

## **ASSURANCES**

The following document describes 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 MassHire Workforce Board agrees, ensuring the systemic foundation of the Massachusetts workforce development system. By signing the MassHire Workforce Board Certification package the Board and CEO certify that the operators and partners of the local MassHire system will adhere to these assurances and comply with all federal, state and local statutes, regulations and policies relevant to the delivery of services within the context and meaning of workforce board certification.

Please note: due to the COVID-19 Pandemic and resultant emergency operating conditions, any reference to in-person service or physical building locations shall be construed to include virtual and remote services in compliance with state's guidance with regard to physical locations and in-person services.

### **Table of Contents**

1. Apprenticeship
2. Branding
3. Budget and Administration
4. Business Services
5. Cannabis
6. Career Center Seminar
7. Career Pathways Development
8. Career Planning Services for Targeted Customers
9. Conflict of Interest
10. Convening, Brokering and Leveraging
11. Coordination with Education Providers
12. Customer Choice
13. Debarment (Certification Regarding)
14. Financial Recordkeeping, Cost Principles and Cost Allocation
15. Foreign Labor Certification – Agricultural & Non-Agricultural
16. Functional Guidance Provided to MDCS Staff
17. Funds of Last Resort
18. Grievance Procedure Policy
19. Health and Safety
20. Lobbying
21. Mass BizWork\$ Coordination
22. Memorandum of Understanding
23. Migrant and Seasonal Farmworkers (MSFW) (Services to)
24. Negotiation of Local Performance Accountability Measures
25. Nepotism
26. Nondiscrimination Employment & Equal Opportunity
27. Nonparticipation in Sectarian Activities

## **ASSURANCES**

- 28. Performance**
- 29. Political Activities, Lobbying Prohibition**
- 30. Program Integration**
- 31. Program Oversight**
- 32. Proven and Promising Practices**
- 33. Quality Assurance (General)**
- 34. Rapid Response Services**
- 35. Reemployment Services Eligibility Assessment (RESEA)**
- 36. Reporting**
- 37. Section 30/Trade Adjustment Assistance (TAA)**
- 38. Selection of Operators and Provider**
- 39. Statutory Compliance**
- 40. Technology**
- 41. Unemployment Insurance (UI) Information (Access to)**
- 42. UI Online/UI Services**
- 43. Unionization and Anti-Unionization**
- 44. Universal Access**
- 45. Veterans Priority of Service**
- 46. Wagner Peyser Earmark Funds**
- 47. Work Opportunity Tax Credit**

### **1. Apprenticeship**

The MassHire Workforce Board assures support of EOLWD's Apprenticeship Expansion Strategic Plan including the vision for Massachusetts as home to a vibrant and diverse apprenticeship ecosystem with the nation's best apprenticeship programs that offer businesses access to the most skilled and diverse workforce, and our jobseekers access to the most flexible and comprehensive training options in the country. Support will include promotion of apprenticeship as a viable workforce development strategy to address growing skill gaps, and as a solution benefiting job seekers and business alike.

- A. In partnership with Massachusetts Division of Apprentice Standards (the State Apprenticeship Agency in Massachusetts) and economic development and education, registered apprenticeship programs will be developed that:
  - a. are designed around the training needs of the employer/industry
  - b. are industry recognized
  - c. provide apprentices, upon completion of the program, a portable, nationally recognized credential.
- B. All sponsors of registered apprentice programs will be notified of their eligibility to be placed on the Eligible Training Provider List (ETPL).
- C. Grant funds (Massachusetts Apprenticeship Initiative, Massachusetts Apprenticeship State Expansion, and TEGL 17-18 Expansion grants), will be utilized to:

## **ASSURANCES**

- a. Align state systems, capacity and subject matter expertise to embed apprenticeship as a key training vehicle for employers in the state
- b. Engage businesses in new and traditional industries to encourage development of new programs
- c. Support general recruitment efforts of Sponsors seeking qualified apprentice applicants
- d. Recruit and serve women and under-represented populations
- e. Support Apprenticeship Industry Intermediaries

### **2. Branding**

The MassHire Workforce Board assures that it will implement requirements with regard to Branding as set forth by EOLWD.

### **3. Budget and Administration (WIOA Sec 107(d)(12))**

(A) Budget - The MassHire Workforce Board shall develop a budget for the activities of the local board in the local area, consistent with the local plan and the duties of the local board under this section, subject to the approval of the chief elected official.

(B) Administration –

(i) Grant Recipient –

- (I) In general – the chief elected official in a local area shall serve as the local grant recipient for, and shall be liable for any misuse of, the grant funds allocated to the local area under sections 128 and 133, unless the chief elected official reaches an agreement with the Governor for the Governor to act as the local grant recipient and bear such liability.
- (II) Designation – In order to assist in administration of the grant funds, the chief elected official or the Governor, where the Governor serves as the local grant recipient for a local area, may designate an entity to serve as a local grant sub-recipient for such funds or as a local fiscal agent. Such designation shall relieve the chief elected official or the Governor of the liability for any misuse of grant funds as described in subclause (I).
- (III) Disbursal – The local grant recipient or an entity designated under subclause (II) shall disburse the grant funds for workforce investment activities at the direction of the local board, pursuant to the requirements of this title. The local grant recipient or entity designated under subclause (II) shall disburse the funds immediately on receiving such direction from the local board.

(ii) Grants and Donations – The local board may solicit and accept grants and donations from sources other than Federal funds made available under this Act.

(iii) Tax-Exempt Status – For purposes of carrying out duties under this Act, local boards may incorporate, and may operate as entities described in section 501(c)(3) of the Internal Revenue Code of 1986 that are exempt from taxation under section 501(a) of such Code.

## ASSURANCES

### 4. Business Services in MOSES

As the oversight entity, the Board assures the entry of services into MOSES to ensure business services and all customer services are captured. Board staff, as appropriate, have MOSES access and capability.

### 5. Cannabis

Cannabis is an illegal substance at the Federal level as defined by the Federal Control Substances Act (Title 21 USC). Federal funds will not be awarded to any entity for activities or the hiring of positions related to the use, cultivation and distribution of cannabis.

### 6. Career Center Seminar (CCS)

The MassHire Workforce Board assures that the local MassHire Career Center will provide Career Center Seminars (CCS) to all customers (those that do not access the on demand video available through JobQuest) in accordance with Massachusetts policies 100 DCS 08.107 – Career Center Seminar Requirements for Massachusetts One-Stop Career Centers 2017 issued 5/16/17 <https://www.mass.gov/service-details/massworkforce-wioa-oscc-operations-policy-issuances>, or 100 DCS 08.119 Remote Career Center Seminar issued 4/24/20

<https://www.mass.gov/doc/dcs-policy-08-119-remote-career-center-seminar/download>, and all subsequent policy and CCS updates. Career Centers must schedule enough CCSs to accommodate need.

Connect with a Career Coach Access -

The MassHire Workforce Board assures that the local MassHire Career Center(s) will provide Connect with a Career Coach access to all customers (through JobQuest) in accordance with Massachusetts policy 100 DCS 08.124 issued 8/26/21.

### 7. Career Pathways Development (WIOA Sec 107(d)(5))

The MassHire Workforce Board, with representatives of secondary, post-secondary education programs and the MassHire CC Required Partners, assures it will lead efforts in the local area to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services needed by adults and youth, particularly individuals with barriers to employment<sup>1</sup>.

### 8. Career Planning Services for Targeted Customers

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<sup>1</sup> Displaced homemakers; Low-income individuals; Indians, Alaska Natives, and Native Hawaiians; Individuals with disabilities; Older individuals; Ex-offenders; Homeless individuals; Youth who are in or have aged out of the foster care system; Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers; Eligible migrant and seasonal farmworkers; Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act; Single parents (including single pregnant women); Long-term unemployed individuals

## ASSURANCES

The MassHire Workforce Board assures that MassHire Career Center Operators will provide Career Planning services for targeted customers consistent with state policy. Customers targeted for career planning services include: WIOA Title I enrollees (priority shall be given to: recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient); 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 Dislocated Worker Grant (NDWG) participants; and Trade Adjustment Assistance (TAA) participants.

### 9. Conflict of Interest

The MassHire Workforce Board assures compliance with MWI: 100 DCS 03.107: [Conflict of Interest & Code of Conduct Policy / Procedure Statement of Policy](#).

MassHire Workforce Board members are considered, "special state employees" within the meaning of the Massachusetts Conflict of Interest Law, G.L. c. 268A, § 1-25, and, therefore, are subject to the provisions of that statute.

The MassHire Workforce Board assures they will complete biennial online training imposed by the State Ethics Reform Law, G.L. c. 268A, § 28. The biennial online training and Summary of Conflict of Interest Law is provided on the site below:

**Ethics Site for the Summary of the Conflict of Interest Law for State Employees** <http://www.mass.gov/ethics/summaries-of-the-law-in-english-spanish-portuguese.html>

### 10. Convening, Brokering, Leveraging (WIOA Sec 107(d)(3))

The MassHire Workforce Board assures it will convene local workforce development system stakeholders to assist in the development of the local plan under section 108 and in identifying non-Federal expertise and resources to leverage support for workforce development activities. The MassHire Workforce Board, including standing committees, may engage such stakeholders in carrying out the functions described in this subsection.

### 11. Coordination with Education Providers (WIOA Sec 107(d)(11))

MassHire Workforce Board assures that...

- (A) The MassHire Workforce Board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies

## **ASSURANCES**

administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, than section 1112 or part C of that title (29 U.S.C. 732, 741).

- (B) Applications and Agreements – the coordination described in subparagraph (A) shall include –
- (i) Consistent with section 232 –
    - (I) Reviewing the applications to provide adult education and literacy activities under title II for the local area, submitted under such section to the eligible agency by eligible providers, to determine whether such applications are consistent with the local plan; and
    - (II) Making recommendations to the eligible agency to promote alignment with such plan; and
  - (ii) Replicating cooperative agreements in accordance with subparagraph (B) of section 101(a)(11) of the Rehabilitation Act of 1973 (29 U.S.C 721(a)(11), and implementing cooperative agreements in accordance with that section with the local agencies administering plans under title I of that Act (29 U.S.C. 720 et seq.) (other than section 112 or part C of that title (29 U.S.C. 732, 741) and subject to section 121(f)), with respect to efforts that will enhance the provision of services to individuals with disabilities and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.
- (C) Cooperative Agreement – In this paragraph, the term “cooperative agreement” means an agreement entered into by a State designated agency or State designated unit under subparagraph (A) of section 101(a)(11) of the Rehabilitation Act of 1973.

### **12. Customer Choice**

The MassHire Workforce Board assures that local MassHire Career Center System Operators and partners will adhere to the principles of customer choice in the provision of services covered under this local plan.

### **13. Debarment, Certification Regarding**

The MassHire Workforce 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,

## **ASSURANCES**

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.

### **14. Financial Recordkeeping, Cost Principles and Cost Allocation**

The MassHire Workforce Board agrees to maintain all financial records, and to develop and follow cost allocation procedures that are in compliance with GAAP, federal circulars, and policies issued by the Commonwealth, as follows:

- 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR 2900, for DOL Agency Regulations and Grant Agreements (for DOL Awards)
- 2 CFR Subpart E – Cost Principles
- 20 CFR Part 683, Subpart B – Administrative Rules, Costs, and Limitations

### **15. Foreign Labor Certification – Agricultural (H-2A) & Non-Agricultural (H-2B) and PERM**

The MassHire Workforce Board assures that the local MassHire Career Center Operators (in accordance with all relevant state policies and procedures, and the requirements set forth at 20 CFR, Part 655, Subpart A -Labor Certification Process for Temporary Non-Agricultural Employment in the United States (H-2B Workers) and Subpart B—Labor Certification Process for Temporary Agricultural Employment in the United States (H-2A Workers) and 20 CFR 656, Subpart A – Labor Certification Process for Permanent Employment of Aliens in the United States will assist the MassHire Department of Career Services and employers 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. The Board assures that MassHire Career Centers 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 will assist applicants and employers throughout the recruitment process. For all visa programs, the Board also agrees that MassHire Career Centers will conduct follow-up activities on H-2A / B and PERM related job referrals, assist employers with requirement reports and accurately document in MOSES any such activities as per relevant federal/state policies, procedures and regulations.

In coordination with MDCS, MCCs will disseminate FLC (H-2A, H-2B and PERM) Programs information about employer's obligations to fully comply with relevant employment-related laws, particularly those that relate to the working conditions, health and safety of employees, and the consequences for failing to do so; information on any relevant state specific and local employment-related laws, including health and safety laws and requirements impacting the material terms or conditions of employment.

## **ASSURANCES**

### **16. Functional Guidance Related to MDCS Staff**

The MassHire Workforce Board assures that MassHire Career Center Operators and their management and supervisory employees will provide a level of functional guidance to MDCS staff assigned to the local area's MassHire 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 MDCS. Supervision and guidance of MDCS staff assigned to the MassHire Career Center(s) will be carried out by state managers with an expectation of mutual cooperation by the Operator, MDCS and all partner organizations, and a focus on achieving the performance goals established by MDCS for the MassHire Career Center System.

### **17. Funds of Last Resort**

The MassHire Workforce Board assures that the MassHire Career Center System Operators shall take sufficient actions to assure that WIOA 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 WIOA funds used to cover such costs. If the Pell Grant is received after the termination of training paid with WIOA 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 WIOA 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.

### **18. Grievance Procedure Policy**

The MassHire Workforce Board assures that the local MassHire Career Center Operators will adopt the MassHire DCS's Unified Complaint System Standard Operating Procedures and establish and maintain a formal unified complaint resolution process consistent with Issuance: 100 DCS 03.101.2, Unified Workforce Investment System Complaint and Appeals Process Policy (and related attachments) and all subsequent updates; that provides a procedure for the submission and resolution of complaints/grievances initiated by either customers, employers or other interested parties that allege violations of the employment service system, WIOA and/or the non-discrimination and Equal Opportunity provisions of Title VI of the Civil Rights Act, as amended; Title IX of the Education Amendments Act; Section 504 of the Rehabilitation Act, as amended; the Age Discrimination Act; Title II of the Americans with Disabilities Act and WIOA implementing regulations promulgated at 20 CFR



## **ASSURANCES**

§658, Subpart E and Subpart F, 20 CFR Part 683, Subpart F, 20 CFR Part 679, Subpart B, Section 290; 29 CFR Part 38, Subpart C. WIOA sections 181(c) and 188.

The MassHire Workforce Board assures that the local MassHire Career Center Operators will ensure that information pertaining to the use of the Complaint System is publicized, including in their websites, that there is appropriate staff available during regular office hours to take complaints; that complaints filed will be handled by a trained Complaint/EO Officer, that any action taken by the Complaint/EO Officer is fully documented; that in the event the complainant is an English Language Learner (ELL), all written correspondence with the complainant must include a translation into the complainant's native language; that within 30 days after the end of each calendar quarter, the MCC Manager will transmit an electronic copy of the quarterly Complaint System log to the MDCS State Monitor Advocate (SMA) and that Complaint/EO Officers will attend annual mandatory training covering regulatory updates, best practices, etc.

### **19. Health and Safety**

The MassHire Workforce 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 WIOA funds as defined in 20 CFR Part 680.700, 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 WIOA. 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.

### **20. Lobbying**

The cost of certain influencing activities associated with obtaining grants, contracts, or cooperative agreements, or loans is an unallowable cost to Federal funds. Lobbying with respect to certain grants, contracts, cooperative agreements, and loans is governed by relevant statutes, including among others, the provisions of [31 U.S.C. 1352](#), as well as the common rule, "New Restrictions on Lobbying" published on February 26, 1990, including definitions, and the Office of Management and Budget "Governmentwide Guidance for New Restrictions on Lobbying" and notices published on December 20, 1989, June 15, 1990, January 15, 1992, and January 19, 1996.

### **21. MassHire BizWorks Coordination**

MassHire BizWorks is a key initiative of the Massachusetts Workforce Development System; key to the success of MassHire BizWorks is state/local coordination of services and activities. All MassHire Workforce Boards and MassHire Career Centers agree to participate in MassHire BizWork activities and, as feasible, to assist in the coordination of Mass BizWork\$ activities locally. Activities include participation in MassHire BizWorks committees and regional operations teams as outlined in MassWorkforce Policy #15-05. (WIOA Sec 107(d)(4)) 100 DCS 11.102 <https://www.mass.gov/service-details/massworkforce-wioa-rapid-response-policy-issuances>

## ASSURANCES

**Employer Engagement** - The MassHire Workforce Board assures that it will lead efforts to engage with a diverse range of employers and with entities in the region involved –

- (A) To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the local board;
- (B) To develop effective linkages (including the use of intermediaries) with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
- (C) To ensure that workforce investment activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers; and
- (D) To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships), that provide the skilled workforce needed by employers in the region, and that expand employment and career advancement opportunities for workforce development system participants in in-demand industry sectors or occupations.

### 22. Memorandum of Understanding (MOU)

WIOA Sec. 121(c) the MassHire Workforce Board, with the agreement of the chief elected official, shall develop and enter into a memorandum of understanding (between the local board and the one-stop partners) concerning the operation of the one-stop delivery system in the local area. Each MOU shall contain –

- (A) Provisions describing –
  - (i) The services to be provided through the one-stop delivery system consistent with the requirements of this section, including the manner in which the services will be coordinated and delivered through such system;
  - (ii) How the costs of such services and the operating costs of such system will be funded;
  - (iii) Methods of referral of individuals between the one-stop operator and the one-stop partners for appropriate services and activities;
  - (iv) Methods to ensure the needs of workers and youth, and individuals with barriers to employment; and
  - (v) The duration of the MOU and procedures for amending the memorandum during the duration of the memorandum and assurances that such memorandum shall be reviewed not less than once every 3-year period to ensure appropriate funding and delivery of services; and
- (B) Such other provisions, consistent with the requirements of this title, as the parties to the agreement determine to be appropriate.

## ASSURANCES

All Massachusetts MOUs shall include the following language:  
to be included in each of the 16 local MOUs:

*“The Parties of this MOU agree that all required partners have a joint funding responsibility to support and maintain an effective local integrated service delivery system. In addition, all parties to the MOU recognize that shared and infrastructure costs are applicable to all required Partners. As such, all parties to this agreement acknowledge that the Local MOU herein serves the purpose of the infrastructure funding agreement (IFA) as required by WIOA. The infrastructure funding agreement as described will be revisited on an annual basis and periodically reconciled against actual costs incurred and adjusted accordingly to ensure that it reflects a cost allocation methodology that demonstrates how infrastructure costs are charged in proportion to relative benefits received. Infrastructure funds are apportioned at the state level based on the percentage of shared customers served in each local workforce area. State Partners will establish a methodology that will ensure costs are allowable, reasonable, necessary and allocable. As appropriate, State Partners will enter into Inter-agency Service Agreements (ISAs) or Contracts with the MassHire Department of Career Services (MDCS), as the designated State Workforce Agency (SWA), to issue the local allocations. Local Boards will ensure all allocations are incorporated into the local integrated budget during the annual planning process. MDCS will monitor the spending of all shared and infrastructure costs and Local partners agree to meet regularly to discuss integrated service delivery strategies and the shared and infrastructure funds needed to actualize services. On an annual basis, local partners will provide suggestions and recommendations to state level partners for adjustments to shared and infrastructure funds allocated. The utilization of infrastructure funds will be reviewed on a quarterly basis. Staff time and in-kind resources attributed to shared costs will be reviewed annually for necessary adjustments.”*

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

The MassHire Workforce Board assures that the local MassHire Career Center Operators will ensure (in accordance with all relevant state policies and procedures and as required under 20 CFR Part 651, Definitions; Part 652, Subpart C; Part 653, Subpart B and F; Part 654, Subpart E; Part 658, Subpart E and Subpart F; Part 678, Subpart B and Part 685, Subpart B that Migrant and Seasonal Farm Workers (MSFWs) will receive the full array of workforce development services, benefits and protections on a non-discriminatory manner and that the services provided to MSFWs will be “qualitatively equivalent and quantitatively proportionate” to the services provided to other jobseekers. MassHire Career Center will identify and register Migrant and Seasonal Farmworkers (MSFWs); provide such customers - including those English Language Learners (ELLs) - with services and information to include assessment of skill levels and abilities, career guidance, job search workshops, referral to jobs or training as appropriate, workers’ rights and complaint system information. The services offered to employers, in addition to referral of job seekers in response job openings, include matching job requirements with job seeker experience, skills and other characteristics, assisting employers with hard-to-fill job orders and other workforce

## **ASSURANCES**

development services as needed. Conduct appropriate follow-up with employers, applicants and other service providers; and report all relevant activities through MOSES and any other ad-hoc required reports. MassHire Workforce Boards / MassHire Career Centers will continue to integrate, coordinate, develop, implement systems and strategies to better serve the agricultural community.

### **24. Negotiation of Local Performance Accountability Measures (WIOA Sec 107(d)(9))**

The MassHire Local Board, the chief elected official, and the Governor shall negotiate and reach agreement on local performance accountability measures as described in section 116(c).

### **25. Nepotism**

The MassHire Workforce 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 WIOA if the individual or a member of his/her immediate family is employed in an administrative capacity of the USDOL, EOLWD, MDCS, DUA, Commonwealth Corporation or the recipient. The Board agrees to inform the MassHire Department of Career Services of any potential violation of the nepotism restriction. Additionally, no individual may be placed in a WIOA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

### **26. Nondiscrimination Employment & Equal Opportunity**

The MassHire Workforce Board assures that the local MassHire Career Center Operator will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), 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 WIOA 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 all other regulations implementing the laws listed above. This assurance applies to the operation of the WIOA Title I financially assisted program or activity, as well as to one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the MassHire Career Center system. The Board understands that the United States, the Commonwealth of Massachusetts and the MDCS have the right to seek judicial enforcement of this assurance. The Board also

## **ASSURANCES**

assures that the local MassHire Career Center Operator will appoint an Equal Opportunity Officer to ensure compliance with the regulatory requirements cited above.

### **27. Nonparticipation in Sectarian Activities**

The MassHire Workforce Board assures that WIOA 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 WIOA 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, WIOA 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 WIOA participants.

### **28. Performance**

The MassHire Workforce 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.

### **29. Political Activities, Lobbying Prohibition**

The MassHire Workforce Board assures that WIOA 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 MassHire Workforce 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 WIOA funds. The MassHire Workforce 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 101-121.

### **30. Program Integration**

The MassHire Workforce Board assures that the MassHire Career Center delivery system will fully integrate all programs covered under this local plan into the full range of available workforce development services.

The MassHire Workforce 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 MassHire Workforce Board assures that MassHire Career Center System Operators will coordinate with local MDCS Rapid Response staff related to outreach, intake and

## **ASSURANCES**

registration of workers covered by a certification under the Trade Adjustment Assistance Programs.

### **31. Program Oversight (WIOA Sec 107(d)(8))**

The MassHire Workforce Board, in partnership with the chief elected official for the local area, shall –

- (A) (i) conduct oversight for local youth workforce investment activities authorized under section 129(c), local employment and training activities authorized under sub-sections (c) and (d) of section 134, and the one-stop delivery system in the local area; and
- (ii) ensure the appropriate use and management of the funds provided under subtitle B for the activities and system described in clause (i); and
- (B) For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under section 116.

### **32. Proven and Promising Practices (WIOA Sec 107(d)(6))**

The MassHire Workforce Board assures it will lead efforts in the local area to –

- (A) Identify and promote proven and promising strategies and initiatives for meeting the needs of employers, and workers and jobseekers (including individuals with barriers to employment) in the local workforce development system, including providing physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), to the one-stop delivery system; and
- (B) Identify and disseminate information on proven and promising practices carried out in other local areas for meeting such needs.

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

The MassHire Workforce Board assures the local MassHire 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 MassHire Career Center activities will be developed and agreed upon in concert with MDCS. Additionally, the Board assures that MDCS shall have full access to all MassHire 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 MassHire Workforce Board also agrees that MDCS, in order to effectively carry out its responsibilities, may conduct on-site evaluation activity that is either with or without advance notice. The MassHire Workforce 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 MDCS.

### **34. Rapid Response Services**

## **ASSURANCES**

The MassHire Department of Career Services (MDCS), as the Dislocated Worker Unit in the Commonwealth, is responsible for providing all pre-layoff early intervention Rapid Response activities in coordination with the MassHire Workforce Boards and Chief Elected Officials (CEO). It is the responsibility of the MDCS Rapid Response Team to plan and provide early, on-site intervention services to assist dislocated workers, to promote their efficient and rapid transition into gainful employment, and to notify the MassHire Workforce Boards and Chief Elected Officials of these services. The Board assures that local MassHire Career Center Operators and other workforce development staff will support/coordinate Rapid Response service delivery with the MDCS Rapid Response Team and in accordance with all established Federal and State policies and procedures.

### **35. Reemployment Services and Eligibility Assessment (RESEA)**

The MassHire Workforce Board assures that the local MassHire Career Center(s) will provide RESEA services in accordance with the RESEA Policy and Procedures Manual and other related subsequent new or updated guidance found here:

<https://www.mass.gov/service-details/massworkforce-wioa-reemployment-services-eligibility-assessment-resea-policy>.

### **36. Reporting**

The MassHire Workforce Board assures that the local MassHire 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 individual workforce program requirements and with requirements of the Massachusetts One-Stop Employment System (MOSES). All data/information must be reported through the state tracking system (currently MOSES) to ensure the integrity of all federal and state reporting requirements.

### **37. Section 30/Trade Adjustment Assistance (TAA)**

The MassHire Workforce Board assures that local MassHire 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 MassHire Workforce Board also assures that local MassHire Career Center Operators will conform to all policies and regulations of these programs. The MassHire Workforce Board assures that local MassHire 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. Section 30 and TAA customers will also be eligible to receive Career Planning services including Assessment, Goal Setting, Strategy/Plan Development, Service Delivery Coordination, Follow-Up and Case Closure consistent with state policy. The MassHire

## **ASSURANCES**

Workforce Board also assures that local MassHire Career Center Operators will cooperate with any Hearings requirements related to UI, Section 30 and/or TAA benefit eligibility issues.

### **38. Selection of Operators and Providers (WIOA Sec 107(d)(10))**

- (A) Selection of MassHire Career Center Operators – Consistent with section 121(d), the MassHire Workforce Board, with the agreement of the chief elected official for the local area –
  - (i) Shall designate or certify one-stop operators as described in section 121(d)(2)(A); and
  - (ii) May terminate for cause the eligibility of such operators
- (B) Selection of Youth Providers – Consistent with section 123, the MassHire Workforce Board –
  - (i) Shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4). The grant recipient/fiscal agent has the option to provide directly some or all of the youth workforce investment activities at the discretion of the board. The board assures it will determine how workforce activities are identified in the local area; and
  - (ii) May terminate for cause the eligibility of such providers.
- (C) Identification of Eligible Providers of Training Services – Consistent with section 122, the local board shall identify eligible providers of training services in the local area.
- (D) Identification of Eligible Providers of Career Services – If the one-stop operator does not provide career services described in section 134(c)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contracts.
- (E) Consumer Choice Requirements – Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board shall work with the State to ensure there are sufficient numbers and types of providers of career services and training services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.

### **39. Statutory Compliance**

The MassHire Workforce Board agrees to comply with the Workforce Innovation and Opportunity Act of 2014, 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, and the



## **ASSURANCES**

Trade Adjustment Assistance Reauthorization Act of 2015, the Jobs for Veterans Act and all related statutory requirements and implementing regulations. The MassHire Workforce Board also agrees to comply with policies issued by the MassHire Department of Career Services (MDCS) and the Department of Unemployment Assistance (DUA related to the administration, delivery and performance of all programs covered by this local plan.

### **40. Technology (WIOA Sec 107(d)(7))**

The MassHire Workforce Board assures that it will develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by-

- (A) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
- (B) Facilitating access to services provided through the one-stop delivery system involved, including facilitating the access in remote areas;
- (C) Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system such as improving digital literacy skills; and
- (D) Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment.

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

The MassHire Workforce Board assures that local MassHire 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 MassHire Workforce Board further assures that all information on UI claimants received by the MassHire Career Center Operators will be used in a manner that is consistent with state and federal confidentiality statutes and policies.

### **42. UI Online/UI Services**

UI Online is the automated Unemployment Insurance Benefit System for the Commonwealth of Massachusetts. The MassHire Workforce Board assures that MassHire Career Center 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 in accordance with Policy 100 DCS 32.100 Staffing MassHire Career Centers to Provide Meaningful Access to UI Services – Level 1 and Level 2 Service Provision.

### **43. Unionization and Anti-Unionization**

## **ASSURANCES**

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

### **44. Universal Access**

The MassHire Workforce Board assures that the local MassHire Career Center delivery system [as described in 20 CFR 678.300(b) of the Workforce Innovation and Opportunity Act and in accordance with all relevant state policies and procedures] will provide services to all customers consistent with the principles of universal access and supports an integrated, customer-focused service delivery system that is diverse, equitable and inclusive that meets the needs of priority populations as well as local businesses. The MassHire Workforce Board also assures that career services, including staff-assisted services, will be provided in at least one physical career center in the workforce development area.

WIOA Sec 107(d)(13) – Accessibility for Individuals with Disabilities – The local board shall **annually** assess the physical and programmatic accessibility, in accordance with section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), of all one-stop centers in the local area.

The MassHire Workforce Board assures that LVER and/or DVOP staff assigned to the local MassHire 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 MassHire Career Centers and SDPs.

### **45. Veterans Priority of Services**

The MassHire Workforce Board agrees that MassHire 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 MassHire Workforce 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 development system. To promote informed choice for Veteran customers, the MassHire Workforce Board agrees that MassHire 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

## **ASSURANCES**

Guidance). To further assure priority of service and maximum opportunity to covered persons, the MassHire Workforce Board agrees that MassHire 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 MassHire Workforce Board agrees that LVER staff (not a DVOP role should really be done in conjunction with Business Engagement) will provide training and technical assistance to MassHire Career Center staff relative to Federal employment opportunities for Veterans and the Federal Contractor Job Listing Program.

The MassHire Workforce Board agrees that MassHire 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 MassHire Workforce 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 MDCS.

The MassHire Workforce 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.

### **46. Wagner Peyser Earmark Funds**

Relative to the allowable uses of Wagner Peyser funding, the Commonwealth is exercising its authority to utilize Wagner Peyser 10% funds to supplement funding of workforce activities carried out under the Workforce Innovation and Opportunity Act (WIOA). Wagner-Peyser (29 U.S. Code § 49f; 20 CFR 652.205)

This authority is reflected in § 7(c) of the Wagner-Peyser Act as delineated below:

Funds authorized under Wagner-Peyser Act may be used under sec. 7(c) to provide additional funding to other activities authorized under WIOA if:

- (1) The activity meets the requirements of the Wagner-Peyser Act, and its own requirements;
- (2) The activity serves the same individuals as are served under the Wagner-Peyser Act

## **ASSURANCES**

- (3) The activity provides services that are coordinated with services under the Wagner-Peyser Act; and
- (4) The funds supplement, rather than supplant, funds provided from non-Federal sources.

### **47. Work Opportunity Tax Credit**

The MassHire Workforce Board assures that the local MassHire 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 MDCS. There are no reporting requirements applicable to this section.