

AGENDA

October 23, 2018 @ 10:00 am

Sower Building - Frankfort, KY

- **Call Meeting to Order**

- **Welcome and Introductions**

- **Summarize WorkReady Strategic Plan Objectives**

- **KWIB Policy Directives Explanation and Overview**

- **Resource Mapping – EO Mandate**

- **Next Steps / Meeting...**

DOL Audit / Monitoring Completed June 2018 – Official Report Expected in the Coming Months

Mandated KWIB required activity for One Stop Operation/One Stop Delivery System

(From WIOA Section 121)

Policy guidance required to be developed by the KWIB:

- Certification of One Stop Centers (OSCs)
 - *Certification criteria completed and approved in February by KWIB / needed policy and guidance on process and timeline*
- Development of a formula for the distributions of state funding mechanism (SFM) funds [WIOA 121(h)(3)].
 - *New and will be drafted for review*
- Guidance on one-stop operations cost sharing [WIOA 121(i)(3)] to facilitate the determination, for the purposes of the MOU, of an appropriate allocation of the funds and non-cash resources in local areas, consistent with WIOA 101(d)(6)(C)
 - *New and will be drafted*

Other mentioned activity:

- Shall provide assistance to the Governor on the use of technology to assist postsecondary attainment & workforce professional development [WIOA 121(h)(1)(B)].
- The Governor shall consult with KWIB prior to establishing guidance on state partner infrastructure participation. [WIOA 121(h)(1)(B), 20 CFR 678.730(b)(1)]
- The Governor shall consult with the KWIB prior to determining the amount of funds provided by partners for the State Funding Mechanism (SFM) [WIOA 121(h)(2)(C)].
- LWDBs may seek assistance from KWIB in the negotiation of MOU [20 CFR 678.510(a)].

Suggestion: *As this is a matter of resource alignment, it is suggested the Resource Alignment Committee take on these mandate directives.*

****Orientation for Career Center Operations and Policy Overview will be Provided Late August to the Committee. Committee must also have CLEO and LWIB Representation.***

****Timeline will be developed for November 2018 and February 2019 Completion of Work on Mandated Policies***

Working Policy / Guidance Number	Policy/Guidance	Reference	USDOL Audit	Category	Status	Policy
	KWIB By-Laws			One Stop/KWIB		
	Training of Board Staff		AoC	One Stop/KWIB		
	Moving Comprehensive KCCs		F4, F44	One Stop/KWIB		
	Co-Location of One Stop services	Sec. 121(e)(3)/TEGL 17-16	F23	One Stop/KWIB	In Progress	KCC Design
	Criteria for effectiveness of the One Stop delivery system					
	Default State IFA mechanism if locals cannot reach agreement (TEGL 17-16)	Sec. 121 (g)(1),(2),(3)/TEGL 17-16	F3	One Stop/KWIB	In Progress	KCC Certification Criteria
	Appeal process for partner IFA	Sec. 121(h)(2)/TEGL 17-16	F8, F30	One Stop/KWIB	Group Review	IFA Guidance
		Sec. 121(h)(2)e/TEGL 17-16		One Stop/KWIB	Group Review	IFA Guidance
	Allocation formula for Infrastructure costs	Sec. 121(h)(2)(3)(b)/TEGL 17-16		One Stop/KWIB	In Progress	KWIB IFA Guidance
	State Board Guidance on proportions of monies of the MOU	Sec. 121(h)(4)(i)(3)/TEGL 17-16		One Stop/KWIB		
	Local Board may develop additional criteria for One Stop System	Sec. 121(g)3/TEGL 17-16		One Stop/KWIB	Group Review	KWIB KCC Certification
	Funding of Cost through MOU	Sec. 121(h)(1)(A)(i), (ii), (B) (i)(ii)/TEGL 17-16	F20, F21, F30, F43	One Stop/KWIB	Group Review	KCC MOU
	Functions of the KWIB		F2	One Stop/KWIB	In Progress	
	KWIB KCC Certification Guidance	WIDA Section 121(g); 20 CFR 678.800	F3, F22, F45	One Stop/KWIB	Group Review	KWIB KCC Certification
	Documenting Local Board Functions		F19, F42	One Stop/KWIB		
	Board Staff		F41	One Stop/KWIB		

KWIB required activity for One Stop Operation/One Stop Delivery System (From Section 121)

Policy guidance required to be developed by the KWIB:

- Certification of One Stop Centers (OSCs).
- The KWIB shall develop a formula for the distributions of SFM funds [WIOA 121(h)(3)].
- The KWIB shall provide guidance on one-stop operations cost sharing [WIOA 121(i)(3)] to facilitate the determination, for the purposes of the MOU, of an appropriate allocation of the funds and non-cash resources in local areas, consistent with WIOA 101(d)(6)(C) – (guidance on the appropriate roles and contributions of entities carrying out one-stop partner programs within the One-Stop Delivery System (OSDS), including approaches to facilitating equitable and efficient cost allocation in the system).

Other mentioned activity:

- Shall provide assistance to the Governor on the use of technology to assist postsecondary attainment & workforce professional development [WIOA 121(h)(1)(B)].
- The Governor shall consult with KWIB prior to establishing guidance on state partner infrastructure participation. [WIOA 121(h)(1)(B), 20 CFR 678.730(b)(1)]
- The Governor shall consult with the KWIB prior to determining the amount of funds provided by partners for the State Funding Mechanism (SFM) [WIOA 121(h)(2)(C)].
- LWDBs may seek assistance from KWIB in the negotiation of MOU [20 CFR 678.510(a)].

PD 006 - Certification of One Stop Centers and One Stop Evaluation [WIOA 121(g), 20 CFR 678.800]

The KWIB, in consultation with CLEOs and LWDBs shall establish “objective criteria and procedures” for use by LWDBs for operational assessment at least once every three years (121) and in One Stop Certification [20 CFR 678.800(a)]. One Stop Certification must be reviewed and updated every two years as a part of the state plan review [20 CFR 678.800(a)(1)].

Criteria and procedures must be consistent with Governor and KWIB guidelines, guidance and policies regarding infrastructure funding [20 CFR 678.800(a)(2)]. Criteria must evaluate OSCs and the OSDSs for

- Effectiveness (including customer satisfaction) and physical and programmatic accessibility (in accordance with non-discrimination and ADA), and
- Continuous improvement [20 CFR 678.800(a)(2)].

When the LWDB is the OSO, the KWIB must certify the OSCs [20 CFR 678.800(a)(3)].

Evaluations of effectiveness [20 CFR 678.800(b)] must include:

- How well OSC integrates available services for participants and businesses,
- How well OSC meets workforce development needs of participants and employment needs of local employers,
- How well OSC operated in a cost-efficient manner,
- How well the OSC coordinates service among OSP programs, and
- How well the OSC provides access to OSP program services to the maximum extent practicable, including providing services outside of normal business hours where needed.

These evaluations must take into account feedback from OSC customers.

They must include evaluations of how well OSCs ensure equal opportunity for individuals with disability to participate in services.

They must include criteria evaluating how well the OSCs and OSDS take actions to comply with the disability-related regulations implementing WIOA 188, 29 CFR 38. Such actions include:

- 1) Providing reasonable accommodations for individuals with disabilities;
- 2) Making reasonable accommodations to policies, practices and procedures to avoid discriminating to individuals with disabilities;
- 3) Administering programs in the most integrated setting appropriate;
- 4) Communicating with persons with disabilities as effective as others;
- 5) Providing appropriate auxiliary aids and services, including assistive technology devices and services; and
- 6) Providing for the physical accessibility of the one-stop center for individuals with disabilities.

Evaluations of continuous improvement [20 CFR 678.800(c)] must include how well the OSC supports achievement of Negotiated Performance Standards. Other factors may include:

- Regular process for identifying and responding to technical assistance needs,
- Regular system for continuing professional staff development, and
- Having systems in place to capture and respond to customer feedback.

The criteria must include standards relative to service coordination achieved in OSDS by partners.

The criteria and procedures [WIOA 121(g)(2)] shall

- Be developed consistent with guidelines, guidance and policies developed by the governor and the KWIB, in consultation with CLEOs and LWDBs as they relate to participation in infrastructure funding and shared operational costs, and
- Include factors to evaluate effectiveness, accessibility and continuous improvement of the OSDS. These factors must include, at a minimum, how well the OSC:
 - o Supports achievement of negotiated levels of performance,
 - o Integrates available services, and
 - o Meets workforce development and employment needs of local employers and participants.

The KWIB will evaluate hours of access in the evaluation of One-Stop Certification [20 CFR 678.305(c)].

LWDB must review and update criteria every two years as a part of local plan update [WIOA 112(g)(5), 20 CFR 678.800(d)].

Certification evaluations must be completed at least once every three years using the criteria developed by the KWIB [20 CFR 678.800(d)].

Local boards may develop additional criteria related to service coordination [20 CFR 121(g)(3)] or higher levels of service [20 CFR 678.800(d)].

Each Local Workforce Development Area must include comprehensive, physical center [20 CFR 678.300(c), 678.305].

Certification of a center is a requirement for that center to be eligible to receive infrastructure funding. [WIOA 121(g)(4), 20 CFR 678.800(d)]

OSC must be accessible [20 CFR 687.800(e)].

PD 009 - The KWIB State Funding Mechanism (SFM) Formula [WIOA 121(h)(3), 20 CFR 678.745]

The KWIB shall develop a formula that identifies factors and corresponding weights for each factor. The governor must use this formula to determine budgets under the SFM. The factors must include:

- The number of one-stop centers in the local area,
- The population served by such centers,
- The services provided by such centers, and
- Any other factors related to the performance of centers [WIOA 121(h)(3)] or related to operations as the KWIB determines appropriate [20 CFR 678.745].

PD 010 - The KWIB guidance on one-stop operations cost sharing [WIOA 121(i)(3)]

The KWIB shall provide guidance to facilitate the determination, for the purposes of the MOU, of an appropriate allocation of the funds and non-cash resources in local areas, consistent with WIOA 101(d)(6)(C) –[guidance on the appropriate roles and contributions of entities carrying out one-stop partner programs within the one-stop delivery system, including approaches to facilitating equitable and efficient cost allocation in the system.]

Attachment I: Examples of Cost Pools and Possible Allocation Bases

Cost Pool	Possible Allocation Bases
Facilities: Building rent, maintenance costs, utilities, tenant improvements, or any other similar costs related to the physical structure housing the one-stop center.	Square footage occupied by each partner agency as compared to the total space. Workstation usage by partners as compared to total workstations.
Telecommunications: Monthly telephone costs, telephone system equipment, data lines, T-1 lines, and other similar costs.	Dedicated telephone units as compared to all units.
Information Technology: Shared equipment, software, IT maintenance costs, Internet access, and other similar costs.	Number of dedicated computers (including all necessary equipment) as compared to total.
Resource Center: Costs of shared equipment, displays, computer learning, specialized software for computer learning, furniture, copier, fax machine; may also include related staff costs.	Number of program participants or reportable individuals utilizing the resource center.
Common Intake System: Costs of developing common intake data formats, preparation and interview of customers, and similar costs.	Use of common data formats and data elements required for each program. Use of number of customer or participant records maintained by each partner program.
One-Stop Center Management Staff: Costs of the center director.	Number of partner program staff FTEs. Square footage of partner program benefit or number of program participants and reportable individuals served.
One-Stop Center General Operations Staff: Costs of the receptionist, staff of the resource center.	Number of partner program participants.
Shared Equipment and Supplies: Staff copier, fax, associated supplies, and furniture.	Usage by staff of each partner program. Occupancy (square footage) basis; numbers of staff workstations.
Career Services: Staff and benefit costs, development of common forms for case management, and similar costs.	Time distribution system (time sheets, work sampling, time and motion studies); numbers of clients eligible for specific program; weighted participation numbers.

Attachment II: Paying for the One-Stop Delivery System

GOVERNOR GUIDANCE

WIOA sec. 121(h)(1)(B); 20 CFR 678.705, 34 CFR 361.705, 34 CFR 463.705

Governors must issue guidance regarding the infrastructure funding of a one-stop delivery system after consultation with chief elected officials (CEO), the State workforce development board (WDB), and Local WDBs. The guidance must be consistent with guidance and policies provided by the State WDB.

LOCAL DELIVERY SYSTEM

WIOA sec. 121; 20 CFR 678.300, 34 CFR 361.300, 34 CFR 463.300

- The Local WDB and CEO(s) finalize the list of one-stop delivery system partners in a local area
- The Local WDB, CEO(s), and partners:
 - Identify one-stop delivery system locations and determine types of locations (comprehensive, affiliate, specialized one-stop centers, etc.),
 - Determine services to be provided through the one-stop delivery system, and
 - Develop and agree on a one-stop delivery system operating budget(s).

MEMORANDUM OF UNDERSTANDING (MOU)

WIOA sec. 121(c); 20 CFR 678.500, 34 CFR 361.500, 34 CFR 463.500

- The Local WDB, with the agreement of the CEO(s), develops and enters into a signed umbrella memorandum of understanding (MOU) or individual MOUs with the one-stop partners.
- MOUs must, at a minimum, describe the services to be provided, contain the one-stop operating budget, outline how infrastructure and additional costs will be funded, and contain several other elements outlined in WIOA sec. 121(c) and 20 CFR 678.500, 34 CFR 361.500, and 34 CFR 463.500.
- An **Infrastructure Funding Agreement (IFA)** is established that describes a reasonable cost allocation methodology, where infrastructure costs are charged to each partner based on partners' proportionate use of the one-stop center, relative to the benefits received from the use of the one-stop center consistent with Federal Cost Principles in the Uniform Guidance at 2 CFR part 200 and the Department of Labor exceptions at 2 CFR part 2900.
- The IFA must be consistent with the partner programs' authorizing laws and regulations, and other applicable legal requirements.
- Changes in the one-stop partners or an appeal by a one-stop partner's infrastructure cost contributions will require an update of the MOU.
- The IFA is a part of the MOU; it is not a separate document.

Was consensus on the IFA obtained?

Consensus Obtained Local Funding Mechanism

WIOA sec. 121(h); 20 CFR 678.715 – 678.745, 34 CFR 361.715 – 361.745, and 34 CFR 463.715 – 463.745

- Continue one-stop operations and service delivery.
- Periodically reconcile IFA with actual costs.
- Modify other costs, such as additional costs budget, and partner contributions, as appropriate.
- Modify allocation methods, if necessary.

No Consensus Obtained State Funding Mechanism

- When local negotiations for PY 2017 (and subsequent PYs) are unable to reach consensus, notify Governor by deadline established in Governor's guidance to trigger state funding mechanism¹.
- Once partner contributions are determined, periodically reconcile IFA with actual costs.
- Modify other costs, such as additional costs budget, and partner contributions, as appropriate.
- Modify allocation methods, if necessary.

¹ For PY 2016, continue one-stop operations and service delivery as long as possible, using processes established under WIA.

Types of One-Stop Delivery System Costs

INFRASTRUCTURE COSTS

WIOA sec. 121(h)(4); 20 CFR 678.700(a)-(b), 34 CFR 361.700(a)-(b), 34 CFR 463.700(a)-(b)

- Non-personnel costs
- Costs necessary for the general operation of the one-stop center, including but not limited to:
 - Applicable facility costs (such as rent) including costs of utilities and maintenance
 - Equipment (including assessment-related products and assistive technology for individuals with disabilities)
 - Technology to facilitate access to the one-stop center, including technology used for the center's planning and outreach activities
 - May consider common identifier costs as costs of one-stop infrastructure
 - May consider supplies as defined in the Uniform Guidance at 2 CFR 200.94, to support the general operation of the one-stop center.

ADDITIONAL COSTS

(Applicable career services, shared operating costs, and shared services)

WIOA sec. 121(i)(1); 20 CFR 678.760(a)-(b), 34 CFR 361.760(a)-(b), 34 CFR 463.760(a)-(b)

- Must include the costs of the provision of career services in WIOA sec. 134(c)(2) applicable to each program consistent with partner program's authorizing Federal statutes and regulations, and allocable based on Federal cost principles in the Uniform Guidance at 2 CFR part 200.
- May include shared operating costs and shared services that are authorized for, and may be commonly provided through, the one-stop partner programs, including initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services, referrals to other one-stop partners, and business services.

INFRASTRUCTURE FUNDING TYPES

20 CFR 678.720 and 678.760, 34 CFR 361.720 and 361.760, 34 CFR 463.720 and 463.760

Cash	Non-Cash	Third-Party In-Kind
<ul style="list-style-type: none"> ▪ Cash funds provided to the local board or its designee by one-stop partners, either directly or by an interagency transfer, or by a third party. 	<ul style="list-style-type: none"> ▪ Expenditures incurred by one-stop partners on behalf of the one-stop center; and ▪ Non-cash contributions or goods or services contributed by a partner program and used by the one-stop center. 	<ul style="list-style-type: none"> ▪ Contributions of space, equipment, technology, non-personnel services, or other like items to support the infrastructure costs associated with one-stop operations, by a non-one-stop partner to: <ul style="list-style-type: none"> • Support the one-stop center in general; or • Support the proportionate share of one-stop infrastructure costs of a specific partner.

Must be valued consistent with 2 CFR 200.306 to ensure they are fairly evaluated and meet the partners' proportionate share. Partners must fairly value contributions on a periodic and annual basis.

Attachment III: Infrastructure Costs: Funding Sources

Dept.	Partner Program	Required/ Additional Partner	Admin. Funds to Pay for Infrastructure Costs ¹	Program Funds to Pay for Infrastructure Costs	State Funding Mechanism Applicable ²
DOL	WIOA Title I programs: • Adult, Dislocated Worker, & Youth	Required	Yes	Yes	Yes
DOL	• Job Corps	Required	No	Yes	Yes
DOL	• YouthBuild	Required	Yes	Yes	Yes
DOL	• NFJP	Required	Yes	Yes	Yes
DOL	• Native American programs ³	Required	Yes	Yes	No
DOL	Wagner-Peyser Act ES	Required	N/A ⁴	Yes	Yes
DOL	SCSEP	Required	Yes	Yes	Yes
DOL	TAA program	Required	Yes	Yes	Yes
DOL	UC programs	Required	N/A ⁴	Yes	Yes
DOL	JVSG programs	Required	N/A ⁴	Yes	Yes
DOL	REO programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532) and WIOA sec. 169	Required	Yes	Yes	Yes
ED	AEFLA program, authorized under WIOA title II	Required	Yes	No	Yes
ED	The State VR program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), as amended by WIOA title IV	Required	N/A ⁴	Yes	Yes
ED	Career and technical education programs at the postsecondary level, authorized under the Carl D. Perkins Career and Technical Education Act of 2006	Required	Yes	No	Yes
HUD	Employment and training activities carried out by HUD	Required	Consult partners' authorizing documents.	Consult partners' authorizing documents.	Yes
HHS	Employment and training activities carried out under the CSBG programs	Required	Consult partners' authorizing documents.	Consult partners' authorizing documents.	Yes
HHS	TANF	Either ⁵	Yes	No	Yes/No ⁶
Other	Partners as outlined by WIOA sec. 121(b)(2)(B) and 20 CFR 678.410 ⁷	Additional	Consult partners' authorizing documents.	Consult partners' authorizing documents.	No

LIMITATIONS:

¹ Partners' funding contributions for infrastructure costs are subject to the partner programs' administrative cost limitations and restrictions. The definition of administrative costs may also differ from one partner program to the next.

² Statutory caps for infrastructure funds is applicable only if the State Funding Mechanism is being implemented.

³ Native American programs, as required One-stop partners, are strongly encouraged to contribute to infrastructure costs, but they are not required to make such contributions under WIOA.

⁴ These programs do not distinguish between program or administrative funds since there is only one allotment from which all expenditures – administrative costs and program costs – must be paid. Although the VR program imposes no limits on the amount of funds that may be spent on administrative costs, VR agencies must report funds spent for infrastructure costs as administrative costs.

⁵ At the discretion of the Governor, in accordance with WIOA sec. 121(b)(1)(C) and 20 CFR 678.405.

⁶ The Governor may determine that TANF will not be a required partner.

⁷ Additional partners are required to share in infrastructure costs when participating in the one-stop service delivery system; however, the State funding mechanism is not applicable to additional partners.