

ATTACHMENT K

ASSURANCES

The following section delineates the formal assurances related to statutory compliance, program integration, universal access, customer choice, reporting, veterans' priority of service, performance, quality assurance and other program and administrative elements to which each Local Workforce Investment Board agrees, ensuring the systemic foundation of the Massachusetts workforce investment system. By signing the Annual Plan the Board and CEO certify that the operators and partners of the local one-stop career center delivery system will adhere to these assurances and comply with all Federal, State, County and local statutes, regulations and policies relevant to the delivery of services within the context and meaning of the local plan.

1. STATUTORY COMPLIANCE

The Board agrees to comply with the Workforce Investment Act of 1998, the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Jobs for Veterans Act and all related statutory requirements and implementing regulations. The Board also agrees to comply with policies issued by the Department of Workforce Development, the Division of Career Services, the Division of Unemployment Assistance and the Commonwealth Corporation related to the administration, delivery and performance of all programs covered by this local plan.

2. PROGRAM INTEGRATION

The Board assures that the one-stop career center delivery system will fully integrate all programs covered under this local plan into the full range of available workforce development services.

The Board agrees that DVOP and LVER staff will be responsible for case management of veterans' service delivery, and where feasible, provide direct services or assist one-stop delivery system staff in the provision of priority services for veteran customers.

The Board assures that one-stop career center system operators will coordinate with local Rapid Response staff related to outreach, intake and registration of workers covered by a certification under the Trade Adjustment Act.

3. UNIVERSAL ACCESS

The Board assures that the local one-stop career center delivery system [as described in Part 662.100 (b) of the Workforce Investment Act and in accordance with all relevant state policies and procedures] will provide services to all customers consistent with the principles of universal access. The Board also assures that core and applicable intensive services, including staff-assisted services, will be provided in at least one physical career center in the workforce investment area.

The Board assures that LVER and/or DVOP staff assigned to the local one-stop career centers, consistent with the principle of universal access, will also provide outreach services to veterans at Service Delivery Points (SDPs) such as Veterans Administration Hospitals, veterans' shelters and military installations for which no LVER or DVOP is assigned. The Board also assures that DVOP and LVER staff will also conduct outreach to employers, community agencies, veterans' organizations, etc. and that they will share information gained from these contacts with staff of the one-stop career centers and SDPs.

4. CUSTOMER CHOICE

The Board assures that local one-stop career center system operators and partners will adhere to the principles of customer choice in the provision of services covered under this local plan.

5. REPORTING

The Board assures that the local one-stop career center delivery system (in accordance with all relevant Federal and State policies and procedures) 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 the integrity of all federal and state reporting requirements.

6. FUNDS OF LAST RESORT

The Board assures that one-stop career center system operators shall take sufficient actions to assure that WIA programs will not be charged when other assistance is available. Local operators 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 and upon receipt of such grant the portion received by a training participant for the cost of tuition, fees and books shall be applied to replace the WIA funds used to cover such costs. If the Pell Grant is received after the termination of training paid with WIA funds, the portion to be applied for the cost of tuition, fees

and books shall be remitted to the career center operator. 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.

7. FUNCTIONAL GUIDANCE OF DWD STAFF

The Board assures that One-Stop Career Center Operators and their management and supervisory employees will provide a level of functional guidance to DWD staff assigned to the local area's One-Stop Career Center(s) sufficient to assure an integrated and seamless delivery of services. Non-state agency managers and supervisors may provide functional guidance to DWD staff assigned to provide services in the local career center with the exercise of supervisory authority for all personnel matters, including compensation, personnel actions, terms and conditions of employment, performance appraisals, and accountability, retained by DWD (and its subsidiary divisions). Supervision and guidance of DWD staff assigned to the One-Stop Career Center(s) will be carried out by the respective parties with an expectation of mutual cooperation by the Operator, DWD and all partner organizations, and a focus on achieving the performance goals established for the One-Stop Career Center system.

8. VETERANS PRIORITY OF SERVICE

The Board agrees that one-stop career center operators will assure priority services for veterans for all services funded with Federal resources. The Board also assures that it will encourage and promote the provision of maximum employment and training opportunities to veterans by all service program providers participating in the local workforce investment system. To promote informed choice for veteran customers, the Board agrees that one-stop career center delivery system operators will provide information during the intake process that advises veterans of the advantages of registration to access special programs and services for veterans and the availability of DVOP or LVER staff to assist with employment issues. To further assure priority of service and maximum opportunity to veteran customers the Board agrees that one-stop career center operators will integrate Federal Contractor Program job information and listings of Federal job openings in the MOSES system. Both printed and electronic Federal Contractor Program and Federal job information will be available to veteran customers. Federal Contractors and Federal Agencies will be provided with recruitment assistance in accordance with their obligation for Affirmative Action and veterans' preference requirements pursuant to 38 U.S.C., Chapter 42.

The Board agrees that LVER and DVOP staff will provide training and technical assistance to one-stop career center staff relative to Federal employment opportunities

for veterans, the Federal Contractor Job Listing Program and the customer complaint process as it relates to veterans.

The Board agrees that LVER staff will monitor and provide quarterly reports to the one-stop career center operator on the universality of veteran services provided by one-stop delivery system staff and the access and receipt of these veteran services.

The Board agrees that under this plan LVER and DVOP staff can receive functional guidance from the one-stop operator. However, compensation, personnel actions and terms and conditions of employment, including performance appraisals and accountability of merit-staff employees will remain under the authority of DCS.

8. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS (MSFWs)

The Board assures that the local one-stop career center operators (in accordance with all relevant state policies and procedures, and as required under provisions for the equitable delivery of labor exchange services at 20 CFR Parts 651, 653 and 658) will: identify Migrant and Seasonal Farm Worker (MSFWs) customers; refer such identified customers to appropriate job openings, training opportunities and any other workforce investment services as needed; conduct appropriate follow-up with employers and other applicable service providers; and report all relevant activities through MOSES.

9. ALIEN LABOR CERTIFICATION – AGRICULTURAL and NON-AGRICULTURAL

The Board assures that the local one-stop career center operators (in accordance with all relevant state policies and procedures, and consistent with provisions for the hiring of non-U.S. workers at 20 CFR Parts 655 and 656) will assist DCS to determine the availability of U.S. workers and the potential adverse effect on wages and working conditions that the admission of foreign workers might have on similarly employed U.S. workers, and agrees to assist job seekers to comply with the requirement of facilitating resumes to the Employer or their representative. OSCCs may also assist in forwarding two resumes to the DCS Special Programs /Alien Labor Certification unit for consideration of job seekers' qualifications with regard to a specified employer job order. With regards to the agricultural activities under the Alien Labor Certification program, OSCCs agree to facilitate the referral of qualified job seekers and to assist employers throughout the recruitment process. OSCCs can not process any ALC job orders that have not met the prevailing wage, issued by DCS. There are no reporting requirements applicable to this section.

10. WORK OPPORTUNITY TAX CREDIT and WELFARE-TO-WORK CREDIT

The Board assures that the local one-stop career center operators will assist in determining the eligibility of interested customers as members of targeted groups; and assist interested customers and employers to complete related documentation including IRS Form 8850 Work Opportunity Credit Pre-screening Notice and Certification Request, and DOL Form ETA-9061 (Individual Characteristics Form) or DOL Form ETA-9062 (Conditional Certification). Issuance of final certifications will remain a central administrative responsibility of DCS. There are no reporting requirements applicable to this section.

11. WORKER PROFILING/REEMPLOYMENT SERVICES PROGRAM

The Board assures that local one-stop career center operators will participate in the Connecting Claimants to Career Centers program consistent with requirements of the federal Profiling/Reemployment Services Program for designated UI claimants and related State policies. The Board further assures that the local one-stop career center operators will collect data on claimant service/activity participation, outcomes and results, including conformance with the Worksearch Plan activities, through the Massachusetts One-Stop Employment System (MOSES).

12. SECTION 30/TAA

The Board assures that local One-Stop Career Center operators will provide timely and appropriate services for any customer wishing to apply for benefits under either Section 30 of Chapter 151A of Massachusetts General Law for the Unemployment Insurance program or the Trade Adjustment Assistance (TAA) program. The Board also assures that local One-Stop Career Center operators will conform to all policies and regulations of these programs. The Board assures that local One-Stop Career Center operators will provide timely assistance to customers with the application process for UI benefits, training services, and other related program allowances provided in conjunction with the Section 30 and/or TAA programs including universal access to core services, access to needed intensive services (including testing and assessment) and case management services consistent with state policy. The Board also assures that local One-Stop Career Center operators will cooperate with any Hearings requirements related to UI, Section 30 and/or TAA benefit eligibility issues.

13. ACCESS TO UI INFORMATION

The Board assures that local one-stop career center operators will use any information received from the UI system related to claimants solely for the purpose of providing reemployment services to UI claimants. The Board further assures that all information on UI claimants received by the one-stop career center operators will be used in a manner that is consistent with state and federal confidentiality statutes and policies.

14. PERFORMANCE

The Board agrees that for purposes of this plan, performance will be measured consistent with all appropriate federal and/or state statutes, regulations and policies.

15. CASE MANAGEMENT SERVICES FOR TARGETED CUSTOMERS

The Board assures that one-stop career center operators will provide case management services for targeted customers consistent with state policy. Customers targeted for case management services include: WIA Title I enrollees; military veterans who are recently separated veterans, disabled veterans; veterans with a campaign badge; minority and/or female veterans, any veteran with a barrier to employment; spouses of: veterans who died of a service connected disability, are MIA, are captured/POW, or is the spouse of any person who has a total permanent service connected disability; Employment Assisted Service (EAS) participants; National Emergency Grant (NEG) participants; and Trade Adjustment Assistance (TAA) participants.

16. GENERAL QUALITY ASSURANCE

The Board assures the local one-stop career center operator will carry out all activities relevant to the provision of each program covered under this plan in accordance with all Federal/State policies and procedures. The Board further assures that a schedule for the monitoring of local one-stop career center activities will be developed and agreed upon in concert with the Division of Career Services (DCS). Additionally, the Board assures that DCS shall have full access to all one-stop career center staff, records, systems, data, books, accounts, correspondence and other documentation necessary to carry out its program evaluation responsibilities as authorized by statute and/or regulation. The Board also agrees that DCS, in order to effectively carry out its responsibilities, may conduct on-site evaluation activity that is either with, or without, advance notice. The Board also assures that local staff training relevant to the delivery of services covered under this plan will be developed and agreed upon in concert with DCS.

17. NONDISCRIMINATION EMPLOYMENT & EQUAL OPPORTUNITY

The Board assures that the local one-stop career center operator 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 Board 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 operation of the WIA Title I financially assisted program or activity, and to all agreements made to carry out the WIA Title I financially assisted program or activity. The Board understands that the United States, the Commonwealth of Massachusetts and the Division of Career Services have the right to seek judicial enforcement of this assurance. The Board also assures that the local one-stop career center operator will appoint an Equal Opportunity Officer to ensure compliance with the regulatory requirements cited above.

18. GRIEVANCE PROCEDURE POLICY

The Board assures that the local one-stop career center operators will implement and maintain a formal complaint system consistent with State policy and Federal regulations promulgated at 20CFR §658.400-418 and 658.500-504 and §667.600-667.640 relevant to the Workforce Investment Act of 1998 and the Wagner-Peyser Act, as amended.

19. NONPARTICIPATION IN SECTARIAN ACTIVITIES

The Board assures that WIA Title I funds will not be expended 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.

20. POLITICAL ACTIVITIES, LOBBYING PROHIBITION

The Board assures that WIA Title I funds and none of the services provided with said funds 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 Board also agrees to comply, where 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 WIA funds. The Board 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.

21. CERTIFICATION REGARDING DEBARMENT

The Board certifies, that neither it nor its principals:

- are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- have within the 3 year period preceding this plan been convicted of or had a civil judgment 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.
- 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.
- have within the 3 year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.

22. HEALTH AND SAFETY

The Board agrees all services provided to participants under the programs covered under this plan 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.

23. NEPOTISM

The Board assures that no recipient of funds covered under this plan will hire a person in an On-The-Job Training position, administrative capacity or consultant position funded under WIA if the individual or a member of his/her immediate family is employed in the administrative capacity of the USDOL, DWD, DCS, Commonwealth Corporation or the recipient. The Board agrees to inform the Division of Career Services of any potential violation of the nepotism restriction.

24. UNIONIZATION AND ANTI-UNIONIZATION

The Board assures that no funds covered by this plan shall in any way be used to either promote or oppose unionization.

25. FINANCIAL RECORDKEEPING, COST PRINCIPLES AND COST ALLOCATION

The Board 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 issued 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).

26. RAPID RESPONSE SERVICES

The Board assures that local One-Stop Career Center operators and other workforce development staff will coordinate/support Rapid Response service delivery with the Division of Career Services Central Rapid Response team in accordance with established policy and procedure as articulated in Policy Issuance No. 00-28 (6/28/2000), WIA Communication No. 03-29 (11/25/2003), WIA Communication No. 04-39 (5/18/2004), MassWorkforce Issuance No. 06-46 (7/31/2006) and MassWorkforce Issuance No. 06-72 (11/7/2006).

