

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 5.8

Originating Office: Office of Workforce Innovation (OWINN)

Subject: Governor's Reserve Funding Set Aside for Special Projects

Issued: New; replacing WIA State Compliance Policy 5.8, Approved GWDB Executive Committee, 9-20-2017; Ratified GWDB 10-19-20-17

Purpose: To provide the requirements for use of Governor's Reserve in Pilot Projects

State Imposed Requirements: This directive may contain some state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), 20 CFR §682.100-220.

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all service providers of this funding Local Workforce Development Board (LWDB) members and any other concerned parties.

Background:

WIOA provides a reservation of funds for statewide employment and training activities. These activities are undertaken by the States, rather than by LWDBs; both the required and allowable activities are addressed in 20 CFR §682. WIOA designates up to 15 percent of funds that may be devoted to these activities from annual allotments to the States. The funds are reserved from youth, adult, and dislocated worker funding streams. A designated portion of the set aside funds are to be used for establishing and implementing innovative training programs that demonstrate the capacity to enhance the state's workforce system integrating workforce, education and economic development services that break down barriers to access job-driven training resulting in employment opportunities and that assist in the effective and efficient implementation of WIOA regulations within Nevada's economic development regions. Organizations with the administrative capacity and a history of successfully implementing innovative pilots and other priority projects are eligible to apply for funding.

Policy and Procedure:

Funds should be used to integrate the workforce, education and economic development services and respond to the talent pipeline within local area(s) by implementing innovative programs and

strategies designed to meet the needs of business. Programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships and career pathway programs. Projects may include microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, activities to improve linkages between workforce partners, and other business services and strategies that better engage employers in workforce investment activities, and make the workforce development system more relevant to the needs of State and local businesses. Programs should develop and/or implement education and training programs that respond to the labor market analysis within the local area(s). Projects should ensure that training credits position participants to attain industry-recognized credentials ***approved by the Governor's Workforce Development Board (GWDB)*** and are portable and stackable and allow participants to accelerate through the program, as out lined below in WIOA Sec. 134(a)(3).

Allowable Statewide Employment and Training Activities (WIOA Sec. 134(a)(3))

(3) ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES. —

(A) IN GENERAL.—Funds reserved by a Governor under sections 128(a)(1) and 133(a)(1) and not used under paragraph (1)(A) or (2)(B) (regardless of whether the funds were allotted to the State under section 127(b)(1)(C) or paragraph (1)(B) or (2)(B) of section 132(b)) may be used to carry out additional statewide employment and training activities, which may include—

- (i) implementing innovative programs and strategies designed to meet the needs of all employers (including small employers) in the State, which programs and strategies may include incumbent worker training programs, customized training, sectoral and industry cluster strategies and implementation of industry or sector partnerships, career pathway programs, microenterprise and entrepreneurial training and support programs, utilization of effective business intermediaries, layoff aversion strategies, activities to improve linkages between the one-stop delivery system in the State and all employers (including small employers) in the State, and other business services and strategies that better engage employers in workforce investment activities and make the workforce development system more relevant to the needs of State and local businesses, consistent with the objectives of this title;
- (ii) developing strategies for effectively serving individuals with barriers to employment and for coordinating programs and services among one-stop partners;
- (iii) the development or identification of education and training programs that respond to real-time labor market analysis, that utilize direct assessment and prior learning assessment to measure and provide credit for prior knowledge, skills, competencies, and experiences, that evaluate such skills and competencies for adaptability, that ensure credits are portable and stackable for more skilled employment, and that accelerate course or credential completion. **[training credits should ensure participants are positioned to attain industry-recognized credentials published by OWINN];**
- (iv) implementing programs to increase the number of individuals training for and placed in nontraditional employment;
- (v) carrying out activities to facilitate remote access to services, including training services described in subsection (c)(3), provided through a one-stop delivery system, including facilitating access through the use of technology;
- (vi) supporting the provision of career services described in subsection (c)(2) in the one-stop delivery systems in the State;

(vii) coordinating activities with the child welfare system to facilitate provision of services for children and youth who are eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677);

(viii) activities—

(I) to improve coordination of workforce investment activities with economic development activities;

(II) to improve coordination of employment and training activities with—

(aa) child support services, and assistance provided by State and local agencies carrying out part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(bb) cooperative extension programs carried out by the Department of Agriculture;

(cc) programs carried out in local areas for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in section 702 of such Act (29 U.S.C. 796a);

(dd) adult education and literacy activities, including those provided by public libraries;

(ee) activities in the corrections system that assist ex-offenders in reentering the workforce; and

(ff) financial literacy activities including those described in section 129(b)(2)(D); and

(III) consisting of development and dissemination of workforce and labor market information;

(ix) conducting research and demonstration projects related to meeting the employment and education needs of adult and dislocated workers;

(x) implementing promising services for workers and businesses, which may include providing support for education, training, skill upgrading, and statewide networking for employees to become workplace learning advisors and maintain proficiency in carrying out the activities associated with such advising;

(xi) providing incentive grants to local areas for performance by the local areas on local performance accountability measures described in section 116(c);

(xii) adopting, calculating, or commissioning for approval an economic self-sufficiency standard for the State that specifies the income needs of families, by family size, the number and ages of children in the family, and substate geographical considerations;

(xiii) developing and disseminating common intake procedures and related items, including registration processes, materials, or software; and

(xiv) providing technical assistance to local areas that are implementing pay-for-performance contract strategies, which technical assistance may include providing assistance with data collection, meeting data entry requirements, identifying levels of performance, and conducting evaluations of such strategies.

(B) LIMITATION -

(i) **IN GENERAL.**—Of the funds allotted to a State under sections 127(b) and 132(b) and reserved as described in sections 128(a) and 133(a)(1) for a fiscal year—

(I) not more than 5 percent of the amount allotted under section 127(b)(1);

(II) not more than 5 percent of the amount allotted under section 132(b)(1); and

(III) not more than 5 percent of the amount allotted under section 132(b)(2), may be used by the State for the administration of statewide youth workforce investment activities carried out under section 129 and statewide employment and training activities carried out under this section.

(ii) USE OF FUNDS.—Funds made available for administrative costs under clause (i) may be used for the administrative cost of any of the statewide youth workforce investment activities or statewide employment and training activities, regardless of whether the funds were allotted to the State under section 127(b)(1) or paragraph (1) or (2) of section 132(b).

(20 CFR §682.100)

Statewide employment and training activities include those activities for adults and dislocated workers, as described in WIOA sec. 134(a), and statewide youth activities, as described in the Workforce Innovation and Opportunity Act (WIOA) sec. 129(b). They include both required and allowable activities. In accordance with the requirements of this subpart, the State may develop policies and strategies for use of statewide employment and training funds. Descriptions of these policies and strategies must be included in the State Plan.

(20 CFR §682.110(b))

Funds reserved by the Governor for statewide workforce investment activities may be combined and used for any of the activities authorized in WIOA sec. 129(b), 134(a)(2)(B), or 134(a)(3)(A) (which are described in §§ 682.200 and 682.210), regardless of whether the funds were allotted through the youth, adult, or dislocated worker funding streams.

Guiding Principles:

Nevada’s principles to guide action across workforce, education and economic development systems include:

- Labor Market Demand-driven Orientation
- Strong Partnership with Business at all levels
- Career Pathways as Identified by Sector Councils
- Cross-Agency Collaboration and Alignment
- Integrated Service Delivery
- Access and Opportunity for all Populations
- Focus on Continuous Improvement, Innovation, and Return on Investment

Program Outcomes, Goals, and Deliverables:

Specific project outcomes, goals and deliverables must be included in any proposal(s). All applicants must work with the State to establish benchmarks and outcome targets for each project.

Project Reporting:

Successful applicants will be required to submit regular reports to document the progress of the project as part of the grant requirements. These reports include, but are not necessarily limited to, the following:

- Quarterly Progress Reports
- The agreed upon performance data as outlined in the original proposal.
- Quarterly Budget Updates

Award Survey:

Reference State Administrative Manual (SAM) for contracting requirements.

Monitoring:

Applicants funded through this award are subject to fiscal and programmatic monitoring visits by DETR. The successful applicant must have an open door policy allowing periodic visits to evaluate the progress of the project, and provide documentation upon request of the monitor. Program staff will also maintain contact with the participating businesses and monitor progress and performance of the contracts. DETR may modify grants based on performance.

Additional Requirements:

All applicants must be in compliance, or agree to comply, with the following federal and state laws and related regulations in order to be considered for an award:

- Workforce Innovation and Opportunity Act (Public Law 113-128)
- Equal Employment Opportunity / Nondiscrimination Provision and will comply with the physical, programmatic and accessibility requirements
- Protection of Personally Identifiable Information
- Jobs for Veteran Act (Public Law 107-288)
- Architectural Barriers Act of 1968 as amended (42 U.S.C. 4151)
- Drug-Free Workplace Act of 1988, (41 U.S.C. 702 et seq., and 2 C.F.R. § 182)
- Buy American Act (41 U.S.C 10a)
- Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c)
- Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7)
- Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333)
- Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)
- Uniform Administrative Requirements found at 2 CFR Part 200 and the US Department of Labor Exceptions found at 2 CFR 2900
- Applicable State of Nevada Laws
- State Workforce Innovation and Opportunity Act Policies

Application Process/Requirements:

OWINN will solicit, per state approved processes, for special project funding opportunities.

Appeals

Applicants of special project funds may appeal award decisions, in writing, to the Governor's Workforce Development Board whose decision is final.