible youth, provided that they fall within one or more of the categories as described in WIA § 129(c)(5). Describe whether and how your local area will use this 5% window.
3. The Workforce Investment Act requires that at least thirty percent (30%) of Title I youth funds shall be used to provide activities to out-of-school youth. Describe your plan to meet this requirement.
4. The Workforce Investment Act provides that eligible individuals, ages 18 through 21, may participate in Title I adult and youth programs concurrently. Local program operators may determine, for individuals in this age group, the appropriate level and balance of youth and/or adult services. Please describe how you will provide for concurrent enrollment in youth and adult services; including how the concurrent funding streams will be tracked; and how you will ensure that services are not duplicated.

## **C. Youth Service Providers**

1. Describe the competitive process and criteria to be used to award grants and contracts for services carried out under Title I youth.
2. Describe the process and criteria your Youth Council will use to identify effective and ineffective youth services and providers of such activities.
3. Describe your plan to provide continuous performance review and evaluation, technical assistance and monitoring to ensure that local programs comply with federal, state and local requirements for youth activities under WIA.

## **PLANNING QUESTIONS for TITLE I ADULTS and DISLOCATED WORKERS**

### **A. Core, Intensive and Training Services**

1. Employers and jobseekers age 18 years and older will have universal access to basic/core services of the OSCC. Please describe how Title I staff will be involved in the provision of basic/core services for individuals. List the basic/core services that will be provided and the level of Title I staff involvement in delivering the services.
2. Since resources are limited, universal access does not mean unlimited access to any and all services. Describe how resource allocations to core, intensive or training services -including the timing of their delivery- have been made consistent with the needs of customers and with the state's commitment to the quality of performance outcomes and not simply the quantity of services delivered.
3. What measures will be used to assure that universal access individuals who need or wish to pursue additional Title I services are identified and referred for Title I eligibility determination and registration?
4. Describe, if different from the basic/core services listed above, the additional Title I core services that will be provided to individuals who have been referred for Title I eligibility determination and registration. Please describe the additional core services and level of staff involvement in delivering the services.
5. Describe the procedures to identify the skill levels and service needs of adult and dislocated workers in order to access intensive services. Please describe the intensive services and level of staff involvement in delivering the services.
6. Describe the procedures to identify the skill levels and service needs of adult and dislocated workers in order to access training services. Describe methods for identifying skilled, labor-shortage occupations in growth industries and how Title I resources, in partnership with other programs, will increase the supply of trained workers.
7. Describe the criteria that you will use to determine whether funds allocated to the local area for adult intensive and training services are limited, and the process by which any priority for services will be applied. For additional guidance see the Title I Eligibility Policy issued by CBWL.
8. Describe how the services to be provided are appropriate to the demographics of the area labor force. Please describe strategies to serve special populations that may include displaced homemakers, low-income individuals, recipients of public assistance, older individuals, limited English speakers, applicants with basic skills deficiencies, veterans, etc.

## **B. Individual Training Accounts**

Provide a comprehensive description of the Individual Training Account (ITA) system in your workforce investment area, including the following:

1. Describe the criteria and process whereby a customer will be determined to be eligible to obtain an ITA for training services.
  - a) Clearly articulate the eligibility criteria.
  - b) Describe the role of the case manager in this process.
2. Describe the range of assessment services that will be available to enable customers to:
  - a) Determine that with their current set of skills they are unable to obtain or retain employment that leads to self-sufficiency.
  - b) Choose the appropriate program of training based upon their previous experience, educational skill levels, aptitudes, and interests and self-sufficiency needs.

In the responses to (a) and (b) above, reference particular tools and instruments that will be used during the assessment process. Describe career center staff capability and credentials to administer these tools and instruments.

3. Describe the process for assuring that customers have the information they need to make informed choices regarding training decisions. At a minimum:
  - a) Explain how informed customer choice will be maximized.
  - b) Detail the role of the case manager.
  - c) Describe labor market and occupational information resources available to customers.
  - d) Explain how the State List of Eligible Training Providers will be made available to customers and utilized.
4. Provide an overview description of the types of training services that will be provided through use of ITAs. Provide an explanation of how this determination was made.
5. How will the service content of an individual customer's ITA be determined?
6. Describe the local board's policy related to ITA limitations.
  - a) Will there be an ITA dollar value limitation per customer? If yes, what factors were considered in establishing the dollar value limitation?
  - b) Has the local board established ITA dollar value ranges? If yes, describe the ranges and explain the rationale for developing the scheme of ranges.
  - c) Has the local board established minimum and/or maximum levels for duration or intensity of training? If yes, what factors influenced the determination of these levels?
  - d) How will the dollar value of an individual customer's ITA be determined?
7. Describe procedures in place at the career center to ensure that customers access Pell Grants and other forms of grant assistance, including Trade, prior to the expenditure of WIA Title I funds for training.

8. Describe the method by which funds for training will be transferred to the provider on the customer's behalf. How does this methodology achieve administrative efficiency to ensure prompt customer access to training?
9. Describe the tuition refund policy.
10. Describe the coordination between the Title I adult and dislocated worker training activities and the Massachusetts unemployment insurance system to assist participants to attend training programs while receiving benefits, including Unemployment Insurance, Section 30, and Trade.

### **C. Support Services And Needs Related Payments**

1. Support services may be provided to adults and dislocated workers in core, intensive and training services. Will support services be provided? If yes, briefly describe the support services to be provided, and the circumstances under which they will be provided.
2. Needs related payments may be provided to adults and dislocated workers who are unemployed, who do not qualify for unemployment compensation, and who are enrolled in training services. Will needs related payments be provided? If yes, briefly describe the needs related payments to be provided, and the circumstances under which they will be provided.

### **D. Procurement and Individual Training Accounts**

1. Describe the competitive process to be used to award grants and contracts for activities carried out under Title I for adults and dislocated workers, including the Individual Training Account process. Please specify the means that will be used to contract with providers, such as vouchers.
2. It is the intention of the Commonwealth of Massachusetts that the majority of training services will be provided through the customer-driven, market-based ITA system. For exceptional circumstances, though, WIA has made provision for training services to be provided outside of the ITA system at WIA section 134 (d)(4)(G)(ii). The four types of exceptional circumstances are shown below. Does your area intend to provide training services within the exclusions to the ITA system listed below?
  - a) On-the-job Training? If yes, please describe.
  - b) Customized Training? If yes, please describe.
  - c) Group Contracts Exception? Programs may be procured by group contract if the local board has determined that there are an insufficient number of eligible providers of training services in the local area to accomplish the purpose of a system of individual training accounts. Do you intend to use this exception? If yes, please list the training program(s) and the provider(s).

- d) Special Populations Exception? Programs may be procured for a special population if the local board has determined that there is a training services program of demonstrated effectiveness offered in the local area by a community based organization or another private organization to serve special participant populations that face multiple barriers to employment. Do you intend to use this exception? If yes, please respond to the following:
- i Identify the “special population” to be served by this training program. Provide a description of the characteristics of and barriers to employment faced by this population.
  - ii List and describe the criteria used by the local workforce investment board to determine demonstrated effectiveness. Criteria may include, but are not limited to:
    - A. Financial stability of the organization
    - B. Measures appropriate to the program including program completion rate; attainment of skills, certificates or degrees the program is designed to provide; placement after training in unsubsidized employment, and retention in employment
    - C. The relevance of the specific program to the workforce investment needs of the local area

#### **E. Title I Program Summary, Performance Goals and Budget Summary**

1. Complete the attached form, *Title I Program Summary*, indicating planning estimates for the number of individuals to participate in Title I. (Youth, Adults, and Dislocated Workers)
2. Describe the performance goals established by the WIB for each of the seventeen Title I core performance measures. Specify the benchmark level for each measure for the first three years of the plan on the attached form: *Title I Performance Goals*. If the proposed local goals differ from the state level, describe the basis of the proposed adjustments consistent with the state’s WIA Performance Measures in terms of local economic factors, anticipated participant characteristics, and service mix strategies.
3. Describe the relationship between the Title I performance goals and the overall performance goals of your local Workforce Investment system and One-Stop Career Centers. Describe any additional quantitative or qualitative goals established by the WIB, including any plans to establish performance criteria beyond the core measures for the evaluation of the effectiveness of eligible providers of training and youth services.
4. Complete the attached form, *Title I Budget Summary*.

**TITLE I PERFORMANCE GOALS  
FOR ADULTS, DISLOCATED WORKERS, AND YOUTH**

**WORKFORCE INVESTMENT BOARD**

<b>CORE PERFORMANCE MEASURES</b>	<b>STATE LEVELS</b>	<b>LOCAL WIB GOALS</b>
<b>ADULT (18+) MEASURES</b>		
1. Entered Employment Rate	71%	
2. Employment Retention Rate	80%	
3. Earnings Gain (Post-Pgm/Pre-Pgm)	\$3,700	
4. Employment and Credential Rate	60%	
<b>DISLOCATED WORKER MEASURES</b>		
5. Entered Employment Rate	77%	
6. Employment Retention Rate	87%	
7. Earnings Replacement Rate (Post-Pgm/Pre-Pgm)	92%	
8. Employment and Credential Rate	60%	
<b>OLDER YOUTH (19-21) MEASURES</b>		
9. Entered Employment Rate	63%	
10. Employment Retention Rate	77%	
11. Earnings Gain (Post/Pre)	\$3,150	
12. Credential Rate	50%	
<b>YOUNGER YOUTH (14-18) MEASURES</b>		
13. Skill Attainment Rate	72%	
14. Diploma (or Equivalent) Attainment Rate	55%	
15. Employment or Education Retention Rate	54%	
<b>CUSTOMER SATISFACTION MEASURES</b>		
16. Participant ACSI Score	70	
17. Employer ACSI Score	70	
<b>LOCAL PERFORMANCE ADJUSTMENTS REQUESTED (YES/NO)</b>		

**TITLE I PROGRAM SUMMARY  
FOR ADULTS, DISLOCATED WORKERS, AND YOUTH**

**WORKFORCE INVESTMENT BOARD**

<b>ADULT (18+) PROGRAM</b>	<b>YEAR ONE FY'2001</b>
1. Participants	
a. Number of Participants in Training Activities	
2. Program Exiters [2.a + 2.b]	
a. Entered Employment	
1. Average Hourly Wage at Placement	
b. Other Exit Reason	
c. Obtained Credential (non-add)	
3. Carry-out to Year Two [1 – 2]	
<b>DISLOCATED WORKER</b>	<b>YEAR ONE FY'2001</b>
1. Participants	
a. Number of Participants in Training Activities	
2. Program Exiters [2.a + 2.b]	
a. Entered Employments	
1. Average Hourly Wage at Placement	
b. Other Exit Reason	
c. Obtained Credential (non-add)	
3. Carry-out to Year Two [1 – 2]	
<b>OLDER YOUTH (Age 19-21 at Registration)</b>	<b>YEAR ONE 4/00-6/01</b>
1. Participants	
a. Out-of-School Participants	
2. Program Exiters [2.a + 2.b + 2.c]	
a. Entered Employment (incl. Military and Apprenticeship)	
1. Average Hourly Wage at Placement	
b. Entered Post-Secondary Education or Advanced Training	
c. Other Exit Reason	
d. Obtained Credential (Non-add)	
3. Carry-out to Year Two [1 – 2]	
<b>YOUNGER YOUTH (Age 14-18 at Registration)</b>	<b>YEAR ONE 4/00-6/01</b>
1. Participants	
a. Out-of-School Participants	
2. Program Exiters [2.a + 2.b + 2.c+ 2.d]	
a. Entered Employment (incl. Military and Apprenticeship)	
b. Entered Post-Secondary Education or Advanced Training	
c. Attained High School Diploma or Equivalent	
d. Other Exit Reasons	
e. Attained One or More Skill Objectives (non-add)	
3. Carry-out to Year Two [1 – 2]	

**TITLE I BUDGET SUMMARY  
FOR ADULTS, DISLOCATED WORKERS, AND YOUTH**

**WORKFORCE INVESTMENT BOARD**

	<b>YEAR ONE FY'2001</b>
<b>ADULT (18+) PROGRAM</b>	
A. Total Funds Available	
1. New Obligational Authority	
2. Transfer Funds	
a. Dislocated Worker to Adult (+) (20% maximum)	
b. Adult to Dislocated Worker (-) (20% maximum)	
B. Total Planned Expenditures	
1. Administration [10% maximum]	
2. Program Expenditures	
C. Total Planned Carry-Out	
1. Obligated Carry-Out	
2. Unobligated Carry-out to Year Two (20% maximum)	
<b>DISLOCATED WORKER PROGRAM</b>	
A. Total Funds Available	
1. New Obligational Authority	
2. Transfer Funds	
a. Adult to Dislocated Worker (+) (20% maximum)	
b. Dislocated Worker to Adult (-) (20% maximum)	
B. Total Planned Expenditures	
1. Administration [10% maximum]	
2. Program Expenditures	
C. Total Planned Carry-Out	
1. Obligated Carry-Out	
2. Unobligated Carry-Out to Year Two (20% maximum)	
<b>YOUTH (14-21) PROGRAM</b>	
A. Total Funds Available – New Obligational Authority	
B. Total Planned Expenditures	
1. Administration [10% maximum]	
2. Program Expenditures	
a. Out-of-School Activities (30% minimum)	
b. Other (In-School) Activities	
C. Total Planned Carry-Out	
1. Obligated Carry-Out	
2. Unobligated Carry-Out to Year Two (20% maximum)	

## **TITLE I ASSURANCES**

### **COMPLIANCE**

The Applicant must comply with the Workforce Investment Act of 1998 as Amended and its implementing Regulations found at 20 CFR Part 652, et al. The Applicant must comply with policies issued by Department of Labor and Workforce Development (DLWD) and Corporation for Business, Work, and Learning (CBWL). The applicant must comply with other applicable Federal, State, County and local laws, statutes, and regulations.

### **USE OF FUNDS & AUDIT REQUIREMENTS**

Funds shall subject to WIA fiscal and administrative requirements. All Applicants must comply with applicable Federal Cost Principles, Federal Audit Requirements, and Office of Management and Budget (OMB) Regulations and Circulars, as applicable.

### **NONDISCRIMINATION EMPLOYMENT & EQUAL OPPORTUNITY**

As a condition to 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 1998 (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, Massachusetts, and CBWL have the right to seek judicial enforcement of this assurance.

## **TITLE I ASSURANCES - continued**

### **NONPARTICIPATION IN SECTARIAN ACTIVITIES**

WIA Title I funds may not be spent on the employment or training of participants in sectarian activities. Participants must not be employed under Title I of WIA to carry out the construction, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place of religious worship. However, WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.

### **POLITICAL ACTIVITIES, LOBBYING PROHIBITION**

The Applicant may not use any WIA Title I funds and none of the services to be provided by the Applicant may be used for any partisan or non-partisan political activity or to further the election or defeat of any candidate for public office. The Applicant will comply, where applicable, with the provisions of the Hatch Act, which limit the political activity of certain State and local government employees, along with contractors, subcontractors and participants funded through the use of WIA funds. The Applicant shall comply with 29 CFR 93 regarding the restrictions on lobbying and the Certification and Disclosure requirements pursuant to Section 319 of Public Law 101-12.

### **CERTIFICATION REGARDING DEBARMENT**

The Applicant certifies, that neither it nor its principals

- (a) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (b) Have within the 3 year period preceding this Application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property.
- (c) Are presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with the commission of any of the offenses enumerated in paragraph (b) above.
- (d) Have within the 3 year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.

## **TITLE I ASSURANCES - continued**

### **HEALTH AND SAFETY**

Appropriate standards for health and safety in work and training situations will be maintained. All training and/or instruction provided to participants under the WIA program will take place in an environment where appropriate standards for health, safety and comfort are maintained. Participants in on-the-job training operated with WIA funds as defined in 20 CFR Part 663.700, are subject to the same health and safety standards established under State and Federal law which are applicable to similarly employed employees, of the same employer, who are not participants in programs under WIA. Facilities will be adequately heated and ventilated; with adequate toilet, rest and lunch areas; easy access to potable water; and separate and clearly delineated non-smoking areas.

### **NEPOTISM**

No Applicant will hire a person in an On-The-Job Training position, administrative capacity or consultant position funded under WIA or WTW if the individual or a member of his/her immediate family is employed in the administrative capacity of DOL, DLWD, the Applicant or CBWL. The Applicant agrees to inform CBWL of any potential violation of the nepotism restriction.

### **UNIONIZATION AND ANTI-UNIONIZATION**

No WIA funds shall in any way be used to either promote or oppose unionization.

### **GRIEVANCE PROCEDURE POLICY**

Applicants must establish and maintain a procedure for grievances and complaints according to the requirements of 29 CFR 667.600.

### **30 DAY PUBLIC REVIEW AND COMMENT**

The Applicant agrees to comply with The Workforce Investment Act requirement found at Section 661.345 to provide at least a thirty (30) day period for comment, beginning on the date on which the proposed local plan is made available, prior to its submission to the Governor. Comments that express disagreement with the plan must be submitted with the plan.

### **RAPID RESPONSE MEMORANDUM OF AGREEMENT**

The Applicant agrees to coordinate local activities with the Statewide Rapid Response Unit in accordance with Rapid Response Policy to be issued by CBWL and to enter into a Memorandum of Agreement with the Statewide Rapid Response Unit regarding Rapid Response Procedures in the local area.

## **TITLE I ASSURANCES - continued**

### **FINANCIAL RECORDKEEPING, COST PRINCIPLES AND COST ALLOCATION**

The Applicant agrees to maintain all financial records, and to develop and follow cost allocation procedures that are in compliance with GAAP, Federal Cost Principles, all applicable OMB Circulars, and policies to be issued in the future by the Commonwealth. These include, but are not limited to, the following OMB Circulars:

- A-21, Cost Principles for Educational Institutions (10/27/98)
- A-87, Cost Principles for State and Local Governments (5/4/95, amended 8/29/97)
- A-122, Cost Principles for Non-Profit Organizations (5/19/98)
- A-102, Grants and Cooperative Agreements with State and Local Governments (10/7/94, amended 8/29/97)
- A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 9/30/99)
- A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97).

### **FUNDS OF LAST RESORT**

The Applicant shall take sufficient actions to assure that WIA programs will not be charged when other assistance is available. Applicant shall be responsible for ensuring the filing of applications for Pell Grant or Supplemental Education Opportunity Grant (SEOG) assistance or any other assistance available for each Participant enrolled in a Pell Grant or SEOG approved course. The Applicant shall reduce the amount due to the Applicant, or remit to the Career Center the portion of the Pell Grant to be applied to the cost of tuition, fees and books, if received after the termination of training. No compensation shall be earned or deemed payable for services provided to a WIA program participant to the extent that any such services are paid for, directly or indirectly, through a Pell Grant (or Supplemental Education Opportunity Grant (SEOG)) by Trade, or by any other source.

## **PLANNING QUESTIONS for WELFARE –to- WORK**

The Workforce Investment Act (WIA) and the Interim Final Rule § 663.620 identifies the local WtW program operator as a required partner in the One-Stop delivery system. The WtW program serves individuals who may also be served by the WIA program and through appropriate linkages and referrals, these customers will have access to a broader range of services through the cooperation of the WtW program in the One-Stop system. For example, WIA Title I participants, who are also determined WtW eligible, may be referred to the WtW operators for job placement, post-termination services and other WtW assistance.

The WtW program provides additional employment assistance to hard-to-employ Temporary Assistance for Needy Families (TANF) recipients and to certain non-custodial parents of minor children receiving TANF. These funds compliment existing TANF services and, via local coordination between the LWIBs, DTA offices and OSCCs, expand the involvement of the employment and training system in the movement of welfare recipients into jobs. WtW and TANF recipients will be ensured both access to information about employment opportunities and services as well as an improved quality of services by WtW's inclusion in this MOU.

The WtW program is currently overseen at the local level by each of the sixteen REBs. Each REB developed the policy, the WtW plan and budget and provides oversight of the administrative entity. The WtW plan for each of the sixteen REBs, which was developed in coordination with the local Lead Elected Official (LEO), local representatives of DTA and DET, the SDA administrative entity and other appropriate public and private sector stakeholders has been approved and funded until September 23, 2002.

**WtW Planning Questions** posed in this document pertain to the integration and coordination of WtW activities within the one-stop service delivery system; the questions do not duplicate questions addressed in the approved WtW Plan. The approved WtW Plan addresses local targeting strategies, activities to be conducted, project governance, and strategies to prevent duplication and to maximize utilization of services. It is not necessary to submit a copy of the REBs' approved plan; the approved plan will be considered to be included by reference with the submission of the **WtW Assurances** in the MOU.

1. Please describe how WtW services will be integrated or coordinated with the provision of basic/core services for individuals in the OSCCs. List the WtW basic/core services that will be provided through staff associated with the OSCCs.
2. What measures will be used to assure that TANF recipients and other individuals in WtW target groups who need or wish to pursue WtW services are identified and referred for WtW eligibility determination and registration?
3. Describe, if different from the basic/core services listed above, the additional WtW services that will be provided to WtW-eligible individuals in the OSCC. Please describe the additional core services and level of staff involvement in delivering the services.
4. Describe how services delivered at the OSCC will be coordinated with services to be delivered at other WtW program operators and vendors.

## **WELFARE –to- WORK ASSURANCES**

Pursuant to the requirement at Section 121 (c)(B) of the workforce Investment Act, this section delineates specific assurances with regard to the performance of workforce investment related activities provided in conjunction with the local Welfare-to-Work allocation. Many of the regulatory requirements are contained in the assurance section. These assurances will indicate an understanding on the parties of the intent to provide the services in accordance with programmatic requirements and regulations. Specifically, the LWIB:

1. Has sole authority, in coordination with CEOs, to expend formula funds (section 403 (a) (5) (A) (vii) (I) of the Act);
2. Has authority to determine the individuals to be served in the program (section 403 (a) (5) (A) (vii) (I) );
3. Has authority to determine the services provided in the program (section 403 (a) (5) (A) (vii) (I) );
4. Ensures that funds are expended on eligible recipients and on allowable activities, consistent with section 645.410 (a) (5) of this part;
5. Coordinates WtW fund expenditures with State TANF expenditures and other programs (section 403 (a) (5) (A) (ii) (dd);
6. Ensures that there is an assessment and an individual service strategy in place for each WtW participant, consistent with section 645.225 (a) and (b) of this part;
7. Conducts oversight and monitoring of subrecipients, consistent with the provisions at section 645.245 of this part;
8. Consults with and provides comments on private entity Competitive Grant Application(s) consistent with the provisions at section 645.500 (b) (1) (i) of this part;
9. Ensures the program will be conducted in accordance with the WtW legislation, regulatory provisions, future written guidance provided by the Department, and all other applicable Federal and State laws;
10. Will apply the TANF law and regulations to the operation of the WtW program, unless otherwise specified by the Department or defined in Section 403 (a) (5) or the applicable WtW regulations;
11. Will maintain and submit accurate and timely participant and financial records reports, as specified by the Corporation of Business, Work, and Learning;
12. Will assure that the local one-stop system will collect data on customer characteristics, service/activity participation, and outcomes consistent with the requirements of the Massachusetts One Stop Employment System (MOSES) so as to ensure integrity of all federal and state reporting requirements;
13. Will comply with the uniform fiscal and administrative requirements of OMB Circular A-102 as codified for DOL at CFR Part 97;
14. Will follow the audit requirements of the Single Audit Act of 1984 and OMB Circular A-133;
15. Will follow the allowable cost/cost principles of OMB Circular A-87;
16. Ensures worker protection provisions and grievance process are observed, consistent with State guidelines (section 403 (a) (5) (J);

## **WELFARE –to- WORK ASSURANCES - continued**

17. Will establish policies to enforce the provisions regarding nondisplacement in work activities under a program operated with funds provided under WtW (section 403 (a) (5) (J) (i);
18. Assures that the Health and Safety standards established under Federal and State law otherwise applicable to working conditions of employees shall be equally applicable to working conditions of other participants engaged in a work activity under a program operated with funds provided under WtW (section 403 (a) (5) (J) (ii);
19. Will enforce the provision that an individual may not be discriminated against by reason of gender with respect to participation in work activities under a program operated with funds under WtW (section 403 (a) (5) (J) (iii);
20. Shall establish and maintain procedures for grievances or complaints from participants and employees under the WtW program (section 403 (a) (5) (J) (iv);
21. Shall establish and enforce standards and procedures to ensure against fraud and abuse, including standards and procedures against nepotism, conflicts of interest among individuals responsible for the administration and supervision of the WtW program, kickbacks, and the use of political patronage;
22. Will comply with the nondiscrimination provisions of the laws enumerated at Section 408 (d) with respect to participation in work activities engaged in under the WtW program;
23. Will ensure that WtW funds will not be spent on the employment or training of participants in Sectarian activities;
24. Will comply, when applicable, with the provisions of the Hatch Act, which limits the political activity of certain State and local government employees, along with contractors, subcontractors and participants funded through the use of WtW funds;
25. Will comply with 29 CFR 93 regarding the restrictions on lobbying and the Certification and Disclosure requirements pursuant to Section 319 of Public Law 101-12;
26. Will comply with the procedures with the Certification Regarding Debarment;
27. Will ensure no WtW funds shall in any way be used to either promote or oppose unionization.

### **EFFECTIVE DATE:**

This agreement shall be fully executed and effective on July 1<sup>st</sup>, 2000 and expire on September 23, 2002. The Agreement may be amended or modified if agreed to by all parties.

## **TRADE PROGRAM**

The Trade Act of 1974 provides funding for dislocated workers whose company has been certified by the U.S. Department of Labor as adversely impacted by foreign trade. Workers who have been dislocated from Trade certified companies must be provided with universal access to basic/core re-employment services under the Workforce Investment Act. Trade eligible workers may receive additional core and intensive services through Wagner-Peyser or Title I Dislocated Worker programs.

The Trade Program provides funding for Training, Travel, Job Search and Relocation activities for Trade eligible workers. In order to receive these training benefits, Trade eligible clients must be receiving case-managed services through a Wagner-Peyser program or Title I Dislocated Workers' program. Case managers of Trade eligible workers must assist Trade clients in submitting appropriate documentation to the Trade Unit of CBWL in order to secure individual client's funding for Training, Travel, Job Search and Relocation activities.

## **TRADE PROGRAM PLANNING QUESTIONS**

1. Please describe how services to Trade eligible workers will be integrated or coordinated with the provision of basic/core/intensive services for individuals in the OSCCs.
2. What measures will be used to assure that Trade eligible workers who wish to pursue training and other Trade services are identified and referred for the Trade application process?

## **TRADE PROGRAM ASSURANCES**

The LWIB and the local Title I partner for dislocated worker services agrees to:

1. Coordinate with Rapid Response staff in providing outreach when a company becomes Trade certified.
2. Provide outreach, intake and orientation to all Trade eligible clients that are referred by Rapid Response or otherwise access the One-Stop Career Center, regardless of area of residence.
3. Co-Enroll Trade eligible clients in Title I and/or other programs, as appropriate, through MOSES.
4. Coordinate and provide all data to the MOSES system for Trade SPIR reporting. One-Stop Career Center staff will also coordinate with the Trade Unit of CBWL to monitor the data.
5. Help ensure Unemployment Insurance enrollment to those that are eligible.
6. Provide access to "Core Services" for all Trade eligible persons.
7. Provide access to "Intensive Services" for all Trade eligible persons.
8. Provide assistance to potentially eligible workers in completing the *Application for Trade Adjustment Assistance Services and Benefits* form (1667 Form).
9. Comply with all CBWL Trade Policies and procedures.
10. Attend Hearings conducted by the DET Hearings Department for Trade clients, as needed.
11. Provide staff training and ensure One-Stop Career Center staff attendance at CBWL trainings, as needed.
12. Provide assistance and guidance to Trade clients in applying for all Trade benefits, including Training, Travel While in Training, Job Search Assistance and Relocation Allowances.

**For those clients entering training:**

- To provide in-depth skills, interests and aptitude testing.
- To determine that a Trade client meets the initial eligibility requirements for Trade approved training programs and ensure all Financial Aid resources are identified.
- To provide Career Counseling and Follow-up through 30-day contact with Trade eligible clients.
- To provide timely and immediate notification to the CBWL Trade Unit of clients withdrawals, excessive absences, early completions, etc. for clients in Trade approved training.
- Provide Job Search and Job Placement Assistance to Trade eligible clients.