

# ATTACHMENT E

## Massachusetts Fiscal Year 2015 Local Annual Plan

### 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.

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#### 1. 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 “eligible covered persons” (Veterans and certain spouses of Veterans) Veterans who are between 18 -24, service connected disabled Veterans and any Veteran with a significant barrier to employment in compliance with Guidance from DOL/VETS; National Emergency Grant (NEG) participants; and Trade Adjustment Assistance (TAA) participants.

#### 2. 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.

#### 3. Debarment, Certification Regarding

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 or State 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 above; or
- have within the 3 year period preceding this application had one or more public transactions (Federal, State or Local) terminated for cause or default.

#### 4. Expanding Business Engagement (EBE) Coordination

Coordination of services and activities around Expanding Business Engagement is a key initiative of the Massachusetts Workforce Development System. All Workforce Investment Boards and One Stop Career Centers agree to participate in EBE activities and, as feasible, to coordinate EBE activities locally. Activities include participation in EBE committees and regional operations teams as stated in MassWorkforce Issuances #12-33 and #12-64.

#### 5. 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:

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- A-21, Cost Principles for Educational Institutions (5/10/2004); relocated to 2 CFR, Part 220
- A-87, Cost Principles for State, and Local and Indian Tribal Governments (5/10/2004); relocated to 2 CFR, Part 225
- A-122, Cost Principles for Non-Profit Organizations (5/10/2004); relocated to 2 CFR, Part 230
- 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 Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 9/30/99); relocated to 2 CFR, Part 215
- A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97, Revised 6/27/2003 and 6/27/2007)
- Current USDOL Compliance Supplement (complement to A-133)

#### **6. Foreign Labor Certification – Agricultural & Non-Agricultural**

The Board assures that the local One-Stop Career Center (OSCC) Operators (in accordance with all relevant state policies and procedures, and the requirements set forth at 20 CFR Parts 655 and 656) will assist the Department of Career Services 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. With regards to H-2B Program activities under the Foreign Labor Certification Program, the Board assures that OSCCs will facilitate the referral of qualified and eligible (meaning that the individual is not an unauthorized alien with respect to that employment) job seekers and to assist employers throughout the recruitment process. For both visa programs, the Board also agrees that OSCCs may be required to generate, process and conduct follow-up activities on H-2A / B related job orders in accordance with the requirements set forth at 20 CFR 655 & 656 of federal regulations.

#### **7. Functional Guidance Related to DCS Staff**

The Board assures that One-Stop Career Center Operators and their management and supervisory employees will provide a level of functional guidance to DCS staff assigned to the local area's One-Stop Career Center(s) sufficient to assure an integrated and seamless delivery of services. Functional guidance includes advisement and assistance in carrying out assigned duties and responsibilities, but must be construed at a lower level of authority than direct supervision. 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. Supervision and guidance of DCS staff assigned to the One-Stop Career Center(s) will be carried out by state managers with an expectation of mutual cooperation by the Operator, DCS and all partner organizations, and a focus on achieving the performance goals established by DCS for the One-Stop Career Center System.

#### **8. 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

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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.

#### **9. 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.

#### **10. 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 smoking areas.

#### **11. Migrant and Seasonal Farmworkers (MSFW), Services to**

The Board assures that the local One-Stop Career Center (OSCC) Operators will ensure (in accordance with all relevant state policies and procedures and as required under 20 CFR Parts 651, 653 and 658) that Migrant and Seasonal Farm Workers (MSFWs) receive the full array of workforce development services, benefits and protections on a non-discriminatory manner and the services provided to MSFWs are “qualitatively equivalent and quantitatively proportionate” to the services provided to other jobseekers. OSCC will identify Migrant and Seasonal Farmworkers (MSFWs); refer such identified customers to appropriate job openings, training opportunities, career guidance 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. OSCC will continue to provide service to agricultural employers and implement systems and strategies to enhance and integrate service delivery to both MSFWs and agricultural employers.

#### **12. 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 an administrative capacity of the USDOL, EOLWD,

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DCS, DUA, Commonwealth Corporation or the recipient. The Board agrees to inform the Department of Career Services of any potential violation of the nepotism restriction. Additionally, no individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

#### **13. 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 basis 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 DCS 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.

#### **14. 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.

#### **15. Performance**

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

#### **16. 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

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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.

#### **17. 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 staff will be responsible for case management of eligible Veterans' service delivery, and where feasible, 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 Assistance Act.

#### **18. Quality Assurance (General)**

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 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.

#### **19. 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 DCS Rapid Response Team and in accordance with all established Federal and State policies and procedures.

#### **20. Reemployment Eligibility Assessment (REA)**

The Board assures that local One-Stop Career Center Operators will

- provide labor market information;

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- develop or review a reemployment plan including work search activities, accessing services in OSCCs and/or approved training;
- ensure that UI Claimants are informed that they must report to the OSCC for staff assisted services as a part of the REA;
- conduct triage to identify reemployment service needs and to provide at a minimum the following:
  - ✓ Orientation to help Claimants access self-service core services thru the Resource Room or virtually, with particular emphasis on accessing available labor market information
  - ✓ Registration with the state's job bank
  - ✓ Referrals to appropriate services offered through the OSCC and
  - ✓ Support in the development of Claimant's reemployment plan that must include either: work search activities, appropriate workshops, and/or approved training;
- ensure that REA Claimants are informed that they are required to fully participate in all components of the REA, and failure to report or to participate in any aspect of the REA will result in referral of the issue to adjudication;
- ensure the local plan includes:
  - ✓ A feedback loop to UI system as to whether the Claimants reported to the OSCC as directed & participated in the minimum activities outlined in their reemployment plan
  - ✓ A process for rescheduling Claimants who fail to report as directed or referring such Claimants to adjudication; and
- agree to participate in any USDOL/ETA funded studies of the effectiveness of the UI REA initiative.

#### **21. 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.

#### **22. Section 30/Trade Adjustment Assistance**

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, (including testing and initial assessment) access to needed intensive services (including testing and assessment) and case management services consistent with state

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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.

#### **23. 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 Trade Reform Act of 2002, the Trade and Globalization Adjustment Assistance Act of 2009, the Trade Adjustment Assistance Extension Act of 2011, including the sunset provision thereof, referred to as Reversion 2014, 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 Career Services (DCS), the Department of Unemployment Assistance (DUA related to the administration, delivery and performance of all programs covered by this local plan.

#### **24. Unemployment Insurance (UI) Information (Access to)**

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.

#### **25. UI Online/UI Services**

UI Online is the automated Unemployment Insurance System for the Commonwealth of Massachusetts. The Board assures that OSCC customers will be provided access to computers for personal online filing of UI claims, telephones to access Unemployment Assistance Telecenters, and staff assistance in navigating the UI Online system.

#### **26. 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.

#### **27. Universal Access**

The Board assures that the local One-Stop Career Center delivery system [as described in 20 CFR 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

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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.

#### **28. Veterans Priority of Services**

The Board agrees that One-Stop Career Center Operators will assure priority of services for Veterans and other eligible persons (under the Federal umbrella designation of "covered persons" 20 CFR Part 1010.110 RIN 1293-AA15) for all employment and training 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 System Operators will provide information at the point of program access that advises covered persons of the priority of service and the advantages of registration to access special programs and services for Veterans and the availability of DVOP or LVER staff to assist with these veteran services and with employment issues. Operators are also required to have policy and processes in place to ensure that Veterans/covered persons are identified at point of entry and given the full opportunity to take full advantage of priority of service apart from the DVOP and LVER program or services (ETA TEGL/ Veterans Program Letter 07-09 Joint POS Guidance). To further assure priority of service and maximum opportunity to covered persons, 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 One-Stop Career Center Operators will monitor and provide quarterly reports, Manager's Report on Services to Veterans, in accordance with 38 U.S.C. 4104(e) on the universality of Veteran services provided by one-stop delivery system staff and the access and receipt of these Veteran services provided to Veterans and eligible persons.

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.

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The Board will demonstrate through policy, procedure and action that Veterans receive priority of service for all programs funded by DOL sources; and that no local policy shall restrict services to Veterans regardless of residency or other local constraints.

#### **29. Work Opportunity Tax 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.

#### **30. Worker Profiling Program and Reemployment Services**

The Board assures that local One-Stop Career Center Operators will participate in the Worker Profiling program and will also continue to provide reemployment services to a sub-set of individuals who are enrolled in reemployment services (RES) in MOSES to assist in accelerating their return to work. The individuals who will be enrolled in the RES sub-set are those UI claimants who have received their first check and a letter notifying them that they must attend a Career Center Seminar (CCS) and who have, in fact, attended the CCS. The Board assures that all RES-enrolled customers, in addition to having received a CCS that includes a job readiness inventory; a Triage or Mini-Assessment and development of a Career Action Plan (CAP) will, at a minimum also receive one other service such as a referral to a high-quality employment opportunity on a day that follows the date of CCS participation. The Board further assures that the local One-Stop Career Center operator(s) will collect data on claimant service/activity participation, outcomes and results, including conformance with the Worksearch Plan activities.

#### **31. Workforce Training Fund Program**

The Board assures that it will to the extent required:

- assist the Workforce Training Fund Program (WTFP) in marketing the Fund in its region;
- adhere to all policies and procedures with respect to application reviews and funding recommendation established by the Workforce Training Fund Program;
- review and recommend WTFP grant applications for approval or denial in a timely manner;
- assist employers to identify local skill gaps that may be addressed through employer application for WTFP grant funding; and
- partner with the Commonwealth in a sector approach to local WTFP application development, including identification of potential career ladder opportunities for incumbent workers.