

Program Year 2020 - 2022 Local Plan for the Northwest Workforce Development Area

*Serving the Counties of Benton, Carroll, Crockett, Dyer,
Gibson, Henry, Lake, Obion, and Weakley*



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Operating Systems and Strategies

A. Description of the One-Stop Delivery System

The roles and resource contributions of partners, the location and career and other program services provided.

The one-stop delivery system strives to provide integrated service delivery by aligning staff by functional teams and providing cross-training on all programs and services offered by the various partners. The functional teams include Welcome Function, Career Development team, and Business Services. The Welcome Function team greets customers, conducts an initial assessment, oversees the resource rooms, ensures applicants register with Jobs4TN.gov, and offers basic career services. The current Team Lead for the Welcome Function is the OSO and Dyer County Title III Team Lead. The Career Development team conducts detailed assessments, facilitates workshops, provides case management services, develops individual employment plans, and evaluates jobseeker suitability for training scholarships. The Career Development Team Lead is the Title I Career Services Coordinator. The Business Services team provides recruitment services, applicant pre-screening, workforce assessments, labor market information, on-the-job training and incumbent worker training grants, host job fairs, seminars and networking events, and assists employers with applying for the Work Opportunity Tax Credit. The current Business Services Team Lead is the Title III Team Leads for Dyer County and Carroll County. Staff serving in the Welcome Function coordinate with staff in the Career Development Team and Business Services Team to deliver career services to all customers. All Functional teams have regularly scheduled monthly meetings. The meetings are hosted by the OSO. The OSO, in coordination with the team leads, prepares monthly agendas and sends them out prior to the meeting. Each partner selects representatives for each team. The OSO follows-up after each meeting to make sure ideas discussed in the meetings are being carried out. Minutes are sent to all members following the meeting. Referrals are tracked by the OSO and documented in Jobs4TN. Common Intake Forms and Referral Forms are uploaded to Jobs4TN and information is documented in case notes. Each of the three functional service areas has a team leader who works seamlessly with the OSO to successfully carry out the day-to-day American Job Center functions.

The Northwest TN Workforce Board (NWTNWB) enters into a Memorandums of Understanding (MOU) with the required American Job Center (AJC) partners to carry out the Service Integration Policy. An umbrella MOU is utilized to facilitate transparent and flexible agreements that are not burdensome and allow partners to focus on service delivery. The MOU identifies the roles and resource contributions of each partner, establishes a cooperative and mutually beneficial relationship among the parties, ensures that all customers are referred to unique services, and provides for a referral process between agencies. Referrals between the partners occur routinely by personal reference, telephone, electronic communication / technology, and / or through resource materials made available in the AJC. The use of e-mail, social media, and other technologies such as Skype to convey information to partner staff and customers enhances service delivery and increases Center efficiency, thus potentially expanding the customer pool. Equitable contribution of infrastructure costs in AJCs among partners is detailed through the Infrastructure Funding Agreement (IFA). Each customer that comes into an AJC is a customer to each partner, and each partner is required to contribute to the operating costs as described in the IFA. Shared costs are identified and agreed upon at partner meetings and are proportionately distributed. Proportionate share, cost allocation methodologies, and any additional considerations are determined, and costs are billed to partners monthly. Actual costs are billed rather than estimates or budgeted amounts. Periodically, contributing factors are reviewed to determine if the IFA needs to be modified.

Northwest TN strives to ensure workforce development services are available to all area residents by maintaining an AJC in each county throughout the region. To manage administrative costs, competitive leases are negotiated, partners co-locate in the AJCs when possible, and additional funding through grant opportunities is sought. There are two comprehensive centers, two affiliate centers, 5 part-time specialized, and one access point in the local area:

Carroll County (Huntingdon), Comprehensive

470 Mustang Drive, Huntingdon, TN 38344

Benton County (Camden), Part-time Specialized

145 Hospital Drive, Camden, TN 38320

Crockett County (Alamo), Part-time Specialized

335 South Bells Street, Alamo, TN 38001

Dyer County (Dyersburg), Comprehensive

313 West Cedar Street, Dyersburg, TN 38024

Gibson County (Humboldt), Affiliate

1751 E. Main Street, Humboldt, TN 38343

Henry County (Paris), Part-time Specialized

55 Jones Bend Road Extended, Paris, TN 38242

Lake County (Tiptonville), Part-time Specialized

229 Church Street, Tiptonville, TN 38079

Ridgely Library (Ridgely), Access Point

134 North Main Street, Ridgely, TN 38080

Obion County (Union City), Affiliate

204 S. Second Street, Union City, TN 38261

Weakley County (Dresden), Part-time

116 West Main Street, Dresden, TN 38225

The MOU also details the career services and other program services provided at, or through, each AJC, including:

Basic Career Services

- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs.
- Labor exchange services, including job search and placement assistance, and, when needed by an individual, career counseling, including— (1) Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and, (2) Provision of information on nontraditional employment (as defined in sec. 3(37) of WIOA).
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
 - Job vacancy listings in labor market areas;
 - Information on job skills necessary to obtain the vacant jobs listed; and
 - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs.
- Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system.
- Appropriate recruitment and other business services on behalf of employers, including small employers, which may include providing information and referral to specialized business services not traditionally offered through the one-stop delivery systems.
- Provision of performance information and program cost information on eligible providers of training services and eligible providers of youth workforce investment activities, providers of adult education, providers of career and technical education activities at the postsecondary level, and career and technical education activities available to school dropouts, and providers of vocational rehabilitation.
- Determinations of whether the individual is eligible to receive assistance from the Adult, Dislocated Worker, or Youth programs.
- Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs.
- Provision of information about how the area is performing on performance accountability measures, as well as any additional performance information relating to the area’s one-stop delivery system.
- Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State’s Medicaid program and Children’s Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD)¹; and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program.
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim—
 - Meaningful assistance means providing assistance:
 - (1) On-site staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim, or
 - (2) By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time.
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.
- Translation Services / Language Line Solutions

Individualized Career Services

Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—

- Diagnostic testing and use of other assessment tools;
- In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Group and/or individual counseling and mentoring.
- Internships and work experiences that are linked to careers.
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers.
- Career planning (e.g. case management)
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment.
- Job Clubs
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services.
- Financial literacy services.
- Follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service.
- Out-of-area job search assistance and relocation assistance.
- English language acquisition and integrated education and training programs.

Training Services

Training services, when determined appropriate, are provided either through an Individual Training Account (ITA) or through a training contract discussed in Section 10 of TEGL 3-15. Training services are linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the Adult or Dislocated Worker is willing to commute or relocate. The selection of training services are conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance (see WIOA sec. 134(c)(3)).

Follow-Up Services

Follow-up services are provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.

Explanation of how the one-stop centers provide all required or relatable services based on need and a customer centered design; information regarding the OSO and the methods for coordinated service delivery.

On demand access to required career services are provided through collaboration and coordination of partners based on a single customer flow model, agreed upon referral methods, and sharing customer data and information to facilitate co-enrollment. Partners co-locate in the AJCs when possible, and electronic connections are maintained among partners not physically co-located in the centers. The MOU outlines the role of the OSO and methods for coordinated service delivery among required and relatable partner programs. The Welcome Function is coordinated by the OSO, and those serving in this function warmly greet customers and offer an evaluation of service need recorded on the common intake form to identify the services to offer to customers to best meet their needs. Each customer is encouraged to register for Jobs4TN.gov. Customers are referred based on the needs identified on the common intake form, and those identified as needing eligibility determination or individualized career services are referred to on-site partners via a warm hand-off. For partners not located full-time in the Center, a spreadsheet is maintained as part of the MOU with contact information for all of the required partner programs offering services in the area. Staff serving in the Welcome Function coordinate with staff in the Career Development Team and Business Services Team to seamlessly deliver career services

to all customers. Referrals are tracked by the OSO and documented in Jobs4TN. Common intake forms and referral forms are uploaded to Jobs4TN and information is documented in case notes. All AJCs are evaluated for accessibility and accommodations are provided as needed to ensure services are available in the most inclusive and appropriate setting.

Name of the procured OSO, how the OSO was procured, the functions and scope of work of the OSO, and the methods for coordinated service delivery between the operator and partners.

Mid-Cumberland Human Resource Agency is the procured OSO. To procure the OSO, the NWTNWB follows the appropriate procurement and purchasing guidelines as outlined in the attached Purchasing and Procurement policy and as described below in the Fiscal Management section. To conduct a competitive process for the selection of the OSO in accordance with 121(d)(2)(A), the Board issues a Request for Proposals (RFP). The RFP is posted for a 30-day time period, with public notice provided through print media and / or electronic means, and with potential bidders notified of the release by email. Proposals received are reviewed by a committee, who make a recommendation to the Executive Committee, who then make a recommendation to the full Board for selection of the OSO. The selected OSO enters into a contract with the Board and CEOs as developed by the fiscal agent. The contract outlines the scope of work of the OSO pursuant to 20 CFR 678.620(a) **and Workforce Services Policy – One-Stop System Design**, including the methods for coordinated service delivery between the OSO and operators. The OSO's primary role is to coordinate multiple AJC partners and service providers to ensure functional alignment. **Employees physically located in an AJC are organized by functional unit and functionally supervised by the OSO to ensure seamless service delivery to workforce system customers.** As listed in the MOU, methods for coordinated service delivery between the operator and partners include a single customer flow model based on customer need, to refer customers using agreed upon referral methods, to share customer data and information to facilitate co-enrollment, and to participate in joint planning of the MOU and plan.

To promote coordination of services among partners, the OSO participates in quarterly meetings of partner management staff, hosts monthly AJC partner meetings, and hosts monthly Business Services Team (BST) meetings. These meetings allow staff across the area to communicate regarding service needs, upcoming events such as workshops and job fairs, and outreach efforts. Additionally, the OSO hosts short morning meetings on-site at each of the AJCs when visiting each center, providing an opportunity to discuss any specific topics related to that AJC. Another example is the sharing of job orders with internal and external partners as soon as they are available for public viewing. By immediately sharing job orders, the OSO not only ensures that all AJC staff and partners are knowledgeable of employment opportunities in the area, but also that Business Services Team (BST) members are aware of employer's hiring needs. This enables BST staff to reach out to employers to discuss any other needs they may have and the AJC services that are available to meet those needs. For example, BST staff can assist in showing employers how to search for resumes of qualified applicants, provide information about On-the-Job Training (OJT) and Incumbent Worker Training grants, and explain how hiring an individual with certain barriers through OJT can also qualify for a tax credit through the Work Opportunity Tax Credit program, saving even small employers thousands of dollars.

Describe the local operator's role and responsibility for coordinating referrals among required partners.

The local one-stop operator's role and responsibilities for coordinating referrals among required partners (§678.500(b)(3)) include:

- Inspire others and lead change; demonstrate extremely high levels of professionalism, integrity, and collaboration; and enhance and develop partnerships. Further, the operator will be required to coordinate with the leadership of all required partners.
- Coordinate services with affiliate centers and/or identified access points to ensure that required partners are apprised of AJC and community services for referral of customers.
- Maintain and update a digital and hard copy listing of all partner programs, including a brief description of service and contact information to ensure that all staff in the AJC have up-to-date information for referral of customers.

Furthermore, methods of referrals strive towards a coordinated and integrated approach to common intake procedures, career services, business services, and data sharing among partners. Referrals are made by all partners based on the initial evaluation of each individual's service needs using methods such as written, electronic, or phone referrals. The OSO periodically selects a sample of common intake forms to ensure customers are referred to the appropriate partner or program based on their individual need. For instance, if a customer indicated he lacked a high school diploma on the form, the OSO checks to see that the customer was referred to Adult Education for HiSet preparation classes. A referral form is utilized to track referrals from and to AJC staff and the OSO has designated a staff person in each AJC to be

responsible for tracking and reporting all of the referrals made and received. While staff offering referrals make every effort to connect with the partner program while the customer is in the AJC, in the event that a connection isn't made, AJC staff use referral forms as a means of tracking and following-up on referrals to ensure customers are eligible for and receiving services. Referrals and follow-up on referrals are documented in the case management system, Jobs4TN.gov, if it is available to the partner staff person, and are discussed during monthly functional team meetings.

B. Use of Technology in the One-Stop Delivery System

An integrated, technology-enabled intake and case management information system under WIOA (§ 679.560(b)(20)).

The management information system used to case manage participants for the programs listed below is the Jobs4TN system. Each employee is required to sign a user agreement stating personally identifiable information is to be kept confidential and only used for the purpose of job duties. Each AJC also utilizes the Greeter feature to track the number of customers using the AJC. Using this system for the majority of WIOA programs allows partners to share information and reduce duplication of data entry. Information needed to calculate all common indicators of performance resides in this system. Reports are generated and shared with program staff to ensure that performance targets will be met. The State office has held core partner meetings and has established performance groups that will routinely meet and report out all core partner performance. This approach will allow all partners to share concerns and keep a close eye on performance as a system. TANF and Vocational Rehabilitation use other case management systems but all WIOA partners will work to share information across these systems in order to better serve participants.

- Title I: Adult, Dislocated Worker, Youth
- Title II: Adult Education and Family Literacy
- Title III: Employment Programs under Wagner-Peyser
- Unemployment Insurance (UI)
- Trade Readjustment Assistance (TRA)
- Trade Adjustment Assistance (TAA)
- Job Counseling, Training, Placement Services for Veterans
- Migrant and Seasonal Farmworkers
- Community Services Block Grant (CSBG)
- Senior Community Services Employment Program (SCSEP)
- Second Chance (Reentry) - not currently available in Northwest TN

In addition, the above partners, as parties to the MOU, agree to work cooperatively to share data to the extent necessary and as permitted or required by applicable statutes or regulations.

Access to services, including in remote areas, through the use of technology and other means.

In accordance with the "direct linkage" requirement under WIOA, services are provided using technology available at the AJCs. The use of Skype for "face-to-face" interactions with various partners and employers allows customers in affiliate sites and access points to virtually receive one-stop services typically only offered onsite at the comprehensive centers. Jobs4TN also allows both job seeker and employer customers to remotely access secure, web-based AJC services such as labor market information, unemployment insurance, and mediated labor exchange. On-site and off-site partners routinely make referrals via phone or email, or to Jobs4TN.gov for the unemployment insurance program. Information regarding AJC services is made available on the system's website and social media pages. The Mobile AJC and Title I "Street Teams" also provide access to services. Livestreaming of AJC services is incorporated onto social media to inform customers of events such as job fairs.

C. Supporting the Strategy identified in the Combined State Plan

To support the strategy identified in the TN Combined State Plan for achieving the vision of increasing the competitive position of Tennessee business through the development of a high skilled workforce, the Northwest (NW) area:

- Connects to current industry / employers through scalable public / private partnerships, responsive incumbent training programs, and responsive talent acquisition programs.
- Develops clear pipelines including K-12, Adult Education, Re-Entry, Dislocated Worker / Re-Employment (UI, Workers Comp), Military Transition, and Postsecondary partners.
- Integrates Economic and Community Development through cross agency incentive process and project management.
- Uses clear data/reporting and predictive analysis for cross agency metrics, such as quarterly Partner Dashboards and Performance Dashboards.

The NW's Expanding Apprenticeships in Rural Northwest TN (EARN\$TN) initiative is one example of these efforts. Supported through TN's Apprenticeship Expansion grant, and supplemental funding from the Delta Regional Authority (DRA), this initiative seeks to expand apprenticeship opportunities by increasing awareness of employers to the benefits, assisting employers with developing apprenticeship standards, connecting qualified job seekers and employers, and facilitating the access to WIOA and other AJC partner funds to support apprenticeships. Further, with agreement of the employer, the BST will coordinate a more intensive marketing and pre-apprenticeship training program modeled after the Amteck Registered Electrical Apprenticeship Preparation (REAP) program. The REAP model includes an aggressive employer-driven awareness campaign with the employer traveling to high schools to "showcase" their apprenticeship, including an overview of the occupation, employer expectations, working conditions, wages, etc.

Additionally, to support the five key objectives developed by the State Workforce Development Board, the NW area:

1. Utilizes Jobs4TN as intake system and maintains an MOU to efficiently deliver services between partners not utilizing Jobs4TN, which facilitates the development of career pathways and co-enrollment, as appropriate, in core programs.
2. Expands access to employment, training, education and supportive services for eligible individuals, particularly eligible individuals with barriers to employment, by focusing services on those with the greatest barriers, including Youth, justice-involved individuals, individuals with disabilities, etc. In addition to the REAP program mentioned above, the Re-Entry Advanced Manufacturing Program (RAMP) offers access to employment and training programs to individuals currently incarcerated in local jails.
3. Improves access to activities leading to a recognized postsecondary credential through the use of ITAs and supportive services in partnership with other AJC programs such as Vocational Rehabilitation, SNAP Employment & Training or TAA, TN Promise, and TN Reconnect.
4. Creates a trained workforce to meet current industry needs through On-the-Job Training, Incumbent Worker Training, Apprenticeships and Pre-Apprenticeships, pathways development, and Occupational Skills Training.
5. Utilizes performance and partner dashboards to measure effectiveness.
6. Strives to streamline processes for employer and jobseeker customers and uses surveys to measure satisfaction.

D. Strategies to Enhance Services and Avoid Duplication

Integrating Wagner-Peyser, WIOA Adult, Dislocated Worker, and Youth, Adult Education, Vocational Rehabilitation, Temporary Assistance for Needy Families (TANF) and other partners within the AJC network allows core and non-core partners to work collaboratively and seamlessly in the delivery of services available under multiple workforce service programs. Staff from partner programs are cross trained regarding the specifics of each partner program in order to make meaningful referrals for participants, enhance services, leverage resources, and avoid duplication of services. Staff and facilities are functionally aligned to simplify customer service delivery and capitalize on the strengths of the staff and/or technology to deliver services. NW strives for a robust implementation of business sector strategies, jobseeker universal access to career services, streamlined business services teams, linked assessments and referrals, and targeted training and placements. **The attached MOU provides detailed coordination strategies.** Examples of service strategies and coordination among the core and other partners include:

- Conducting rapid response meetings in order to serve workers dislocated through closures or layoffs through Title I, TAA, UI, RESEA, and other services.
- Incorporating specialized programs such as RESEA, serving unemployment claimants, and SNAP Employment & Training, serving SNAP (i.e. food stamp recipients) into services at the AJC. Currently, RESEA is available at all nine AJC locations.
- Reverse referring SNAP recipients to DHS for possible enrollment in SNAP E&T.
- Splitting training costs between Title I and SNAP E&T for co-enrolled participants.
- Co-enrolling TAA participants in Title I for supportive services during occupational skills training, or near completion of training for OJT or work experience.
- Offering incentives to Title I Youth work experience participants who need a HiSet to participate in Adult Education classes.
- Co-enrolling Title I participants needing job search assistance in Wagner Peyser.
- Co-enrolling Vocational Rehabilitation and TANF work program participants in Title I paid work experience.
- Distributing Jobs4TN system alerts regarding registration of new veteran registrations to appropriate Veterans staff to conduct outreach.

- Ensuring priority of service to veterans and other eligible populations and hosting and / or participating in specialized events for veterans and other target populations.
- Offering services by several partners to currently incarcerated individuals including HiSet classes and testing by Adult Education, HiSet testing and resume assistance from Wagner Peyser, and Occupational Skills Training and On-the-Job Training by Title I Adult, Dislocated Worker, and Youth.
- Coordinating with TN Pathways to create pathways in at least 10 high schools and work to have a majority of graduates earn a postsecondary credential with support from TN Promise, Title I, and other funding sources.
- Coordinating with TN Pathways and relevant secondary education programs, particularly programs of study authorized under the Strengthening Career and Technical Education for the 21st Century (Perkins V) Act (20 U.S.C. 2301 et seq.) to enroll In-School and Out-of-School Youth and adults into paid work experience, On-the-Job training, and / or pre-apprenticeship and registered apprenticeship programs, such as the Registered Electrical Apprenticeship Preparation (REAP) program in partnership with Amteck.
- Coordinating with relevant postsecondary education programs, particularly programs of study authorized under the Strengthening Career and Technical Education for the 21st Century (Perkins V) Act (20 U.S.C. 2301 et seq.) to enroll In-School and Out-of-School Youth and adults into paid work experience, On-the-Job training, and / or pre-apprenticeship and registered apprenticeship programs, as well as providing scholarships and / or supportive services through one or more programs such as Title I, Vocational Rehabilitation, TAA, or SNAP E&T.

Additionally, the LWDB is charged with 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. LWDB staff typically receive proposals prior to submission and provide written confirmation that the information has been received for review. Proposals are then read for consistency with the local plan, such as plans for co-location and services to rural areas and target populations including justice-involved individuals. Recommendations to the eligible agency to promote alignment with such plan are made with the approval of the LWDB.

Other services TN provided in the one-stop delivery system, including but not limited to the programs outlined in WIOA Sec. 121, are outlined in the attached area's MOU and include efforts for service integration and avoiding duplication of services, such as:

- endorsing a single customer flow model based on customer need, not program requirements;
- referring customers between partners by methods listed in the agreement;
- authorizing the sharing of customer data and information in order to facilitate co-enrollment and case management across programs and funding streams; and
- participating in joint planning of the MOU, plan development, and modification of activities to accomplish the vision for the system.

Supportive Services

Great effort is taken by the NW area to leverage resources and avoid duplication of services in order to maximize funds and opportunities for customers. In addition to the supportive services offered by Title I, as listed in the attached supportive service policy, referrals are currently made to the following agencies and programs for childcare assistance, housing, and other supportive services:

	Childcare / Dependent Care	Transportation	Housing/ Related Assistance	Other
TN Dept. of Human Services (DHS)	Childcare Adult Day Care			SNAP
TN DHS – Vocational Rehabilitation		X	Independent Living Services	Assistive Devices / Services
Northwest TN Economic Development Council	Head Start Early Head Start		Home Energy & Weatherization Assistance	Temporary Emergency Food
Northwest TN Human Resource Agency		Public Transportation		Homemaker & Nutrition Services
Trade Adjustment Assistance		X	Relocation Assistance	
Housing Authorities			X	
TN Homeless Solutions			X	

The Orchard House			X	
West TN Legal Services			Legal Services regarding housing	Legal Services
Veteran Medical Center Homeless Dept.			X	
Habitat for Humanity			X	
Damascus Road, Inc.			X	

Referral Process

As described in the first bullet item above regarding methods used by the OSO to coordinate services between partners, a referral form is utilized to track referrals from and to AJC staff. The OSO has designated a responsible staff person in each AJC to track the referrals made and received to report to the OSO. The OSO tracks all referrals and reports on them quarterly to a committee of the Board. Additionally, staff offering referrals make every effort to connect with the partner program while the customer is in the AJC to offer the customer a warm handoff to a partner staff member. In the event that a connection isn't made, AJC staff use referral forms as a means of tracking and following-up on referrals to ensure customers are eligible for and receiving services. Referrals and follow-up on referrals are documented in the case management system, Jobs4TN.gov, if it is available to the partner staff person. Arrangements to assure that individuals with barriers to employment, including individuals with disabilities, can access available services are made to meet customers' individual needs, including reasonable accommodations as described in the Technical Requirements, Assurances, and Evaluation section.

E. Adult and Dislocated Worker Employment and Training Activities

Type and availability of activities.

The basic and individualized career services, training services, and follow-up services detailed in Section A above are made available through all AJCs in the local area. Priority of service is given to priority populations as described in Section G below.

Coordination of workforce investment activities with statewide rapid response activities.

To coordinate workforce investment activities in the local area with statewide rapid response activities, a NWTNWB staff member serves as the Rapid Response Coordinator for the local area and coordinates with the OSO and partners to provide assistance to employers and affected employees through Rapid Response services. Services provided by the Rapid Response Coordinator include assisting employers in filing a WARN Notice, scheduling a mass meeting prior to layoff, informing the employer and employees of programs and services including Jobs4TN, Trade Adjustment Assistance (TAA), Trade Readjustment Act Allowance (TRA), and Unemployment Insurance (UI), assisting the employer in registering in Jobs4TN, if not already registered, and completing the Mass Layoff spreadsheet, inviting partners to participate in the mass meeting, distributing marketing materials, and administering and collecting a Needs Survey to ensure the needs of the affected workers are understood and the AJCs are prepared to meet them accordingly. Title I and Title III staff are responsible for recording these services in Jobs4TN by entering activities into the individual's or employer's account.

F. Youth Activities

The type and availability of youth workforce investment activities in the local area, including activities for youth who are individuals with disabilities, which must include identification of successful models of such activities.

The NWTNWB provides youth activities, as described in the required Youth elements, as listed below:

Program Element	Provider responsible for providing program element
1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent	Local Education Agencies (LEAs) and / or Referral to Adult Education, Weakley County Schools and Jackson State Community College
2. Alternative secondary school services, or dropout recovery services, as appropriate	Referral to Adult Education, Weakley County Schools and Jackson State Community College
3. Paid and unpaid work experiences, that have an academic and occupational education component	Vocational Rehabilitation; TANF / Workforce Essentials; Postsecondary Institutions; Youth Provider, Dyersburg State Community College; LEAs; Migrant & Seasonal Farmworker Program
4. Occupational skills training, which shall include priority consideration for training programs that lead to recognized	Referral - ETPL Providers, TCATs Paris, McKenzie, & Newbern, Dyersburg State Community College, The University of TN at Martin, Bethel University, Roadrunner Driving School.

postsecondary credentials that are aligned with in-demand industry sectors or occupation in the local area involved	Early Postsecondary Opportunities (EPSOs) and TN SAILS are also available through secondary schools in coordination with training providers.
5. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral (as appropriate)	Contractor and Referral - Local Education Agencies; Community Organizations
6. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors (as appropriate)	Secondary Schools; Youth Provider, Dyersburg State Community College; Referral to LEAs and other community organizations, as appropriate.
7. Supportive Services	Contractor and Referral - Adult Education, Vocational Rehabilitation, TANF / Families First, TAA, Veterans Employment Services, Community Block Grant Migrant & Seasonal Farmerworker (TOPS), Community Organizations
8. Adult mentoring for the period of participation and a subsequent period, for a minimum total of 12 months	Secondary Schools; Youth Provider, Dyersburg State Community College; Referral to Work Experience Sites, Local Education Agencies, Postsecondary Institutions, other community organizations, as appropriate.
9. Follow-up services, for a minimum of 12 months, after the completion of participation (as appropriate)	Youth Provider, Dyersburg State Community College; Referral to other community organizations, as appropriate.
10. Financial Literacy Education	Secondary Schools; TANF; Youth Provider, Dyersburg State Community College; Operation Hope; Referral to other community organizations and banking institutions, as appropriate.
11. Entrepreneurial Skills Training	Referral to Small Business Development Centers; Small Business Associations (SBAs); Chambers of Commerce; Operation Hope
12. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services	Jobs4TN.gov; Wagner Peyster; TN Pathways; Youth Provider, Dyersburg State Community College; Referral to other community organizations, as appropriate.
13. Activities that help youth prepare for and transition to postsecondary education and training	Contractor and Referral - Local Education Agencies; Postsecondary Institutions; Adult Education; TANF / Workforce Essentials; Migrant & Seasonal Farmworks / TOPS; TN Promise & Reconnect; TN Achieves; Vocational Rehabilitation
14. Education offered concurrently with, and in the same context as, workforce preparation activities and training for a specific occupation or occupational cluster	Contractor and Referral - Adult Education; Local Education Agencies; Postsecondary Institutions; Work Experience Sites
YouthBuild	n/a – not available in Northwest TN.

These activities for youth, including those who are individuals with disabilities, are designed to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants. The NWTNWB’s Youth Work Experience (YWE) program is a successful model of such activities. The YWE program offers short term work opportunities for eligible young adults with little or no work experience. Employer partners serve as mentors by training them on proper work procedures and developing positive work habits. Goals of the program include providing work experience at safe, well-supervised job sites, developing positive work habits and employment related skills, such as self-confidence; ability to work as a team; improved communication with employers, co-workers, and customers; time management; problem solving skills; ability to accept and learn from criticism; adaptability; and a positive work ethic, enhancing opportunities for long-term employment and self-sufficiency, and increasing understanding of higher education and career options available. Outreach efforts for the YWE program, and other Youth programs, are focused on agencies serving potential Youth participants. For instance, partnerships with local Vocational Rehabilitation office staff are a priority in order to recruit Youth with disabilities.

WIOA outlines a vision for supporting youth and young adults through an integrated service delivery system. This vision includes high quality services for In-School Youth (ISY) and Out-of-School Youth (OSY) beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training, and culminating with a good job along a career pathway or enrollment in postsecondary education. The 14 Youth program elements are provided either directly by the Title I Career Service Provider, a Core Partner, such as Adult Education, or by referral to other partner programs, to both ISY and OSY:

Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities): Such services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. This can be provided in a one-on-one setting, in a group setting, through resources, and in workshops. Secondary school dropout prevention strategies include services and activities that keep a young person in-school and engaged in formal learning and/or training setting. Strategies include, but not

limited to tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction. Adult Education as a core partner for WIOA will provide these services. Additionally, local high schools provide such services to their students.

Alternative secondary school services, or drop-out recovery services, as appropriate: alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a Second Language training, are services that assist youth who have struggled in traditional secondary education. Dropout recovery services, such as credit recovery, counseling, and educational plan development, are those that assist youth who have dropped out of school. The goal is to help youth re-engage and persist in education that leads to the completion of a recognized high school equivalent. Local Education Agencies provide alternative school education.

Paid and Unpaid Work Experiences, including a Successful Model: work experiences have academic and occupational education as a component, and may include the follow types of work experiences:

- (i) Summer employment opportunities or other employment available throughout the school year;
- (ii) Pre-apprenticeship programs - designed to prepare individuals to enter and succeed in apprenticeship program registered under the National Apprenticeship Act;
- (iii) Internships and job shadowing a work experience option where youth learn about a job by walking through the workday as a shadow to a competent worker; and
- (iv) On-the-job training (OJT) opportunities;

In addition to funding OJT and work experience opportunities for eligible Youth, through the Registered Electrical Apprenticeship Preparation (REAP) initiative, in partnership with Amteck, the AJCs, an electrical contracting and engineering pathway was established at Lake County High School in 2018. The successful initiative was expanded in 2019, and will be offered again in 2020, and up to 30 graduating seniors from across Northwest TN high schools will have an opportunity to participate in the program. Amteck schedules ½ day “showcase” visits to provide career related information to graduating seniors. During the “showcase,” students are provided more detailed information about careers in the electrical trade, expected wages, and the expectations of employers. Seniors with an interest in a career as an electrician have an opportunity to apply for Amteck University’s two-week REAP program. Upon successful completion of the 2 week pre-apprenticeship program, graduates will be eligible for hire by Amteck and with supervisor recommendation, accepted into the Registered Apprenticeship program, which includes classroom and on-the-job training while being paid. Upon completion apprentices are prepared to take the exam to become a Journeyman/Licensed Electrician earning an estimated \$70,000 annually.

Furthermore, through the Work Opportunities for Rural Kids (WORK) program, a year-round paid Youth Work Experience (YWE) program, participants may work up to 37.5 hours per week for up to six months. In addition to gaining valuable hands-on experience and learning general work skills (i.e. soft-skills), such as attendance, punctuality, professional communication, teamwork, etc., participants earn the higher of \$8.00 per hour or the typical wage paid for the position. Ideally, participants are placed in worksites that fit their unique career interests, and are able to learn occupational skills required of that position. The Northwest area is also currently working with our local high schools to promote work experience opportunities this summer for students transitioning out of high schools, particularly for those who do not plan to go on to postsecondary or may not necessarily have a plan for after graduation. Title I staff are coordinating with the TN Pathways Regional Coordinator to promote the program to high schools in the area. The West Tennessee Regional Plan focuses efforts on continuing to grow pathway certification throughout the region. During the 2018-19 inaugural school year, 13 pathways in West Tennessee were certified. Northwest will continue to work closely with Pathways staff to continue the progress made to date. AJC staff are also marketing YWE opportunities for current students at postsecondary institutions such as TCATs, Dyersburg State Community College, and the University of TN at Martin.

Title I and Vocational Rehabilitation staff also seek to coordinate services to allow high school students with disabilities participating in unpaid work opportunities to be co-enrolled into paid YWE opportunities. This partnership provides students with the opportunity to not only begin earning a wage while still in school, but to also continue their work experience opportunity after graduation, providing them additional skills and experience to assist them in transitioning to employment. The Northwest area coordinates to co-enroll Temporary Assistance for Needy Families (TANF) participants whenever possible. By providing a YWE every summer, the Northwest area hopes to place participants in worksites that may potentially lead to employment, but also plans to work with participants to explore postsecondary opportunities and career pathways. Students leaving high school intending to continue into postsecondary training will

have the opportunity to participate in the program. With the intention of placing such students in worksites that match their intended programs of study, students will have the opportunity to participate in hands-on career exploration, gain skills, and earn a wage.

The NW area has identified the Manufacturing Careers Internship Program (MCIP), as described in the National Skills Coalition's *Promising Practices in Work-Based Learning for Youth* publication, to be a successful model to be potentially replicated in the local area. Similar to the Northwest area's already existing Youth Work Experience Program, the MCIP is a paid manufacturing internship program for youth between 18 and 24. The program is run by Business and Career Services, Inc. (BCS) in Northeast Illinois and funded by WIOA with private foundation support. Based on demand from local business for a sustainable pipeline of young talent, the program prioritizes youth — including at-risk young adults — as a valuable resource in expanding the pipeline of future workers. MCIP youth participate in a four-week, boot camp session during which the participants receive a \$10 a day stipend and soft-skill and job preparation training, tour between twelve and fourteen manufacturing employers' worksites, receive OSHA-10 and forklift credentials and are exposed to shop math. After the four-week boot camp, each participant enters an eight-week paid internship. The program provides support to participants for worksite attire (including boots and other materials), safety equipment, transportation vouchers to get to the worksite, and support for childcare costs. The program provides stipends to students during their boot camp before they start earning wages and has supported other needs as participants have experienced them such as funding for eyeglasses, housing assistance, and even car repairs.

To enhance the existing YWE program and provide soft-skills training similar to the MCIP program, the local board, through their Career Service Provider, has contracted with the Tennessee College of Applied Technology (TCAT) at Jackson to offer the Way to Win at Work curriculum to individuals participating in programs such as Youth Work Experience, Transitional Jobs, Registered Electrical Apprenticeship Preparation (REAP), and Re-Entry Advanced Manufacturing Program (RAMP), and any others who lack the soft-skills needed to be successful in the workplace. During the 36-hour online class, students learn what employers expect from employees and how exceeding those expectations is the way to win at work. Important topics covered include time and stress management, applications, cover letters, resumes, job interviews, workplace culture, ethics, etiquette, power in the workplace, and teamwork. Students complete activities and participate in online discussion to reinforce the concepts introduced in course content (selected readings, videos, and lecture presentations). The NW area also utilizes Career Ready 101 and Alison courses for self-paced modules on such topics.

Occupational Skills Training: priority consideration is given for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area, if the Local Board determines that the programs meet the quality criteria described in WIOA sec. 123. Institutions providing occupational skills training in Northwest TN include TCATs Paris, McKenzie, and Newbern, Dyersburg State Community College, the University of TN at Martin, Bethel University, and Roadrunner Driving School. Early Postsecondary Opportunities (EPSOs) and TN SAILS are also available through secondary schools in coordination with training providers. Funding for training is available through Individual Training Accounts (ITAs) for unmet need after other Federal and State financial aid such as TN Promise, TN Reconnect, Lottery, Pell, TSAC, etc. According to 20 CFR§ 681.550 "in order to enhance individual participant choice in education and training plans and provide flexibility to service providers, the Department allows WIOA Individual Training Accounts (ITAs) for OSY, ages 16 to 24, using WIOA youth funds when appropriate." The TN Department of Labor and Workforce Development requested and received a waiver to also allow ISY to also receive an ITA for training services.

Comprehensive Guidance and Counseling: This program element provides individualized counseling to participants and may include referrals to other partner programs for services such as substance and alcohol abuse counseling or mental health counseling. Staff members are responsible for assisting participants in collecting and analyzing information to determine the best mix of services necessary to obtain employment. Information areas may include a participant's needs, strengths, support systems, education, job skills, interests, and career goals. Information may be gathered informally, via interviews or observations, or formally via assessment tools such as aptitude tests, computer assisted programs, and interest inventories. Based on the results of the assessment process, staff connect participants to services available through the AJC and will make referrals to other programs a necessary if their needs are outside of the scope of life skills (time management, developing a support system to be successful in school, finding transportation to and from school, developing good study habits, etc.).

Leadership Development Opportunities: 20 CFR § 681.520 defines this program element as opportunities that

encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as: (a) exposure to postsecondary educational possibilities; (b) community and service learning projects; (c) peer-centered activities, including peer mentoring and tutoring; (d) organizational and team work training, including team leadership training; (e) training in decision-making, including determining priorities and problem-solving; (f) citizenship training, including life skills training such as parenting and work behavior training; (g) civic engagement activities that place youth in a leadership role such as serving on youth leadership committees, such as a standing Youth committee. To encourage responsibility, confidence, employability, and exposure to postsecondary opportunities, Youth can attend workshops in the AJCs such as Financial Literacy or Starting a Small Business, complete assignments in Allison or Career Ready 101, receive an adult mentor through work experience, receive career counseling from a career advisor, and / or be referred to TN Promise and TN Reconnect mentors and counselors. Additional work behavior training is also available at the AJCs through TCAT Jackson's the Way to Win at Work program.

Support Services: 20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), as services that enable an individual to participate in WIOA activities. These services include, but not limited to, the following: (a) linkages to community services; (b) assistance with transportation; (c) assistance with childcare and dependent care; (d) assistance with housing; (e) needs-related payments; (f) assistance with educational testing; (g) accommodations for youth with disabilities; (h) legal aid services; (i) referrals to healthcare; (j) assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; (k) assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; (l) payments and fees for employment and training-related applications, tests and certifications. Through the Title I program, Youth are eligible to receive transportation assistance for those who are attending postsecondary training or during the first 30 days of a work experience. Transportation assistance is also available through Vocational Rehabilitation (VR) and Temporary Assistance for Needy Families (TANF). Transportation is noted as a barrier in the West Regional Plan with car services such as Lyft and Uber being possible solutions. NW area plans to exploring these options. For individuals without transportation, the Northwest TN Human Resource Agency provides public transportation through a scheduled van service. Youth in a work experience may also receive assistance with uniforms, drug screens, background checks, supplies, etc. needed to be successful in the work experience. Youth participating in occupational skills training may also receive funding for related books, supplies, uniforms, etc. as required by their program of study. VR may also provide needed support services to Youth with disabilities, such as assistive technology and services, while TANF may provide childcare and cash assistance. Individuals in need of housing are referred to Housing Authorities and other community and faith-based organizations, such as TN Homeless Solutions and The Orchard House, as described under the last bullet item within this section. Housing related services such as Home Energy & Weatherization Assistance are available through the Northwest TN Economic Development Council.

Adult Mentoring: As listed in 20 CFR § 681.490, adult mentoring is offered for a duration of at least 12 months and may occur both during the program and following exit from the program. Adult mentoring is a formal relationship between a youth participant and an adult mentor that includes structured activities where mentor offers guidance, support and encouragement to develop the competence and character of the mentee. This may include workplace mentoring where the program matches a youth participant with an employer or employee of a company. While the Department of Labor strongly prefers that case managers not serve as adult mentors, the final rule allows case manager to serve as mentors in areas where adult mentors are sparse, such as in rural areas like Northwest TN. However, the desired method of providing leadership development includes connecting youth with a community mentor, which can usually be found through a work experience, postsecondary institution, or by referral to other community resources.

Follow-Up Services: services are provided for not less than 12 months from the exit date. 20 CFR § 681.580 describes follow up services as "critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training." Follow up services may include regular contact with the youth participant's employer, including assistance in addressing work-related problems that arise, and may include the following program elements: (1) supportive services; (2) adult mentoring; (3) financial literacy education; (4) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, or career exploration services; (5) activities that help youth prepare for and transition to postsecondary education and training. Follow up services include more than only a contact attempted or made for securing documentation in order to report a performance outcome. Title I staff provide follow-up services to identify any barriers participants may be having, which might impede their progress, in order to provide the necessary services to assist in overcoming the barriers.

Financial Literacy Education: The AJCs are in partnership with Operation Hope and local financial institutions to offer workshops on Financial Literacy on-site at the AJCs. The class covers banking services, tracking your money, credit, loans, and the basics of home ownership. There are also many resources on Job4TN's online learning resources called "Allison" and Career Ready 101 also has financial literacy as a learning component.

Entrepreneurial Skills Training: 20 CFR § 681.560 states this program element provides the basics on starting and operating a small business. Such training must develop the skills associated with entrepreneurship, such as the ability to take initiative, creatively seek out and identify business opportunities, develop budgets and forecast resource needs, understand various options for acquiring capital and the trade-offs associated with each option, and communicate effectively and market oneself and one's ideas. Rather than choosing to enroll in a formal training program to attain an entrepreneurship-training certificate, many jobseekers are interested in self-employment, and thus explore independent routes. Small Business Development Centers (SBDCs), Small Business Associations (SBAs), and Chambers of Commerce identify resources to assist these individuals. SBAs help entrepreneurs and existing owners to start, build, or grow their businesses offering services such as information on financing, loan applications, and regulations and licensing. The AJCs are in partnership with a community-based organization, Operation Hope, and the Small Business Development Centers (SBDC) through the University of TN at Martin (UTM) and Dyersburg State Community College to hold workshops in the AJCs. The SBDCs also provide one-on-one assistance through a referral to provide expert business advice to all types of businesses including, but not limited to counseling, business planning, marketing assistance, training, and cash flow analysis to start-up entrepreneurs and existing business owners. For example, the SBDC through UTM partnered with a Business Services Team member to host an information session about the grants available through the AJCs, such as On-the-Job Training and Incumbent Worker Training.

Services that provide labor market and employment information: this element includes services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services. Interest inventories and other career planning tools are available through websites such as mynextmove.org and careeronestop.org/getmyfuture. The AJCs also utilize Jobs4TN.gov, Career Coach, and Economic Modeling Systems, Inc. (EMSI) to provide labor market and employment information. You Science Career Awareness and Aptitude assessment is also available.

Activities that help youth prepare for and transition to postsecondary education and training: secondary schools offer an assortment of services including exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities, and registered apprenticeships, assisting the youth in preparation for the ACT/SAT testing, assisting with the college admission applications, searching and applying for scholarships and grants, filling out the proper Financial Aid applications and adhering to changing guidelines, and connecting youth to postsecondary education programs. Additionally, Youth served through the AJCs may receive assistance in using Jobs4TN.gov, Career Coach, and other resources to identify postsecondary training opportunities, and related employment information. Career Coach was purchased through a Delta Healthcare Services Grant in partnership with Dyersburg State Community College to provide students with a connection between education / training programs and quality career outcomes. The portal is "institution neutral" with all training providers in the Northwest area provided an opportunity to list their programs. With Career Coach, students can quickly find a career that's right for them based on relevant job market information and enroll in a program at institutions that best fit their goals. Students can take a Career Assessment to learn about themselves and Career Coach will give career suggestions based on their interests, build a resume, browse careers and view relevant data on wages, employment, and the training needed, and browse available programs that lead to the career they want. Career Coach allows also veterans to find civilian careers related to their military occupation. AJC staff can also assist Youth in receiving ITAs and other federal and state financial aid.

Education offered concurrently with, and in the same context as, workforce preparation activities and training for a specific occupation or occupational cluster: this program element reflects the integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster or career pathway. While programs developing basic academic skills, which are included in as part of alternative secondary school services and dropout recovery services, workforce preparation activities that occur as part of a work experience, and occupational skills training can all occur separately and at different times (and thus are counted under separate program elements), this program element refers to the concurrent delivery of these services which make up an integrated education and training model. Several postsecondary training programs, such as healthcare and

manufacturing, provide academic and hands on learning through cooperatives or internship opportunities. For instance, all nursing programs include clinical experience in various healthcare employment settings such as hospitals, nursing homes, and clinics. Dyersburg State and Jackson State Community College both provide cooperative “Earn and Learn” programs in advanced manufacturing. TCATs include an internship opportunity for students near the end of training. At the secondary level, work-based learning opportunities are incorporated as part of career pathways and the TN Pathways Certification.

A description of how local areas will meet the requirements of 75% expenditures for out-of-school youth.

The NWTNWB elected not to adopt the expenditure of 50% for both youth populations. While continuing under the requirement that local areas expend at least 75% of local formula youth funds on Out-of-School (OSY):

- Business Services Team builds relationships with employers to increase out-of-school On-the-Job (OJT) placements and Apprenticeship enrollments
- A year-round Work Experience program is operated to help out-of-school youth gain valuable, relevant work experience and increase skill sets making them more marketable and desirable employees
- OSY are marketed to employers for Apprenticeships
- The NWTNWB’s Career Service Provider enrolls OSY for Occupational Skills Training, providing ITAs and associated Support Services when appropriate
- Supportive services are offered to OSY participating in training activities.

A description of how local areas will meet the requirements of the in-school youth waiver

The NWTNWB will continue to serve the at-risk ISY population through a network of community resources and community partners. Partnerships already in place to serve ISY include:

- Annual Manufacturing Day Events - Each October the NWTNWB and AJCs partner with local high schools and employers to celebrate Manufacturing Day. Employers in the manufacturing industry provide tours and / or presentations to high school students to promote careers in manufacturing. An implementation strategy outlined in the West Regional Plan is to facilitate interaction between school administration and employers to provide “real world” workforce expectation of business and industry. The northwest area will engage all partners – high school administration and manufacturing employers in the planning of Manufacturing Day events this year by hosting virtual roundtables with all stakeholders contributing to the plan of events.
- Registered Electrical Apprenticeship Preparation (REAP) program - Those who successfully completed the pre-apprenticeship work experience are eligible for hire by Amteck and upon supervisor recommendation, students are accepted into the Registered Apprenticeship to become a Journeyman/Licensed Electrician.
- #WorkLife launches Summer 2020 in Benton County as a pilot program to match graduating seniors with employers in their future career field to provide meaningful career work experience prior to enrollment in postsecondary training or fulltime employment.
- The NWTNWB’s Career Service Provider enrolls ISY for Occupational Skills Training, providing ITAs and associated Support Services when appropriate.
- The NWTNWB is a partner for TN Pathways – Northwest and has participated in the WBL and industry engagement working group.
- Enhancing WBL partnerships by funding onsite work experiences.

Although the Northwest area opted out of the 50/50 waiver, up to 25% of local formula youth funds are still available to serve the at-risk ISY population, including issuing ITAs. Like Adults and Dislocated Workers, ISY, and OSY, may receive up to \$8,000 in ITA funding (up to \$4,000 per year for up to two years). Youth receiving ITAs are also eligible to receive associated supportive services such as transportation stipends and funding for books and supplies. ITAs are issued as last-dollar funds after other federal and state financial aid, and given the many funding options available for postsecondary training, such as TN Promise, Pell, the HOPE scholarship, and Tennessee Student Assistance Award, many students require much less than the maximum ITA allowed. At an estimated average cost of approximately \$2,000 per ITA, if 25%, or about \$195,000, of the nearly \$780,000 in Youth formula program funds currently available to the local area was utilized on ISY ITAs, close to 100 ISY participants would receive services. As with Adults and Dislocated Workers, ITAs for Youth are focused on in-demand occupations.

The Northwest area has strong partnerships with the training providers in the local area and AJC staff frequently visit with training providers to ensure marketing materials are available to their students through financial aid offices,

students services, etc. AJC staff also frequently meet with students to promote services through new student orientations, transfer student orientations, financial aid events such as FAFSA Fever, college and career nights, etc. Training providers regularly refer students to the AJCs for eligibility determination and coordinate with Title I Career Advisors to identify unmet need for students who are to receive an ITA. AJC staff will also continue to work towards building similar relationships with secondary school representatives to ensure students transitioning to postsecondary are aware of ITAs and associated supportive services. Furthermore, since ISY must be low income and also possess a barrier – basic skills deficient; an English language learner; an offender; a homeless individual; pregnant or parenting; an individual with a disability; or an individual who requires additional assistance to complete an educational program or to secure or hold employment (not to exceed 5%), the Northwest area focuses recruitment efforts on agencies serving such populations. Outreach efforts have been / will be targeted on Adult Education classes, juvenile justice offices, TN Homeless Solutions, the TN Department of Children’s Services and foster care agencies such as Youth Villages, Vocational Rehabilitation, and alternative schools. Youth-aged inmates are also encouraged to participate in Certified Production Technician (CPT) training through the Re-Entry and Advanced Manufacturing Program (RAMP) currently offered at three local jails.

Furthermore, the local board also ensures there are sufficient numbers and types of providers of training services serving the local area and providing the services and meeting local labor market needs. For instance, it would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations, so long as such a contract does not limit customer choice. Given the expected growth in the Transportation & Logistics industry, and the large number of anticipated replacement jobs for Heavy and Tractor-Trailer Truck Drivers across West TN, the Northwest area is currently considering an additional truck driving class specifically for Youth participants.

G. Services to Priority Populations

Provide a description of how the local area will provide services to priority populations.

Per TEGL 19-16, Section 134(c)(3)(E) of WIOA, with respect to funds allocated to a local area for Adult employment and training activities, priority must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient (BSD) for receipt of Individualized Career Services and Training Services. TEGL 19-16 also states that Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the below manner:

1. Priority Group # 1: Veterans/eligible spouses who are recipients of public assistance, low income, or BSD.
2. Priority Group # 2: Non-Veterans who are recipients of public assistance, low income, or basic skill deficient.
3. Priority Group # 3: Veterans/eligible spouses who are not recipients of public assistance, low income, or BSD.
4. Priority Group # 4: Priority groups established by the Governor and/or Local Board. Per TN Dept. of Labor and Workforce Development Workforce Services Guidance – WIOA Memorandum of Understanding / One-Stop Service Delivery and Infrastructure Funding Agreement, the following demographics experiencing barriers to employment are specifically targeted for services and must be provided priority for training activities as Priority Group # 4:
 - Individuals with significant barriers to employment
 - Displaced homemakers
 - Eligible migrant and seasonal farmworkers
 - Re-entry services
 - Homeless individuals
 - Individuals facing substantial cultural barriers
 - Individuals with disabilities, including youth with disabilities
 - Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act 13
 - Individuals who are English language learners
 - Individuals who are unemployed, including the long-term unemployed Individuals who have low levels of literacy
 - Individuals without a high school diploma
 - Native Americans, Alaskan Natives, and Native Hawaiians
 - Older individuals
 - Single parents (including single pregnant women and non-custodial parents)
 - Veterans
 - Youth who are in, or have aged out of, foster care
5. Priority Group # 5 - Non-covered persons outside the groups given priority under WIOA or TDLWD policy.

In order to appropriately serve priority populations as described above, the AJC staff will provide appointments accordingly within the timeframes described below:

Priority Group # 1 - the first available appointment, but no longer than three (3) working days.

Priority Group # 2 - the first available appointment, but no longer than four (4) working days.

Priority Group # 3 - the first available appointment, but no longer than five (5) working days.

Priority Group # 4 - the first available appointment, but no longer than six (6) working days.

Non-covered persons outside the groups given priority under WIOA or TDLWD policy will be scheduled at the first available appointment, subject to currently scheduled PRIORITY appointments.

The OSO is responsible for assuring that AJC staff are aware of, promote, and comply with the Priority of Service policy. AJC staff will determine priority status during the initial assessment, eligibility process, and/or enrollment. Each AJC customer is greeted and provided with a common intake evaluation by the AJC staff person serving in the Welcome Function which includes questions for identifying both Veteran and high school diploma / equivalent status.

Describe how the local board will determine priority populations and how to best serve them.

In addition to the priority populations described above, the NWTNWB has determined that when funds allocated to the local area for Adult employment and training activities are limited, Individualized Career Services and Training Services will also be prioritized to recipients of public assistance and other low-income individuals and other specific groups:

1. Adults who are unemployed or employed with an income below the NWTNWB Self-Sufficiency Standard that are identified to need training to obtain the job, will be eligible for Individualized Career Services and placement in an on-the-job training position.
2. Adults who are unemployed or employed with an income below the NWTNWB Self-Sufficiency Standard who are currently attending classroom occupational skills training and making satisfactory progress and are identified by the training provider to have a financial unmet need that could result in discontinuing training, will be eligible for Individualized Career Services and training services such as assistance with fees, books and transportation.
3. Adults who are unemployed or employed with an income below the NWTNWB Self-Sufficiency Standard who have a barrier to employment listed as below and found in WIOA sec. 3(24), and provide the required documentation as listed:

Barrier	Required Documentation
Displaced Homemakers.	Documentation of living in the same household as a spouse or parent / guardian who had income supporting the applicant and providing unpaid services; Documentation of loss of income; and Documentation of being unemployed or underemployed and experiencing difficulty in obtaining or upgrading employment.
Low Income individuals.	Documentation requirements as listed in within the <i>Process for Determining Low Income Eligibility</i> section below.
Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.	Self-Attestation on Application and Eligibility Form.
Individuals with disabilities, including youth who are individuals with disabilities.	Documentation of the disability such as a written statement from Vocational Rehabilitation reflecting current services, verification showing current receipt of SSI or SSD for the individual from the Social Security Administration, or a letter from a local education entity stating the individual is M-Teamed based on a disability.
Older individuals (an individual age 55 or older).	Usual documentation requirements for Date of Birth (i.e. Driver's License, Birth Certificate, etc.)
Ex-offenders.	Self-Attestation on the Application and Eligibility Form.
Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).	Self-Attestation on the Application and Eligibility Form.
Youth who are in or have aged out of the foster care system.	Documentation of foster care status from the appropriate foster care agency.
Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.	Scoring below a 9.0 on the TABE or CASAS.
Eligible migrant and seasonal farmworkers, as defined in section 167(i).	Documentation of eligibility from TOPS.

Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).	Agency (i.e. DHS or WFE) documentation.
Single parents (including single pregnant women).	Documentation of parenting (i.e. birth certificate) and indication of single status on the Application and Eligibility Form, including only one parent being listed in the household.
Long-term unemployed individuals (Individuals who are unemployed for 27 or more weeks per WIOA Application found in the Virtual One Stop system as provided by TNDOL).	Self-Attestation on the Application and Eligibility Form <u>AND</u> documentation of means of support.
Such other groups as the Governor involved determines to have barriers to employment.	N/A - no groups have been identified by the Governor.

- Adults who are unemployed or employed with an income below the NWTNWB Self-Sufficiency Standard who are in need of training to secure employment.

Basic Career Services will continue to be available to all Adults. The Outreach and Opportunities standing committee of the NWTNWB provides guidance for how to best serve target populations.

Describe how the local board will focus efforts on priority populations to meet Key Performance Indicators.

Key performance indicators (KPIs) provide a way of measuring the effectiveness of an organization in achieving its goals. In pursuit of continuous improvement, and the goal of increasing the competitive position of Tennessee business by providing Tennesseans who want to work access to an effective public workforce system, the Tennessee Department of Labor and Workforce Development has developed annualized regional and state KPIs. From these guidelines, each LWDB was tasked with collaborating within their Grand Planning Region in order to develop quarterly targets specific to the goals and needs of their LWDA. In addition to goals for the core partner programs, the developed KPIs also include goals for target populations such as veterans, RESEA, SNAP E&T, MSFW, and re-entry populations. In order to help meet the KPI goals, outreach, enrollment, and co-enrollment efforts will focus on priority populations. Such as:

- Targeting outreach efforts on agencies serving these populations, such as distribution of marketing materials, participation in events, and invitations to participate in AJC events and strategy meetings.
- Displaying marketing materials for core and community partners at the AJCs, and providing materials to be displayed at the partners' sites.
- Utilizing social media accounts to connect with customers and other agencies and inform them of the services available through the AJC.
- Conducting rapid response meetings in order to serve workers dislocated through closures or layoffs. Outreach to unemployment claimants regarding AJC services is also conducted when contact information is available.
- Incorporating specialized programs such as RESEA, serving unemployment claimants, and SNAP Employment & Training, serving SNAP (i.e. food stamp recipients) into services at the AJC. Currently, RESEA is available at all nine AJC locations.
- Reverse referring SNAP recipients to DHS for possible enrollment in SNAP E&T.
- Offering incentives to Title I Youth work experience participants who need a HiSet to participate in Adult Education classes.
- Co-enrolling Title I participants needing job search assistance in Wagner Peyser.
- Co-enrolling Vocational Rehabilitation and TANF work program participants in Title I paid work experience.
- Distributing Jobs4TN system alerts regarding registration of new veteran registrations to appropriate Veterans staff to conduct outreach.
- Co-enrolling TAA participants in Title I for supportive services during occupational skills training, or near completion of training for OJT or work experience.
- Offering services by several partners to currently incarcerated individuals including HiSet classes and testing by Adult Education, HiSet testing and resume assistance from Wagner Peyser, and Occupational Skills Training and On-the-Job Training by Title I Adult, Dislocated Worker, and Youth.

H. Training Policies and Activities

Training services can be critical to the employment success of many Adults and Dislocated Workers. AJC staff may determine training is appropriate regardless of whether the individual has first received Basic or Individualized Career Services. Training services may be provided if staff determine, after an interview, evaluation or assessment, and career planning, that the individual:

- is unlikely or unable to obtain or retain employment, that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone;
- is in need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through career services alone;
- has the skills and qualifications to successfully participate in the selected program of training services.

Programs of training services must be linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the Adult or Dislocated Worker is willing to commute or relocate. The selection of training services is conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance (see WIOA sec. 134(c)(3)). Training services, when determined appropriate, are provided either through an Individual Training Account (ITA) or through a training contract as discussed in Section 10 of TEGL 3-15.

Adult and dislocated worker training services currently available in the Northwest area include:

- Occupational skills training, including training for nontraditional employment;
- On-the-Job Training;
- Incumbent Worker Training; and
- Transitional jobs.

Additional training services that may be offered as needed may include:

- Programs that combine workplace training with related instruction, which may include cooperative education programs;
- Training programs operated by the private sector;
- Skill upgrading and retraining;
- Entrepreneurial training;
- Job readiness training (provided in combination with certain training services);
- Adult education and literacy activities, including activities of English language acquisition and integrated education and training programs (provided concurrently or in combination with certain services); and
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

Training services are focused on the area’s top industry sectors. The local board reviews labor market information (LMI) prior to approving new programs or renewing existing programs for the Eligible Training Provider List (ETPL) to ensure the programs are aligned with local and / or regional labor market needs. Furthermore, prior to issuing Individual Training Accounts (ITAs) for postsecondary training at approved providers as listed on the ETPL, Title I Career Advisors ensure that participants’ career goals align with in-demand industries and occupations. According to Economic Modeling Systems, Inc. (EMSI), current labor market data indicates the top five industries expected to add the most jobs between 2018 and 2028 are:

Description	2018 Jobs	2028 Jobs	2018 - 2028 Change	2018 - 2028 % Change	2028 Location Quotient	Avg. Earnings Per Job	2018 GRP
Manufacturing	15,690	17,484	1,794	11%	2.48	\$59,150	\$1,640,638,992
Government	18,527	20,065	1,538	8%	1.41	\$49,044	\$1,032,527,648
Health Care and Social Assistance	9,503	10,340	837	9%	0.76	\$42,140	\$514,806,415
Retail Trade	11,027	11,623	596	5%	1.21	\$31,560	\$673,440,254
Transportation and Warehousing	3,279	3,847	568	17%	1.06	\$51,806	\$274,817,759

Work-based Learning strategies and goals.

The NWTNWB offers various opportunities for Work-Based Learning, including On-the-Job Training, Work Experience, Transitional Jobs, Apprenticeships, and Incumbent Worker Training. Work-based training opportunities must be identified as an appropriate activity for program participants on the Individual Employment Plan (IEP) or Individual Service Strategy (ISS). IEPs or ISSs, and/or case notes, will specify goals of the work-based training activity by identifying the purpose of the activity and expected outcomes. Appropriate support services, as described in the attached Supportive Services policy, may be used in combination with work-based training to meet the needs of employers and participants. The Regional Planning Council, which includes members of the core partners as well as other partners, identifies regional and local in-demand and emerging sectors using available labor market data, strategy meetings, and

other data gathering methods. Workforce efforts, including Work-Based Learning, are then focused on identified sectors through services available in the AJC. For instance, manufacturing and healthcare are two of the most prominent sectors in the area, therefore On-the-Job Training (OJT), apprenticeships, and Incumbent Worker Training (IWT) grants are heavily concentrated in these areas. The NWTNWB strives to continually increase employer penetrations rates and will serve as many employers as possible based on employer hiring needs and availability of funding. Work-based learning efforts are also focused on serving target populations and individuals with barriers to employment, such as Youth, justice-involved individuals, and individuals with disabilities.

The NWTNWB strives to utilize approximately 10% of Adult and Dislocated Worker program funding allocated to local area through formula program funds and / or specialized funding such as Consolidated Business Grants (CBGs) to provide work-based learning opportunities. At an estimated cost of \$2,500 per individual, approximately 100 participants would be expected to be served through work-based learning opportunities, contingent upon funding availability and employer hiring needs. A minimum of 20% of the area's Youth program funding is dedicated to serving work experience participants, which may also include OJT and apprenticeships. The NW's Expanding Apprenticeships in Rural Northwest TN (EARN\$TN) initiative is one example of these efforts. Supported through TN's Apprenticeship Expansion grant, and supplemental funding from the Delta Regional Authority (DRA), this initiative seeks to expand apprenticeship opportunities by increasing awareness of employers to the benefits, assisting employers with developing apprenticeship standards, connecting qualified job seekers and employers, and facilitating the access to WIOA and other AJC partner funds to support apprenticeships. Further, with agreement of the employer, the BST will coordinate a more intensive marketing and pre-apprenticeship training program modeled after the Amteck Registered Electrical Apprenticeship Preparation (REAP) program. The REAP model includes an aggressive employer-driven awareness campaign with the employer traveling to high schools to "showcase" their apprenticeship, including an overview of the occupation, employer expectations, working conditions, wages, etc.

Individual Training Account Policy

As described in the attached Individual Training Account (ITA) policy, training services, when determined appropriate, must be provided either through an ITA or through a training contract discussed in Section 10 of TEG 3-15. The NWTNWB limits ITAs to programs on the WIOA Eligible Training Provider List that lead to a credential in a period of two years or less, including Challenge/CLEP tests, when appropriate. ITA funding is for unmet need for cost of training not covered by other federal or State financial aid, such as Pell, Lottery, TN Promise, and TN Reconnect. WIOA funds are considered "last dollar." ITA funding is authorized per training term (quarter, semester, trimester, etc.), with subsequent terms authorized after successful completion of the previous term. The ITA is limited to \$4,000 per year, for two years, with total cost limited to \$8,000 during participation.

In accordance with TDLWD's American Job Center Individual Training Account Use guidance, Tennessee, and the NWTNWB recognizes limited exceptions to the use of ITAs. Contracts for services may be used instead of an ITA only when one or more of these exceptions apply (WIOA Section 134(c)(3)(G)(ii)):

- 1) The services provided are OJT, customized training, incumbent worker training, or transitional jobs;
- 2) The LWBD determines that there are an insufficient number of Eligible Training Providers in the local area to accomplish the purpose of a system of ITAs;
- 3) The LWDB determines that in the area there is a training-services program of demonstrated effectiveness offered by a community-based organization or other private organization to serve individuals with barriers to employment;
- 4) The LWDA determines that the most appropriate training could be provided by an institution of higher education to train multiple individuals for jobs in sector-demanded occupations, provided this does not limit customer choice; or
- 5) The LWDA is considering entering into a pay-for-performance contract and the LWDA ensures that the contract is consistent with 20 CFR 683.510.

In order to determine the effectiveness demonstrated by a community-based organization or other private organization, particularly as it applies to the special participant population to be served, the NWTNWB will evaluate the following:

- A) Financial stability of the organization;
- B) Demonstrated performance in measures appropriate to the program; and
- C) The relevance of the specific program to LWDA needs identified in the local area

Information on local training providers and programs is included on Jobs4TN.gov. Eligible training providers are listed on the Eligible Training Provider List (ETPL). All AJC customers may access this information, regardless of how training

services are to be provided. The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance (see WIOA sec. 134(c)(3)). In order to select a program of study and make a career decision, individuals will go through a series of assessments and career exploration exercises in order to establish the appropriateness of training. Career decision making should rely heavily on local Labor Market Information, focusing on future job growth. If there is no local demand, then a viable plan for relocation to an area where the occupation is in demand must be established. This plan must be documented within the case narrative section and on the Individual Service Strategy (ISS).

Training Provider Approval Policy

As stated in the attached Training Provider Approval policy, training providers must provide all requested performance, cost, credentialing, articulation documentation, or other information requested by the Committee and/or the NWTNWB when applying for inclusion on the Eligible Training Provider List (ETPL). The NWTNWB reviews and approves applicants which are deemed to have met the criteria outlined in WIOA Subtitle B, Chapter 1, Section 122. Renewal applications must provide required performance data in order to remain on the ETPL. Eligible Training Providers are accountable to established performance standards in accordance with Workforce Services Policy #5 – Eligible Training Provider List and renewal applications must provide required performance data in order to remain on the ETPL. According to the policy, providers on the ETPL are required to submit performance reports to the State, which must contain individual level data for all participants in programs offered by the Eligible Training Provider that have serviced at least one student with the assistance of WIOA funding. Performance reporting is required for credential attainment, employment rates during 2nd and 4th quarters after exit, and median earnings during 2nd quarter after exit for all students as well as for WIOA participants. The NWTNWB also reviews local labor market information prior to initial and re-approvals to ensure programs will meet the employment needs of local employers, workers, and jobseekers.

Similarly, employers who are awarded On-the-Job Training (OJT) contracts will have performance periodically reviewed by the Business Services Team to ensure placement and retention standards, in accordance with the federal performance measure, are met and warrant continued approval of new OJT contracts and slots. Any employers who are found to have a pattern of failure regarding completion or retention of participants will discuss the contributing factors with a Business Services Team member. The NWTNWB holds subcontractors to the same performance levels developed by the US Department of Labor, broken out by the Adult, Dislocated Worker, and Youth funding streams. These standards are then negotiated with each of the states, including Tennessee. TDLWD then negotiates with the Local Workforce Development Areas across the State.

Meeting Industry Demand

The LWDB continuously monitors labor market information and the needs of employers to ensure there are enough providers to meet industry demands. If data indicates growth in an occupation with few or no training programs available, if employers express concerns regarding qualified applicants, or if there are large wait lists for high-demand programs, the LWDB may consider a need for a customized training or pay-for-performance contract to increase training of applicants and meet the needs of area employers. Many training providers also offer customized training programs that can assist in meeting industry demands. The NWTNWB partners with area training providers to identify the best course of action for the employer and assists in funding training when possible.

I. Business Service Strategy

As noted in the Regional Plan, local and regional employers are a primary customer of the workforce system and the northwest area will continue to develop and maintain strong partnerships with the employer community, and business services strategies are discussed during the monthly functional team meeting. The Business Services Team assists in identifying and meeting the needs of employers in existing and emerging industries and occupations by building relationships through local and regional initiatives, developing career pathways, identifying means of addressing human resources needs, and promoting and facilitating the use of AJC services such as On-the-Job Training grants, customized training opportunities, industry and sector strategies, apprenticeships, and the availability of Incumbent Worker Training grants. Other services provided to new and prospective companies by the Business Services Team and American Job Center Partners include:

- Pre-screening Applicants – Analyzing and pre-screening job applications based on minimum requirements, then referring qualified candidates to various pre-employment assessments.
- Job Fairs – Facilitating, organizing, planning and finding qualified labor for open positions, including joint job fairs across the West TN region.
- Labor Market Information – Labor Market FAQs can be found on www.Jobs4TN.gov - an online resource that provides access to a wide variety of information about jobs in the local area, such as the average wages for jobs in an area, the occupations predicted to have the most future job openings, the salary expectations for specific occupations, and county unemployment rates.
- Virtual American Job Center – Using the Jobs4TN online website to connect employers to job seekers by listing job orders and making coordinated referrals based on job descriptions.
- On-the-Job and Incumbent Worker Training – Educating employers about the availability of OJT and IWT funds to assist in upgrading skills of new and existing employees.
- Unemployment Insurance (UI) Services – Using Jobs4TN to report layoffs and closures, workers to file claims, job search, and complete weekly certifications, and connect to programs for UI recipients including Re-Employment Services Eligibility Assessment (RESEA).
- Starting Your Own Business Workshop – Attendees learn the skills and information they need to get started, including successful business ownership traits, assessment of the business idea, and the “mechanics” of starting a business – forms of ownership, insurance, financing, and more. Workshops are offered in partnership with the TN Small Business Development Centers and Operation Hope.

Business Services Team members focus efforts by working with the Economic and Community Development team to ensure targeted industries align with the Governor’s Sector Strategies. Thorough analysis of the labor market data and discussions with key stakeholders have resulted in the identification of in-demand sectors in the local area on which to focus workforce development efforts in order to address the middle-skills gap and meet the needs of employers: (1) Healthcare; (2) Transportation and Logistics; (3) Advanced Manufacturing; and (4) Business Services, with a particular emphasis on Information Technology. Shared information and data agreements may be utilized to support access to information and information sharing between the partners as allowed by authorizing laws and regulations. All marketing material used in the AJCs include the federal brand of American Job Center Network, which has been incorporated into all flyers, brochures and outreach material. A comprehensive brochure entitled “Business Solutions” was developed and is distributed to employers by all partners to facilitate a uniform message of business services.

The NWTNWB focuses on enhancing training opportunities and providing individuals with the knowledge and resources needed to take advantage of them. Data from the West TN Regional Plan is used as a foundation to begin discussions and develop partnerships with core programs and educational institutions such as TN Colleges of Applied Technology, Community Colleges, and Universities to address educational needs in the area, and achieve the goal of the Drive to 55 initiative, by ensuring the availability of needed training opportunities. To meet the needs of employers and align education and training opportunities with targeted industries and occupations, the NWTNWB also takes advantages of initiatives, such as TN Pathways, to collaborate with workforce, education, training, and employer partners. The TN Pathways initiative supports alignment among K-12, postsecondary education, and employers across the state so that students have a clear and guided pathway to gain the knowledge and experience needed to move seamlessly into the workforce. TN Pathways directly supports the Drive to 55 goal to equip at least 55% of Tennesseans with a college degree or certificate by 2025 through: 1. High-quality college and career advisement throughout K-12; 2. Rigorous early postsecondary and work-based learning opportunities in high school; and 3. Seamless vertical alignment between K-12, postsecondary programs, and career opportunities as a result of effective partnerships among school districts, higher education institutions, employers, and community organizations. The NWTNWB will partner with the Northwest TN Pathways Regional Coordinator to certify pathways in at least 10 high schools and work to have a majority of graduates earn a postsecondary credential. To yield a pipeline of skilled entry-level workers to address the current and projected skilled worker shortage, the NWTNWB will also: 1. Research labor market information and assist in the engagement of employers in the region to determine current and future hiring needs; 2. Coordinate with middle schools to understand, develop, and/or enhance career exploration activities for students, beginning in the 7th grade, to assure programs align with industry needs; 3. Facilitate interaction between employers and middle/high school teachers, counselors, and/or administration to provide “real world” workforce expectations of business and industry, including pathways, work ethic

and soft skills; and 4. Coordinate with secondary schools and postsecondary institutions to develop career pathways for students that meet the needs of the students and employers.

The West Tennessee Regional Plan outlines apprenticeship as an emerging and new strategy for west Tennessee. Through the Registered Electrical Apprenticeship Preparation (REAP) initiative, in partnership with Amteck and the AJCs, an electrical contracting and engineering pathway was established at Lake County High School in 2018. Graduating seniors expressing an interest in a career as an electrician participated in a 10-week pre-apprenticeship program to learn the fundamentals of basic electricity and construction applications. Upon successful completion of the first two weeks of the program, students earned approximately \$500, received a tool kit valued at \$300, and earned an opportunity to continue training at Amteck's Dyersburg facility. Those continuing in training were transported to the Dyersburg facility for eight weeks for additional hands-on experience in the shop, as well as, at local construction and/or manufacturing sites. This experience acclimated students to working with a "crew" and provided them an opportunity to earn an additional \$2,500. Those who successfully completed the work experience were eligible for hire, and upon supervisor recommendation, students could be accepted into the 4-year Registered Apprenticeship, including classroom and on-the-job training while being paid. Upon completion apprentices are prepared to take the exam to become a Journeyman/Licensed Electrician earning an estimated \$70,000 annually. The successful initiative was expanded in 2019, and is being offered again this year, with up to 30 graduating seniors from across Northwest TN high schools having an opportunity to participate in the program. Amteck scheduled "showcase" visits to provide career related information to graduating seniors, including detailed information about careers in the electrical trade, expected wages, and the expectations of employers. Seniors with an interest in a career as an electrician will have an opportunity to attend Shock and Awe Day at Amteck on June 6th in order to apply for Amteck University's two-week REAP program. Upon successful completion of the 2 weeks pre-apprenticeship program, graduates will be eligible for hire by Amteck and with supervisor recommendation, accepted into the Registered Apprenticeship program.

Additionally, through the Re-Entry Advanced Manufacturing Program (RAMP) initiative, a collaboration between industry, postsecondary schools, including community colleges and TN Colleges of Applied Technology, and county jails, a manufacturing pathway is currently in place in several county jails. RAMP allows currently incarcerated individuals the opportunity to earn nationally recognized manufacturing credentials through the Manufacturing Skills Standard Council (MSSC)'s Certified Production Technician (CPT) training. Students can earn national certifications in Safety, Quality, Manufacturing Processes, and/or Maintenance Awareness, and those attaining all credentials achieve Certified Production Technician status. In some jails, students are also given opportunities to demonstrate the skills they are learning to local employers through work-release programs. For those interested in continuing their education upon release, the MSSC credentials may be used to request up to 12 hours of college credit at Dyersburg State Community College toward an Associate Degree in Advanced Integrated Industrial Technology, or advanced standing at local TCATs.

J. Business Service Team Structure

The AJC Business Services team (BST) is led by the One-Stop Operator and includes the following members: One-Stop Operator, Northwest TN Workforce Board, Title I Adult, Dislocated Worker, and Youth, Vocational Rehabilitation, DVOP/LVER Veterans Services, Title III Wagner-Peyser, Economic and Community Development, Adult Education, TANF Families First, TN Pathways, and Probation and Parole. The Business Services Team assists in identifying and meeting the needs of employers in existing and emerging industries and occupations by building relationships through local and regional initiatives, identifying means of addressing human resources needs, and promoting and facilitating the use of AJC services. Monthly meetings are held by the OSO for the Business Services Functional Team to disseminate the service strategy for employers from the LWDB, facilitate planning to implement strategies, and provide partner updates. Additionally, under the direction of the Regional Planning Council, a regional business services meeting is held quarterly for BST staff across West TN.

The NWTNWB staffs two Business Services Representatives who are responsible for developing On-the-Job training contracts with employers in demand, high growth industries. The Business Services Representatives also seek out worksites for Work Experience placements which funnel In-School Youth on Work Based Learning, Out-of-School Youth needing meaningful Work Experience, and Adults who lack employability skills. Additionally, the Business Services Representatives market and manage the Incumbent Worker Training Grant program, are continuing to maintain the ACT WorkKeys Work Ready Communities Initiative, Manufacturing Day Event planning, and grow Apprenticeships in Northwest Tennessee through a DRA grant and the state funded Apprenticeship Expansion program. Manufacturing Day

is an excellent example of a public-private partnership that supports sector strategies as described in the West Tennessee Regional Plan. These events allow high school students in the region to tour and / or hear presentations from manufacturers to learn firsthand about career opportunities in the region. The Business Services Representatives also partner with other BST members to coordinate on-site and off-site job fairs and hiring events for area employers, and to serve target populations. For instance, Business Service Representatives coordinate with the DVOP/LVER Veterans Services staff to promote the hiring of Veterans. Employers call on the Business Services Representative for Labor Market Information when making salary adjustments and expansion considerations. Local Chambers of Commerce and Economic Developers also rely on Labor Market Information provided by the Business Services team and pulled from Jobs4TN and our Economic Modeling System Inc. (EMSI) data system. The Business Services Representative stay active in our communities by participating in Chamber events, SHRM meetings, speak at Rotary, Lions, and Kiwanis meetings, host events through Facebook live and Zoom formats, make in-person visits and connect via email.

K. Accessibility to Programmatic Services in Rural Areas, including Distressed and At-Risk Counties

The AJC ensures access to programmatic services by maintaining a physical presence in all counties in the entirely rural NW area. In AJCs where not all partners are physically located, services are provided using technology available at the AJCs. The use of Skype for “face-to-face” interactions with various partners and / or employers allows customers in affiliate sites and access points to virtually receive one-stop services typically only offered onsite at the comprehensive centers. Jobs4TN also allows both job seeker and employer customers to remotely access secure, web-based AJC services such as labor market information, unemployment insurance, and mediated labor exchange. On-site and off-site partners also routinely make referrals via phone or email, or to Jobs4TN.gov for the unemployment insurance program. Information regarding AJC services is also made available on the system's website and social media pages. The Mobile AJC and Title I "Street Teams" also provide access to services. Livestreaming of AJC services is also incorporated onto social media to inform customers of events such as job fairs.

Additionally, the NW area is utilizing rural initiative funding to support initiatives in the area's at-risk and distressed counties. As described below, the funding is being utilized in distressed Lake County and the at-risk counties of Carroll, Obion, and Weakley to support efforts to serve the re-entry population through occupational skills training and / or work release programs. Re-Entry programs are also already being offered in Dyer, Gibson, and Henry counties.

In Benton County, the funds are being utilized to support the Work Opportunities for Rural Kids (WORK) program, branded as #WORKlife, a paid Work Experience (WE) program allowing participants to work up to 37.5 hours for up to 6 months. In addition to gaining valuable hands-on experience and learning general work skills (i.e. soft-skills), such as attendance, punctuality, professional communication, teamwork, etc., participants earn the higher of \$8.00 per hour or the typical wage paid for the position. In order to promote the program, the NW area will partner with the secondary schools in Benton County, particularly the Benton County Career and Technical Center (BCCTC) which serves all of Benton County, to promote local career opportunities, particularly in one of the area's target sectors, manufacturing. The NW area is working with the BCCTC to organize a promotional / hiring event, highlighting career pathways and opportunities available within Benton County. Through the event, employers will be able to market summer, part-time, and full-time positions to graduating seniors, and interview rooms may be available for immediate hiring. This initiative aligns with the west Tennessee regional plan strategy of focusing on special populations such as unemployed youth. Unemployment rates among youth (ages 16 to 24 years old) are higher in the West Region at 18.45%, more than five times the overall state rate.

The NW area also applied for and was awarded funds to coordinate career exploration events in partnership with local postsecondary training providers and area high schools. To promote careers in the healthcare industry, and inform students of training programs available leading into healthcare careers, the NWTNWB will partner with training provider(s) to host 40 students from Lake County Schools, including 20 8th graders and 20 high school students, and 50 students from Dyer County High School, on the campus(es) of a training provider(s) to tour and learn about the various healthcare programs offered by the institution(s). Representatives from area training providers, such as Dyersburg State Community College (DSCC), the Tennessee College of Applied Technology (TCAT) Newbern and / or TCAT Ripley, and the University of TN at Martin will be invited to participate in and / or host the event and discuss the programs offered by their institutions. In addition to tours and presentations from training providers, students will participate in tours and / or presentations from local healthcare employers. The event will support the efforts of the CNA to BSN (C2B): A

Prescription for Nursing Shortages for Rural West Tennessee initiative, funded through the GIVE grant received by DSCC. The initiative supports the healthcare career pathway by expanding access to Certified Nursing Assistant (CNA) courses offered by DSCC in several local high schools, an evening Licensed Practical Nursing (LPN) course through TCAT Ripley, an evening Registered Nursing (RN) course through DSCC, and a Bachelor of Science in Nursing (BSN) program through the University of TN at Martin. The event originally scheduled for May 4th will be rescheduled to the fall due to the COVID-19 pandemic. Career exploration funding was also awarded to offer industry panels and soft-skills training, in partnership with the Weakley County Economic Development Board and Center Point Business Solutions, to the five middle schools and four high schools in Weakley County. During the interactive sessions, an industry panel will address soft-skills, work ethic, industry and employer expectations, and career opportunities. Industry panels will focus on one or three of the area's four in-demand industry sectors: healthcare, manufacturing, transportation and logistics, and other professional services. Additionally, 15-minute mock interviews will be conducted for the junior or senior class, depending on the preference of each school. Contingent upon funding, the events are also postponed until fall due to the COVID-19.

L. Re-Entry Initiative for Justice Involved

The NWTNWB supports the goal of improving labor market outcomes of formerly-incarcerated population often known as justice-involved. As part of west Tennessee's vision, goals, and implementation strategies noted in the regional plan, we as a region are working with multi-barrier populations which includes justice-involved individuals to prepare them for re-employment. To do so, the NWTNWB has established and will continue enhancing partnerships with re-entry service providers, parole and probation field offices, employers, community-based organizations, faith-based organizations, labor organizations, vocational training providers, and social enterprises that serve the formerly incarcerated and justice-involved individuals. The NWTNWB recognizes the value of all partners, especially community and faith-based organizations who have firsthand expertise in understanding and providing impactful services to the re-entry population. The One-Stop Operator (OSO), on behalf of all partners of the AJC, will reach out to the various organizations that can assist in this effort. The NWTNWB and AJC are actively working with local Sheriff's and county jails in seven of the nine counties to provide re-entry services for currently incarcerated inmates to ensure a smooth transition into the labor force upon release. The jails offer a network of community-based organizations already working with inmates for transition into society. By coupling these efforts, justice-involved individuals will have a much better chance for success and reduce the recidivism rates for this population. The programs vary to meet the needs of the area and provide seamless, integrated and effective services to both current justice-involved individuals and those formerly incarcerated. One example is The Orchard House, a newly opened faith-based men's transitional house in Gibson County. The Orchard House provides residents a 12-month, 4-phase program with housing, transportation, meals, employment, and guidance to remove the variables that prevent justice-involved men from successfully transitioning back into the community. Although the OSO can arrange for partners to provide basic career services, including, but not limited to, labor market information, career pathway guidance, and job search assistance, etc., the NWTNWB also recognizes that justice-involved individuals may need mental health and faith-based programs.

In addition to the traditional career services offered by AJC partners, employing individuals with barriers, requires "hard" skills and experience to get a job and keep that job. Title I partners can provide ITAs and supportive services for occupational skills training. A current partnership to meet the needs of the manufacturing industry with area Tennessee Colleges of Applied Technology (TCAT) and Dyersburg State Community College is to provide the Manufacturing Skills Standard Council (MSSC) Certified Production Technician (CPT) training program. The program referred to as RAMP (Re-entry Advanced Manufacturing Program) is being offered on-site at multiple jails to train inmates in Safety, Quality, Manufacturing Processes, and Maintenance Awareness. Both providers have had success with CPT training with other target groups. The NWTNWB will also make funds available to its Title I partner to place justice-involved individuals in Transitional Work Experience (TWE) and/or On-the-Job Training (OJT). The Northwest TN Workforce Area has had great success with OJT for many years, placing over 200 workers annually with excellent retention. By coupling TWE with OJT, our new *Ready...Set...Hire!* program offers employers an opportunity to "try-out" the justice involved individual, prior to hiring them. Coordination with the DVOP/LVER Veterans Services staff to promote the hiring of Veterans and services to participants who are veterans are also incorporated into the program. Additional partnerships may be developed as needed.

The Northwest TN region has / is providing RAMP in six locations / counties, with ten individuals being served per location per quarter. Individuals are also being placed in work release OJTs with one additional focusing on work release instead of CPT classes. Due to the small size of some local jails, RAMP classes move quarterly to a different jail, resulting in an expanded service area, but not a significant increase in numbers served. The NW area is utilizing rural initiative funding to support these efforts.

Performance Goals and Evaluation

A. Local Levels of Performance

The NWTNWB's success is measured by Performance Standards developed by the US Department of Labor, which are broken out by the Adult, Dislocated Worker, and Youth funding streams. These standards are then negotiated with each of the states, including Tennessee. TDLWD then negotiates with the Local Workforce Development Areas across the State. On a local level, the NWTNWB holds subcontractors to the same performance levels. The NWTNWB has historically achieved performance at a level to be awarded incentive grants, however, targeting services to individuals with barriers to employment coupled with longer outcome measures and new performance standards, such as median earnings and credential attainment for Adults and Dislocated, raise concerns about the ability to continue to meet performance requirements. **The NWTNWB is actively engaging community partners to not only reach individuals with barriers to employment and most in need of services, but to also assist in serving individuals with multiple barriers increasing their likelihood of success in training and employment. We are increasing work experience opportunities and growing apprenticeships which have high retention rates and progressively improving wage scales for participants to ensure success for the participants and attainment of negotiated performance targets. The below table indicates the state's negotiated targets for PY 20 and 21 and the area's performance for the quarter ending March 2020 will include the area's negotiated targets for PY 20 once negotiated with the TNDOL, by September 2020.**

<i>Federal Performance Indicator</i>	Adult			Dislocated Worker			Youth		
	PY 20	PY 21	NW	PY 20	PY 21	NW	PY 20	PY 21	NW
Employment Rate, 2nd Quarter After Exit	82.0%	82.5%	TBD	82.0%	82.5%	TBD	76.0%	77.0%	TBD
Employment Rate, 4th Quarter After Exit	82.0%	82.5%	TBD	82.0%	82.5%	TBD	76.0%	76.0%	TBD
Median Earnings, 2nd Quarter After Exit	\$6,650	\$6,680	TBD	\$7,600	\$7,650	TBD	\$3,300	\$3,400	TBD
Credential Attainment, w/i 4 Quarters After Exit	63.0%	63.5%	TBD	66.0%	67.0%	TBD	69.0%	70.0%	TBD
Measurable Skill Gains – Baseline	52%	53%	TBD	48.0%	49.0%	TBD	45.0%	47.0%	TBD

WIOA Common Measure

Per the U.S. Department of Labor Employment and Training Administration's WIOA Performance Related Frequently Asked Questions (FAQ), under the WIOA, the four core partner programs have common performance measures. Additionally, other programs authorized under WIOA are required to report on the same performance indicators. Below are the expected levels of performance as a state for the core programs for PY 20 and 21 as listed in the State Plan. **Local performance targets will be added once negotiated with the TNDOL.**

<i>Federal Performance Indicator</i>	Adult Education		Wagner-Peyser		Voc. Rehab.	
	2020	2021	2020	2021	2020	2021
Employment Rate, 2nd Quarter After Exit	41.0%	42.0%	66.0%	67.0%	Baseline	
Employment Rate, 4th Quarter After Exit	42.0%	43.0%	66.0%	67.0%		
Median Earnings, 2nd Quarter After Exit	\$3,300	\$3,400	\$4,700	\$4,800		
Credential Attainment, w/i 4 Quarters After Exit	30.0%	31.0%	N/A	N/A		
Measurable Skill Gains – Baseline	35.0%	36.0%	N/A	N/A	200 or 20%	250 or 25%

Effectiveness in Serving Employers

According to TEGL 10-16, WIOA sec. 116(b)(2)(A)(i)(VI) requires the Departments to establish a primary indicator of performance for effectiveness in serving employers. The Departments have determined that this indicator will be measured as a shared outcome across all six core programs within each State to ensure a holistic approach to serving employers. The Departments have developed three approaches for measuring effectiveness in serving employers. States must select two of these three approaches to report on this indicator. The TDLWD has selected the two following indicators and will continue piloting approaches to measuring them

for the first two years of the PY2-2—2023 Combined State Plan:

1. **Repeat Business Customers (Percentage of repeat employers using services within the previous three years):** This approach tracks the percentage of employers who receive services that use core program services more than once. This approach is useful in determining whether employers who receive services from the core programs are satisfied with those services and become repeat customers. This approach also assesses the workforce system's ability to develop and maintain strong relationships with employers over extended periods of time.
2. **Employer Penetration Rate (Percentage of employers using services out of all employers in the State):** This approach tracks the percentage of employers who are using the core program services out of all employers represented in an area or State served by the public workforce system (i.e., employers served). This approach is useful in determining whether the core programs are serving a large portion of employers in an area and are adequately meeting the workforce needs of the area.

As the primary customer of the workforce system, services to employers are considered to be of the utmost importance. The Northwest area takes a holistic approach to providing valuable services to its employers by:

- Incorporating representatives from the core partners, as well as other partners, on the Business Services Team (BST).
- Charging the OSO with conducting monthly BST meetings among all members of the team.
- Utilizing a comprehensive Business Solutions brochure to detail services available to employers through the AJCs, across all partners, such as OJT and IWT grants from Title I, HiSet preparation from Title II Adult Education, job order assistance and applicant screening from Title III Wagner Peyser, ADA assistance from Title IV Vocational Rehabilitation, Unemployment Insurance / Rapid Response and Work Opportunity Tax Credit assistance, and Mobile AJC services. Partners responsible for each service are not referenced in the brochure, but rather presented as AJC services.
- Ensuring a representative from the NW BST attends the BST meetings of other areas in the region whenever possible. Additionally, the West TN region has implemented sub-committees for the Regional Planning Council, one of which is a Regional Business Services Sub-Committee.

The NW area utilizes the Employer Services report in VOS monthly to track the number of employers receiving services, the services provided, and the number of times each service has been provided, among partners utilizing VOS as their case management system. Additionally, an employer satisfaction survey is conducted to ensure services are meeting the needs of employers. The Employer Services Report and survey results are reported monthly by the OSO shared quarterly with the core partners and with the NWTNWB AJC Committee at its quarterly meeting by the OSO.

Performance and Effectiveness of the Local Fiscal Agent

In accordance with WIOA Section 107(d)(12)(B)(i)(II), the NWTNWB, has been selected as the local fiscal agent for the WIOA grant funds by a Consortium of Chief Elected Officials (CEO). According to the agreement between the Local Elected Officials and NWTNWB, as the selected fiscal agent entity, the NWTNWB's responsibilities include:

- (1) Ensuring fiscal integrity and accountability for expenditures of funds in accordance with Office of Management and Budget circulars, WIOA and corresponding Federal Regulations and State Policies;
- (2) Maintaining proper accounting records and adequate documentation;
- (3) Conducting financial monitoring of service providers; and
- (4) Ensuring independent audits of all employment and training programs.

The NWTNWB is committed to the responsible stewardship of its resources and to maintaining a work environment that promotes ethical and honest behavior. To accomplish this, the NWTNWB has established and implemented internal control systems and procedures to prevent and detect irregularities, including fraud, waste and abuse:

- (1) Internal Audit – Staff conducting Internal Audits are responsible for assessing the adequacy and effectiveness of internal controls that are implemented by management and will often recommend control improvements as a result of this assessment. During an audit of a department or process, the staff conducting the Internal Audit will also perform tests designed to detect fraud, waste or abuse that may have occurred.
- (2) External Audits – The NWTNWB receives external audits through a contract under the direction of the Tennessee Department of Audit. One purpose of this type audit is to evaluate an organization's internal

controls, which will often result in recommendations for control improvements. External Auditors will also perform tests designed to detect fraud, waste or abuse that may have occurred.

- (3) Other Reviews – Various programs may be subject to audits or reviews by federal, state or other outside agencies based on the type of program, function or funding. The NWTNWB is audited annually by the TN Department of Labor and Workforce Development’s Performance Accountability Review (PAR) team. Although audits and reviews may include assessments of internal controls, the primary responsibility for prevention and detection of fraud, waste or abuse belongs to management. Therefore, management should take steps to review internal controls whether or not audits are to be performed.

The NWTNWB monitors the results of such audits and other reviews in order to measure the performance and effectiveness of the local fiscal agent.

Performance and Effectiveness of Eligible Providers

In the State of Tennessee, the Tennessee Department of Labor and Workforce Development (TDLWD) is charged by the State Workforce Development Board with the responsibility to develop and maintain the Eligible Training Provider List (ETPL). To receive funds under Title I of WIOA, a training provider must make application to the local Workforce Investment Board for approval to be included on the ETPL. The NWTNWB agrees to adopt the procedures and formats provided by TDLWD for accepting and processing applications for the ETPL. Said procedures include processes and formats for renewal applications for providers which have completed their period of initial eligibility, as well as for making initial application, and annual monitoring.

Interested training provider applicants shall visit the Eligible Training Provider website at www.Jobs4TN.gov to register and complete the appropriate application forms as provided by TDLWD within the system. Applicants must provide all requested performance, cost, credentialing, articulation documentation, or other information requested by the Committee and/or the NWTNWB. Upon receipt of completed applications, a Sub-Committee of the NWTNWB will review and make recommendation to the full NWTNWB or its Executive Committee for approval, denial or other additional/subsequent consideration. The Sub-Committee, other committees of the NWTNWB, or NWTNWB members may request any additional information from the applicant institution deemed necessary. The LWDB will review and approve applicants which are deemed to have met the criteria outlined in WIOA Subtitle B, Chapter 1, Section 122. If approved, the NWTNWB will submit appropriate information and recommendation for addition to the Statewide Eligible Training Provider List in the Jobs4TN system.

Eligible Training Providers are accountable to established performance standards in accordance with Workforce Services Policy #5 – Eligible Training Provider List and renewal applications must provide required performance data in order to remain on the ETPL. According to the policy, providers on the ETPL are required to submit performance reports to the State, which must contain individual level data for all participants in programs offered by the Eligible Training Provider that have serviced at least one student with the assistance of WIOA funding. Performance reporting is required for credential attainment, employment rates during 2nd and 4th quarters after exit, and median earnings during 2nd quarter after exit for all students as well as for WIOA participants.

Similarly, employers who are awarded OJT contracts will have performance periodically reviewed by the Business Services Team to ensure placement and retention standards, in accordance with the federal performance measure, are met and warrant continued approval of new OJT contracts and slots. Any employers who are found to have a pattern of failure regarding completion or retention of participants will discuss the contributing factors with a Business Services Team member to develop corrective action plans, if appropriate, in order to remain a provider of OJT.

Performance and Effectiveness of the AJC Delivery System

In addition to closely monitoring attainment of the federal performance measures as described above, to measure the performance and effectiveness of the AJC delivery system in the local area, the NWTNWB utilizes an American Job Center survey and an Employer survey. Notice regarding the American Job Survey is posted in each Center and includes the website for completing the survey online. Survey cards are also made available to each job seeker, who has the option of completing the survey and placing it into a locked collection box, or electronically completing the survey via a link on resource computers. Survey cards placed into the collection box are keyed by One Stop Operator staff. Business customers are provided a link to complete a survey in Survey Monkey or a paper job fair survey.

Both job seeker and employer surveys are shared with AJC partners and reviewed so that results can be analyzed and appropriate action taken. Results are also periodically posted on the system's website and social media pages, and any changes made because of the feedback are highlighted. While overall rankings of 4 or higher on a 5-point scale are considered successful, to see improvement, the percentage of customers providing such a rating is expected to be maintained or increased. Additionally, customer success stories are highlighted in an Annual Report, on social media accounts, and the Center's website.

Furthermore, the Greeter and various reporting features of the Virtual One-Stop (VOS), or Jobs4TN, allow leaders of the local One-Stop system to monitor customer traffic and caseloads to ensure the AJC, including contractors, have sufficient staffing to provide the needed level of customer service. If needed, staff may be asked to work in an AJC outside of their home office or regular working hours to ensure Centers are prepared to administer services to customers as needed. AJC staff utilize work experience and volunteer programs available through partner programs such as Temporary Assistance for Needy Families (TANF) and the Senior Community Service Employment Program (SCSEP), and sometimes hire temporary staff to assist in delivering services if needed. The AJC focuses on streamlining and maximizing services to ensure all provisions under WIOA are implemented.

B. Monitoring Measures & Tracking Progress

The LWDB's responsibility towards meeting the West TN region's Key Performance Indicators (KPIs), as determined by the Regional Planning Council (RPC), is a shared responsibility among all partners included in the KPIs under the direction of the LWDB and OSO. KPIs are reported on monthly by the Title I career service provider (CSP) in monthly progress reports to the OSO and LWDB staff. Additionally, the OSO generates several VOS reports monthly, including the Target Population Summary report which identifies the number of offenders served by the Title I program, and gathers reports from other partners, and submits them to the LWDB staff. KPIs results are also shared with all team members and discussed during the monthly functional team meetings. Quarterly, the LWDB staff and OSO run reports in VOS to identify results for the quarter. The OSO also works with other partners to collect results for their goals. The results are compiled in a spreadsheet and presented to a sub-committee of the LWDB, then to the full LWDB, at quarterly meetings. Federal performance reports are also shared with the LWDB quarterly. If official results are not yet available from the TDLWD, predictive reports are run by the LWDB staff to share with the LWDB until official results are available. A Partner Dashboard and Performance Dashboard are also developed quarterly and shared with the core partners and LWDB.

Measure	Goal	Actual	Difference from Goal	% of Goal Met
Fiscal Measures				
Minimum Participant Cost Rate	40%	46.04%	6%	115%
Out-of-School Youth Expenditures	75%	95.00%	20%	127%
Youth Work Experience	20%	41.93%	22%	210%
Formula Funds Obligation Rates	80%	88.93%	8%	110%
Adult	80%	85.00%	5%	106%
Dislocated Worker	80%	85.00%	5%	106%
Youth	80%	95.00%	15%	119%
Apprenticeship Expansion Grant	80%	80.00%	0%	100%
Rural Funding Obligation Rate	60%	23.00%	-37%	38%
Adult Performance Measures				
Employment Rate 2nd Quarter after Exit	86%	90.0%	4.0%	105%
Employment Rate 4th Quarter after Exit	85%	85.6%	0.6%	101%
Median Earnings: 2nd Quarter after Exit	\$6,500.00	\$6,737.00	\$237.00	104%
Credential Attainment within 4 Quarters after exit	59%	89.8%	30.8%	152%
Measurable Skills Gains	Baseline	74.6%	n/a	n/a
Dislocated Worker Performance Measures				
Employment Rate 2nd Quarter after Exit	84%	88.1%	4.1%	105%
Employment Rate 4th Quarter after Exit	84%	87.9%	3.9%	103%
Median Earnings: 2nd Quarter after Exit	\$6,842.00	\$8,280.00	\$1,438.00	121%
Credential Attainment within 4 Quarters after exit	69%	90.7%	21.7%	131%
Measurable Skills Gains	Baseline	72.9%	n/a	n/a
Youth Performance Measures				
Employment Rate 2nd Quarter after Exit	79.5%	85.6%	6.1%	108%
Employment Rate 4th Quarter after Exit	76%	81.4%	5.4%	107%
Credential Attainment within 4 Quarters after exit	72%	84.4%	12.4%	117%
Measurable Skills Gains	Baseline	80.3%	n/a	n/a
Key Performance Indicators (January - December 2020)				
Adult / Dislocated Worker New Enrollments Goal	380	209	-171	55%
Youth New Enrollments Goal	107	8	-99	7%
Wagner Peyster New Enrollments	2007	204	-1803	10%
RESEA Co-Enrollments	17	1	-14	7%
SNAP E&T New Enrollments	103	17	-86	17%
TAA Co-Enrollments	50%	1.7%	-48%	3.4%
Jobs for Veterans State Grants New Enrollments	25	7	-18	28%
Migrant and Seasonal Farmworker New Enrollments	21	0	-21	0%
Re-Entry New Enrollments (all partners)	309	56	-253	18%
SCSEP -TN/SCA (Exits)	19	5	-14	26%
Adult Ed. - Jackson State Community College (7/1/19-6/30/20)	265	223	-42	84%
Adult Ed. - Weakley County Schools (7/1/19-6/30/20)	333	232	-101	70%

Technical Requirements, Assurances, and Evaluation

A. Physical and Programmatic Accessibility

As detailed in the MOU, partners agree that they will comply fully with the non-discrimination and equal opportunity provisions of: (1) Workforce Innovation and Opportunity Act Section 188, (2) Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq), (3) Nontraditional Employment for Women Act of 1991, (4) Civil Rights of 1964 Title VI (as amended), (5) Rehabilitation Act of 1973 Section 504 (as amended), (6) Age Discrimination Act of 1967 (as amended), and (7) Education Amendments of 1972 Title IX (as amended). Parties to the MOU must also adhere to requirements imposed by, or pursuant to, regulations implementing these laws – including but not limited to 29 CFR 37-38.

All partners also agree that they will not discriminate in their employment practices or services on the basis of gender, gender identity and/or expression, age, race, religion, national origin, disability, veteran's status, or on the basis of any other classification protected under state or federal law. Partners assure that they have policies and procedures in place

to address these issues, and that such policies and procedures have been disseminated to their employees and otherwise posted as required by law. All partners also cooperate with compliance monitoring that is conducted to ensure that all AJC programs, services, technology, and materials are physically and programmatically accessible and available to all. Additionally, staff members are trained to provide services to all, regardless of range of abilities, mobility, age, language, learning style, or comprehension or education level. For instance, the attached Title VI training is offered to the One-Stop Operator, service providers, and NWTNWB staff.

Reasonable accommodations are provided for all aspects of a customer's experience in the AJCs, such as during application/registration for, and provision of, aid, benefits, services, and training. Accommodations are made according to the individual's need in order to ensure that he / she receives equal benefits from the program or activity, will be able to compete fairly in educational work settings, and in general, to have an equal opportunity. If needed, documentation of the individual's need for accommodations is obtained and maintained in a separate, secure location. In order to inform customers of the accommodations available, the following tagline, or one similar, is included on all recruitment brochures and other outreach materials including print, newspaper ads, television, and radio commercials produced by the local workforce development board: "EOE. Auxiliary aids and services available upon request. TDD# 711." Accommodations available include a large keyboard and calculator, a trackball mouse, ZOOM software for individuals with visual impairments, Language Line for interpretation or translation services, extended time and readers for assessments, large-print and Spanish Registrant Handbooks, and IntelliKeys keyboards. JAWS software, which reads aloud what's on the computer screen and gives the user a unique set of intelligent tools for navigating and accessing web pages and all screen content for individuals with visual impairments, is also available at the comprehensive center in Dyersburg. The system utilizes a TDD/TTY number for all centers, 711, and a TDD/TTY phone is available at the comprehensive center in Dyersburg, as well as in six of the affiliate centers. Interpretive machines are made available if needed and referrals are made for additional services not offered in the AJC. Furthermore, in partnership with DRS, a braille is available for the blind, interpreters for the deaf will be provided through the Jackson Council for Independent Living, and accessibility evaluations will be done at the STAR Center.

According to TEGL 16-16, Programmatic accessibility refers to the extent to which the full range of services is available to all one-stop customers regardless of disability or cultural background. The implementing regulations of section 188 of WIOA require that AJCs provide programmatic accessibility. As such, AJCs must provide reasonable accommodations for individuals with disabilities, administer programs in the most integrated setting appropriate, communicate with persons with disabilities as effectively as with others, and provide appropriate auxiliary aids or services (29 CFR 38.7-38.9). In addition to ensuring compliance with WIOA and the ADA, accessible AJCs maximize usage by, and benefit, all customers. The use of universal design and human-centered design often benefit all customers accessing services. For instance, reception desks include lower sections when possible and information is posted informing individuals with disabilities to ask for assistance. AJC staff are knowledgeable of how to greet and serve individuals utilizing a wheelchair, including offering a clipboard if needed. AJC staff are also aware of how to contact and schedule a sign language interpreter and of contacting Vocational Rehabilitation staff for assistance with obtaining documents in Braille. Large print documents in font size 18 – 22 are also available and closed captioning is utilized for informational DVDs played on the televisions in the resource areas. To ensure communication with, and the administration of services to, persons with disabilities is as effective as with others, the Equal Opportunity Officer for the local area maintains training materials for AJC staff including "The Ten Commandments of Communicating with People with Disabilities" and "Serving People with Disabilities." The OSO ensures all AJC staff have access to the materials as well as a list of available assistive technology.

To achieve programmatic accessibility, AJC programs and activities are administered in the most integrated setting appropriate. AJC staff communicate to individuals with disabilities that they are entitled to universal access to programs and services of the AJC and that accommodations are available, but are not required to take advantage of all of the separate or different services for which they may be eligible. AJC staff do not automatically refer job seekers with disabilities to vocational rehabilitation programs, but rather makes referrals based on whether the individual would benefit from such services in addition to the other programs and services available in the AJC. The AJC also administers programs so that individuals with disabilities have access to the full range of services available to all customers. AJC staff ensure that individuals with disabilities, including individuals with significant disabilities, are provided services that lead to competitive, integrated employment, and also identify other resources that may help an individual with a disability achieve an employment outcome in the most integrated setting appropriate.

B. Fiscal Management

Identify the entity responsible for the disbursement of grant funds [WIOA Sec. 108(b)(10)].

The NWTNWB was selected as Administrative Entity/Fiscal Agent for the WIOA grant funds by a Consortium of Chief Elected Officials (CEO). As the designated entity, the NWTNWB, in accordance with Sec. 107(d){12}{B}{III} shall disburse the grant funds for workforce investment activities at the direction of the board, immediately upon receiving such direction from the local board. §679.420 states that the designation of a fiscal agent does not relieve the chief elected official or Governor of liability for the misuse of grant funds. If the CEO designates a fiscal agent, the CEO must ensure this agent has clearly defined roles and responsibilities, therefore, CEOs enter into an agreement with the NWTNWB.

Competitive procurement processes used to award the subgrants and contracts for WIOA Title I.

The NWTNWB follows the appropriate procurement and purchasing guidelines as outlined in the attached Purchasing and Procurement policy. When procuring a One-Stop Operator and Title I Service Provider, the Board follows the guidelines for formal solicitations as listed in the attached policy. Consistent with WIOA Sections 107(d)(10) and 121(d), the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, and in accordance with the Regional Planning Council, the NWTNWB, with the agreement of the chief elected officials for the local area, shall designate or certify one-stop operators as described in section 121(d)(2)(A). In order to conduct a competitive process for the selection of a one-stop operator and Title I Service Provider in accordance with 121(d)(2)(A), the Board, with the agreement of the CEOs, will issue, or will select a third-party contractor to issue, a Request for Proposals (RFP). The RFP will be posted for a designated time period, with public notice being provided through print media and / or electronic means, and with potential bidders being notified of the release by email. Proposals received shall be reviewed by a committee approved by the Board and CEOs, or by the selected third-party contractor. The review committee or contractor shall make a recommendation to the Board for selection of the Operator and Title I Service Provider. The selected Operator and Service Provider, which may be separate entities, shall enter into a contract(s) with the Board and CEOs as developed by the fiscal agent.

Describe how the local area will meet the required 40% minimum participant cost rate (MPCR).

The minimum participant cost rate (MPCR) policy, designed by the State Workforce Development Board, sets a benchmark for participant expenditures in order to more effectively focus resources on serving more individuals. In accordance with Workforce Services Policy – Minimum Participant Cost Rate TN-WIOA (17-11), the NWTNWB adopts this State Policy as its local performance accountability measure (WIOA, Section 116(b)(2)(B)). Further, in accordance with MPCR TN WIOA 17-11, the NWTNWB shall ensure the required MPCR is expended on allowable participant costs by the end of each program year. The NWTNWB takes a proactive approach to meet all federal and state regulations and guidelines, including the MPCR policy. Although the MPCR is only required to be reported quarterly, management is tracking the MPCR monthly and advising the One Stop Operator, Title I Service Provider, and Board members of the progress made. To meet the required MPCR rate, the NWTNWB has made strides to decreasing operations costs, thereby allowing more funds to be available to be spent directly on participants. Leases for rented office spaces and costs of associated services such as phone and internet were renegotiated, resulting in significant savings in operations costs. Staffing structures at the board and contractor level were also realigned to maximize funding.

In addition to decreasing operations costs, the NWTNWB has enhanced existing participant services and developed new initiatives. Designed to meet the needs of employers and jobseekers, these enhancements and new initiatives also focus funding on direct participant expenditures. During the prior two program years, the NWTNWB expended 100% of its Consolidated Business Grant (CBG) funds on On-the-Job Training (OJT) and Incumbent Worker Training (IWT) contracts with employers. Additional formula funds were spent on these initiatives to meet employers' needs. The NWTNWB has also focused a substantial portion of Youth funding on Work Experience, and also requested funds to participate in the TN Department of Labor and Workforce Development's (TDLWD) Youth Demonstration grants to further expand services. Transfers of funding from the Dislocated Worker to Adult program are requested to ensure funding is spent on individuals with barriers to employment, such as individuals who are low income, offenders, long-term unemployed single parents, or who have disabilities. The "Ready, Set, Hire" approach allows such individuals, and others, to participate in up to 320 hours of subsidized employment through a transitional job based on the jobseeker's needs as documented on the Individual Service Strategy (ISS). The jobseeker's employment is subsidized through the Adult or Dislocated Worker program at no cost to the employer. Up to 320 hours of employment through an OJT grant, based on the job seeker's needs as documented on the ISS and the training needs of the position as demonstrated by the Specific

Vocational Preparation level of the position, may also be funded. Employers may be reimbursed up to 50% of an eligible OJT participant’s wages for the completion of the specified training period.

C. Budget Information

The below detailed budget lists the estimated sources and uses of Tennessee Department of Labor and Workforce Development (TDLWD) pass-through funds, including Title I and RESEA funds, as well as all non-federal matching funds, such as the Delta Regional Authority (DRA) Workforce Program grant. A copy of the signed DRA contract has been included in the attachments and is effective from December 2019 to September 2021. The budget listed below includes expenditures by line item as listed on Standard Form 424A, along with a brief description of each line item. The NWTNWB does not own any land or buildings, does not offer fee-based or revenue generating services, and does not currently utilize in-kind resources. The budget can be grouped into the following main categories:

NWTNWB Operational Costs: Costs include salaries and benefits of nine full-time and one part-time position. Two positions, the part-time Public Information Specialist and Director of Facilities & IT Services also provide support to the AJCs by maintaining the area’s website and social media pages, developing and printing promotional materials for the AJCs, managing equipment in the resource areas, and overseeing facilities including security, building maintenance, leases, etc. Full-time staff work 7.5 hours per day, 5 days per week, for a total of 37.5 hours per week, and the part-time staff works up to 28 hours per week. Staff keep a time and effort report to record the time spent on various grant activities. A Payroll Distribution Report will identify the cost of salary and benefits that should be charged directly to a specific grant, based on the time and effort report, and those that will need to be pooled (example - WIOA Administration and WIOA Program) for additional distribution. Pooled items are distributed according to the cost allocation methodologies as outlined in the area’s approved Cost Allocation Plan. Also included in this category are travel, equipment, contractual expenses, supplies, professional services, rent, printing and publications, communications, building maintenance, and staff training costs necessary for staff to fulfill their responsibilities.

Infrastructure Funding Agreement (IFA) Costs: Costs include the Title I and RESEA portion of the shared infrastructure and additional costs needed to operate the nine AJCs in the area. The NWTNWB pays the majority of infrastructure and additional costs and then bills partners for their portion as determined through the IFA. Actual costs are billed to partners monthly, and the budget is reconciled quarterly. Infrastructure costs include rent, utilities, communication costs, professional services, and shared supplies. Additional costs include the OSO contract which includes salary, benefits, travel, supplies, and communication costs of the OSO and six part-time staff serving in the Welcome Function. Also included are a portion of the Public Information Specialist and Director of Facilities & IT Services salary, benefits, and travel for time and travel spent on maintaining AJC functions

Career Service Provider (CSP) Costs: Costs include operational costs of the procured Title I CSP, who also provides RESEA services in the seven affiliate / specialized AJCs, as well as all direct participant costs, excluding OJT costs which are paid by the NWTNWB who maintains Business Services as a function of the board. Operational costs include salaries and benefits of approximately 19 staff including 12 full-time and seven part-time staff. Full-time staff work 7.5 hours per day, 5 days per week, for a total of 37.5 hours per week, and the part-time staff works up to 28 hours per week. Staff keep a time and effort report to record time spent on Title I or RESEA activities. Pooled items are distributed according to the cost allocation methodologies as outlined in the area’s approved Cost Allocation Plan. Also included in this category are contractual costs for REAP, travel, supplies, and other operational expenses as needed necessary for staff to fulfill their responsibilities and program goals to be achieved.

Participant Costs: Costs include ITAs, including those used to support RAMP, REAP, and other Registered Apprenticeships, Supportive Services, Work Experience, and Transitional Jobs.

Budget Item	Detailed Explanation / Purpose	Title I	RESEA	DRA	Total
Personnel	Executive Director, Deputy Director, Director of Facilities/IT, Director of Performance/Compliance, Director of Admin. Services, Business Services Representative (2), Compliance Coordinator, Fiscal Coordinator, Public Information Specialist	\$ 335,281.52	\$ 4,484.23	\$ 34,103.86	\$ 373,869.60
Fringe	Social Security, Medicare, FUTA, SUTA, Health Insurance, 401K, Annual Leave	\$ 149,723.56	\$ 1,902.63	\$ 15,056.12	\$ 166,682.31

Travel	Board staff travel costs for the purpose of fulfilling daily responsibilities, and may include overnight costs, when appropriate. Subject to State of TN Travel Regulations.	\$ 29,925.00	\$ -	\$ 1,575.00	\$ 31,500.00
Equipment	Replacement laptops, printers / copiers, hard drives, etc. - as needed	\$ 1,504.00	\$ -	\$ -	\$ 1,504.00
Supplies	Office supplies for board staff	\$ 4,476.00	\$ 36.00	\$ 261.00	\$ 4,773.00
Contractual					
<i>Printer / Copier Rental</i>	<i>Konica Minolta for board staff, AJC flyers & brochures, annual reports</i>	\$ 3,357.00	\$ 27.00	\$ -	\$ 3,384.00
<i>OJTs*</i>	<i>On-the-Job Training Grants to Employers for Title I Participants</i>	\$ 352,809.20	\$ -	\$ -	\$ 352,809.20
<i>CSP: Staffing & Operations</i>	<i>Title I Adult, Dislocated Worker, and Youth services</i>	\$ 806,282.00	\$ 165,613.00	\$ -	\$ 971,895.00
<i>CSP: Participant Costs*</i>	<i>ITAs, including those used to support RAMP, REAP, and other Registered Apprenticeships, Supportive Services, Work Experience, and Transitional Jobs</i>	\$ 736,828.96	\$ -	\$ -	\$ 736,828.96
<i>IFA (including OSO)</i>	<i>Title I and RESEA portions of shared infrastructure and additional costs</i>	\$ 156,790.85	\$ 73,218.29	\$ -	\$ 230,009.14
Other					
<i>3rd Party Services</i>	<i>Insurance Policies (D&O, workers comp, contents), Audit, Tax Services, Shredding, Memberships & Dues, Subscriptions (EMSI, Career Ready 101, Career Coach), QuickBooks</i>	\$ 16,334.00	\$ 24.00	\$ 1,650.00	\$ 18,008.00
<i>Rent</i>	<i>Administrative Office (\$650 per month)</i>	\$ 5,818.80	\$ 46.80	\$ -	\$ 5,865.60
<i>Printing & Publications</i>	<i>AJC Flyers & Brochures, Annual Reports, etc.</i>	\$ 932.50	\$ 7.50	\$ -	\$ 940.00
<i>Communications</i>	<i>Postage, Verizon Data Plans, Vonage Phones, Internet, Conference Calls, Zoom</i>	\$ 13,614.50	\$ 109.50	\$ -	\$ 13,724.00
<i>Building Maintenance</i>	<i>Repair costs, security and building items, etc. - as needed</i>	\$ 186.50	\$ 1.50	\$ -	\$ 188.00
<i>Staff Training</i>	<i>Estimated training costs for 10 board staff</i>	\$ 2,256.00	\$ -	\$ -	\$ 2,256.00
Total Program Costs		\$ 2,617,120.39	\$ 245,470.45	\$ 52,645.98	\$ 2,914,236.82
Administrative Costs		\$ 290,680.04	\$ 27,274.49	\$ 5,714.92	\$ 323,669.46
Total Budget		\$ 2,906,800.43	\$ 272,744.95	\$ 58,360.90	\$ 3,237,906.28

*contingent upon approval of requests for additional participant funding.

D. Transfer of Title I Workforce Funds

Local strategies financed by the transfer of funds; the maximum amount authorized to be transferred annually:

To transfer funds between the adult and dislocated worker funding streams;

According to WIOA Section 133, a local board, with approval of the Governor, may transfer up to 100% of a program year and fiscal year allocations between Adult employment and training activities and Dislocated Worker employment and training activities. The NWTNWB may elect to request up to the maximum allowable amount, 100%, between the Adult and Dislocated Worker programs, based on a variety of factors which may include:

- Current labor market information (e.g. unemployment rates, demographic data, etc.);
- Performance data;
- Results of aggressive recruitment of the most in-need for the Adult population or recruitment of the long-term Dislocated Worker population;
- The adjusted average cost per participant (if applicable);
- Results of efforts to recruit and market the availability of services to participants; and
- Jobs4TN data and reports detailing the populations being reached and served.

When electing to transfer funds, an application request to transfer funds is submitted to TDLWD via Grants4TN. The request includes supporting documentation, written approval for the CLEO, and/or designated authority stating the

reasons for the transfer including the proposed services and number of participants originally planned to be served by the base allocation compared to the services and number of participants planned to be served after funds are transferred.

Additionally, transfer of funds should not adversely impact the provision of services to participants, and necessary services and client-planned activities will be maintained in the program from which funds are transferred. Fortunately, until the COVID-19 pandemic, Northwest TN has seen unemployment rates drop from highs of 18-19% at the height of the recession to 5.3% in January 2020. Plant closures and mass layoffs have also dropped dramatically. For the program years between 2011-2014, Northwest TN had 4,482 dislocated workers. For the past three program years, Northwest TN only had 689 dislocated workers, or only 15% of the previous three years. When companies are hiring, dislocated workers who are normally hired before adults with barriers to employment. With the emphasis on serving individuals with barriers to employment, the NWTNWB continues to seek out the most-in-need population through a “street team” model and social media. A transitional jobs program to provide targeted work experience for individuals with serious barriers such as long-term unemployed, offenders, etc. has also been implemented. If approved, transfers of funding may be used to fund any new or existing strategies or services under the appropriate program (Adult or Dislocated Worker). Such strategies and services may include Individual Training Accounts, transportation stipends, work-related support payments, transitional jobs, On-the-Job Training, Incumbent Worker Training, and other services. If approved, transfers of funding may be used to serve the population in need by funding any new or existing strategies or services under the appropriate program (Adult or Dislocated Worker). Such strategies and services may include Individual Training Accounts of up to \$4,000 per year for up to two years of training, transportation stipends paid at a rate of \$0.15 per mile, work-related support payments for items such as uniforms or other appropriate work attire and work-related tools, transitional jobs paid at a rate of 80% of the position wage, or a minimum of \$8.00 per hour for up to 320 hours, On-the-Job Training (OJT), Incumbent Worker Training (IWT), and other services. Through the Consolidated Business Grant (CBG), the Northwest area has provided funding for employer services such as OJT and IWT, freeing up Adult, Dislocated Worker, and Youth formula funding to be spent on other direct participant costs as listed above. Between October 2018 and September 2019, CBG funding allowed local employers to receive over \$527,000 in OJT grants for training new hires or IWT grants to upgrade skills of existing employees. This savings to formula funding allowed for additional funds to be used for ITAs and supportive services.

To use funds for incumbent worker training as outlined in WIOA Sec. 134 (d)(4)(A)(i);

As outlined in WIOA Sec. 134 (d)(4)(A)(i), the local board may reserve and use not more than 20 percent of the funds allocated to the local area involved under section 133(b) to pay for the Federal share of the cost of providing training through a training program for incumbent workers, carried out in accordance with this paragraph. For the purpose of determining the eligibility of an employer to receive funding under clause (i), the NWTNWB takes into account factors consisting of— (I) the characteristics of the participants in the program; (II) the relationship of the training to the competitiveness of a participant and the employer; and (III) such other factors as the local board may determine to be appropriate, which may include the number of employees participating in the training, the wage and benefit levels of those employees (at present and anticipated upon completion of the training), and the existence of other training and advancement opportunities provided by the employer. The training program for incumbent workers carried out under this paragraph shall be carried out by the local board in conjunction with employer the for the purpose of assisting such workers in obtaining the skills necessary to retain employment or avert layoffs. Employers participating in the incumbent worker training (IWT) program are required to pay for the non-Federal share of the cost of providing the training to incumbent workers of the employers. In order to fund IWT, the NWTNWB first utilizes specialized funding available, such as Consolidated Business Grants (CBG). If additional funding is needed to meet the needs of area employers, and is available, the NWTNWB authorizes up to 20 percent of the funds allocated to the local area involved under section 133(b) to be used to pay for the Federal share of IWT.

To use funds for transitional jobs as outlined in WIOA Sec. 134(d)(5)

According to WIOA Sec. 134(d)(5), the local board may use not more than 10 percent of the funds allocated to the local area involved under section 133(b) to provide transitional jobs under subsection (c)(3) that— (A) are time-limited work experiences that are subsidized and are in the public, private, or nonprofit sectors for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history; (B) are combined with comprehensive employment and supportive services; and (C) are designed to assist the individuals described in subparagraph (A) to establish a work history, demonstrate success in the workplace, and develop the skills that lead to

entry into and retention in unsubsidized employment. The NWTNWB has implemented a “Ready, Set, Hire” approach to allow jobseekers and employers to mutually benefit from the combined offerings of:

- Ready - Transitional Job Up to 320 hours of subsidized employment through a transitional job based on the job seeker’s needs as documented on the Individual Service Strategy (ISS). The job seeker’s employment is subsidized through the WIOA Adult or Dislocated Worker program at no cost to the employer. The job seeker will be paid through the program at the higher of 80% of the starting rate of the position being performed or \$8.00 per hour. For instance, a participant working in a Production position which pays \$12.50 per hour would be paid \$10.00 per hour for the duration of the transitional job ($\$12.50 \times 0.8 = \10.00 per hour).
Note: The Director may approve work experience through a transitional job beyond 320 hours on a case-by-case basis as needed based on the job seeker’s need as documented on the ISS.
- Set - OJT Position Up to 320 hours of employment through an OJT grant, based on the job seeker’s needs as documented on the ISS and the training needs of the position as demonstrated by the Specific Vocational Preparation (SVP) level of the position. Employers may be reimbursed up to 50% of an eligible OJT participant’s wages for the completion of the specified training period.
- Hire! Employers are encouraged to consider hiring participants who successfully complete a Transitional Job, with or without an OJT contract. Participants on an OJT contract are employees of the business and are expected to be retained upon the successful completion of the training period. Employers may qualify for a Work Opportunity Tax Credit ranging from \$1,200 to \$9,600 for hiring individuals with barriers who are considered a member of a qualified targeted group.

E. Cooperative Agreements

The NWTNWB maintains the attached cooperative agreements with Vocational Rehabilitation, and other Core Partners, which define how local service providers and partners carry out the requirements for the integration of, and access to, the entire set of services available in the local one-stop system, with respect to efforts that will enhance the provision of services to individuals with disabilities, including cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

F. Title VI Trainings

The NWTNWB provides the attached Title VI training PowerPoint to all service providers, the OSO, and Board staff. Dyersburg State Community College, the selected Career Services Provider, requires the attached online training to be completed by all staff, including Title I staff.

Attachments

A. Narrative Description of Stakeholder Involvement

To receive and consider input into the development of the local plan, in compliance with WIOA Sec. 108(d), the NWTNWB's PY 2020-2022 Local Plan is being published for a 15-day comment period between June 12, 2020 and June 26, 2020, prior to submission of the plan on June 30, 2020. Public notice is being submitted for publication to local newspapers in the 9-county service area and is being published on the organization's website, www.NWTNJobs.org, and Facebook and Twitter pages. Additionally, an electronic communication regarding the posting of the local plan is sent to all American Job Center partners, NWTNWB members (representing business, labor organizations, education, and others), standing committee members, Local Elected Officials, and other workforce system stakeholders for review and comments. The plan is being made available to be viewed on the website and hard copies are being made available at all 9 AJCs in the local area during this time. Additionally, a public listening session hosted outside of normal work hours (Monday – Friday, 8:00 am – 5:00 pm) is scheduled for June 17, 2020 and is being publicized along with the notification of the local plan posting. All comments are to be submitted in writing to a designated single point of contact, Jennifer Bane – Executive Director, who will compile all comments received during the period of public comment and share them with board members and senior leaders for consideration and integration into the plan as appropriate. Any comments received, including those that represent disagreement with the proposed local plan, will be included within the local plan's attachments.

During the planning process, stakeholders, and the regional planning council met as listed below to develop the plans:

Date	Meeting Description
2/4/2020	State plan posting for public comment shared with local stakeholders via email
3/18/2020	Draft planning guidance shared with Regional Planning Council via email
3/20/2020	Draft planning guidance shared with local stakeholders via email
4/13/2020	Final planning guidance and Regional Plan preliminary PowerPoint shared with Regional Planning Council
4/16/2020	Regional Planning Council meeting – review of draft regional plan information
4/27/2020	LWDB Sub-Committees review final planning guidance and portions of draft plan during quarterly meeting
4/27/2020	LWDB Executive Committee reviews final planning guidance and portions of draft plan during quarterly meeting
4/30/2020	Planning PowerPoint outlining highlights for draft plan shared with local stakeholders via email; Email invitation sent to AJC Team Leads to participate in upcoming local planning meeting
5/2/2020	Regional Planning Council Executive Committee meeting (Executive & Regional Directors)
5/5/2020	Email invitation sent to MOU partners to participate in upcoming local and regional planning meetings
5/9/2020	Regional Planning Council Executive Committee meeting (Executive & Regional Directors)
5/12/2020	State Workforce Development Board notified of 5/19/2020 planning meeting (documentation below)
5/12/2020	Regional Planning Council Executive Committee meeting (Executive & Regional Directors)
5/13/2020	Planning PowerPoint outlining highlights for draft plan shared with MOU partners via email;
5/14/2020	Email invitation sent to LWDB and other stakeholders to participate in upcoming local and regional planning meetings
5/18/2020	Draft local plan shared with LWDB, MOU partners, AJC Team Leads, and other stakeholders
5/19/2020	Local planning meeting
5/19/2020	Comments on preliminary regional plan information due

5/22/2020	Regional Planning Council Executive Committee meeting (Executive & Regional Directors)
5/28/2020	Regional Planning Council meeting
5/29/2020	Feedback / comments on local plan due from local stakeholders
6/10/2020	LWDB and CLEO meetings include approval of local and regional plan
6/12/2020	Local and Regional Plans posted for public comment (publicized and stakeholders notified)
6/17/2020	Public listening session outside normal working hours (publicized and stakeholders notified)
6/26/2020	End of 15 Day Public Comment Period
6/30/2020	Local and Regional Plans submission deadline

 Tue 5/12/2020 4:06 PM
Bane, Jennifer
Northwest Planning Meeting

To Workforce Board
Cc Kristie Bennett; Powell, Ginger

 5.19.20 NW Planning... 20 KB
 2020 Local Planning Pr... 2 MB
 Local Planning Partner... 7 KB

[Bing Maps](#) + Get more apps

Good afternoon! The Northwest area is hosting an electronic local planning meeting on Tuesday, May 19th at 10 am. The meeting materials and invitation are attached, and the information to join the meeting is listed below. Thanks!

Join Zoom Meeting
<https://us02web.zoom.us/j/85886200926?pwd=bCtIMHErQ3pQQjkyYkwwVTAreFdnZz09>

Training Provider Approval

Effective Date: June 10, 2020

Duration: Indefinite

In order to receive funds under Title I of WIOA, a training provider must make application to the local Workforce Board for approval. Therefore, customers approved for ITA funds can only select from programs on the Eligible Training Provider List. If a program is not on the list, WIOA cannot pay the cost of attendance.

In the State of Tennessee, the Tennessee Department of Labor and Workforce Development (TDLWD) is charged by the State Workforce Development Board with the responsibility to develop and maintain the Eligible Training Provider List. The Northwest local area agrees to adopt the procedures and formats provided by TDLWD for accepting and processing applications for the Eligible Provider List. Said procedures include processes and formats for Renewal Applications for “grandfathered” eligible providers and for others which have completed their period of initial eligibility, as well as processes for making initial application.

Interested applicants shall visit the Eligible Training Provider website at www.Jobs4TN.gov in order to register and complete the appropriate application forms as provided by TDLWD within the system. Application forms are available online at the website listed above. Upon receipt of completed applications, a Sub-Committee of the Northwest Tennessee Workforce Board (NWTNWB) will review and make recommendation to the Northwest Tennessee Workforce Board for approval, denial or other additional/subsequent consideration. The Sub-Committee Committee, other committees of the NWTNWB, or NWTNWB members may request any additional information from the applicant institution deemed necessary. Applicants must provide all requested performance, cost, credentialing, articulation documentation, or other information requested by the Committee and/or the NWTNWB. The LWDB will review and approve applicants which are deemed to have met the criteria outlined in WIOA Subtitle B, Chapter 1, Section 122.

Finally, renewal applications must provide required performance data, meeting or exceeding performance standards as outlined in TDLWD policy, in order to remain on the Eligible Training Provider List. If approved, the NWTNWB will submit appropriate information and recommendation for addition to the Statewide Eligible Training Provider List in the Jobs4TN system.

Training Providers Appeal Process

If a Local Workforce Development Board (LWDB) rejects an application for initial eligibility determination for a program of training service, the LWDB must provide notice with the letter of rejection containing the reasons for rejections as well as the availability of an appeals process.

Local Appeals

Each LWDB maintains a written appeal process. The procedure includes an opportunity for a hearing, with a final written decision on the appeal to be provided within sixty (60) days of the date of the LWDB’s receipt of the request for appeal. If the provider is not satisfied with the outcome of the local appeal, a provider may submit a formal appeal to the State appeals committee.

Should an application for addition to the ETPL be denied by the NWTNWB, the NWTNWB will notify the applicant of the denial, the reason(s) for the denial, and information on the appeal process within ten (10) working days. Notification shall be written and may be transmitted by U. S. Postal Service, Return Receipt

Requested, Fed Ex or other package delivery service, by facsimile transmission, and/or electronically through e-mail. The applicant institution may access the approved NWTNWB appeal process, as follows:

1. The institution must request, in writing, additional consideration by the NWTNWB and its Sub-Committee of at least 1 – 3 impartial appeal officers (i.e. any staff or board members uninvolved in the initial decision). The written request must be submitted within 10 working days of receipt of written notification of denial or need for additional information/review by the NWTNWB.

Address local appeals to the attention of the Northwest Tennessee Workforce Board:

Northwest Tennessee Workforce Board
 Attn: Executive Director and Board Chairman
 208 N. Mill Ave.
 Dyersburg, TN 38024
 (731) 286-3585, TDD # 711

2. The NWTNWB Sub-Committee shall consider the appeal request within 30 calendar days of receipt of the written request for appeal and shall make a recommendation to the NWTNWB for approval, denial, or request for additional/subsequent information.

3. The NWTNWB must consider the appeal and the recommendation of the Sub-Committee and render a decision at its next regularly scheduled NWTNWB meeting, or within 60 calendar days from the date the NWTNWB received the written request for appeal from the provider institution, whichever is greater.

4. The applicant institution must be notified, in writing, of the decision of the NWTNWB within 10 working days of the NWTNWB final action, and the process for filing a State appeal in the event the provider is not satisfied with the outcome of the local appeal. As referenced above, written notification may be in the form of USPS Return Receipt Requested, Fed Ex or other package delivery service, facsimile transmission, and / or electronically using e-mail.

5. If the applicant disagrees with the action taken by the NWTNWB through its local appeal process, the applicant may access the appeal process through the THEC, according to established THEC appeal procedures, as outlined in the approved Strategic Five Year State Workforce Investment Plan for the State of Tennessee.

In the event an approved provider is removed or suspended from the ETPL, students enrolled through the Workforce Innovation and Opportunity Act (WIOA) prior to the suspension/removal will be allowed to continue their training using WIOA funds until completion. No new students may be enrolled into a suspended/removed institution until official notification of reinstatement has been received.

State Level Appeals

This procedure applies only to training providers who have exhausted the appeal process of a Local Workforce Development Board and are dissatisfied with the Local Workforce Development Board's final decision.

(1) A training provider wanting to appeal to the State must submit an appeal request to the State within 30 days from the LWDB's notification to the training provider of its final decision on an appeal. The request for an appeal to the State must be in writing and include a statement of the desire to appeal, specification of the program(s) in question, the reason(s) for the appeal (i.e. grounds), and the signature of the appropriate provider official.

(2) The State will promptly notify the LWDB when it receives a request for appeal. The State will also notify the LWDB when it makes the final decision on an appeal.

NORTHWEST TENNESSEE WORKFORCE BOARD PARTICIPANT PROGRAM POLICY

(3) The State appeal process includes the opportunity for the appealing training provider to have a hearing. The hearing officer must be impartial. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least 10 calendar days before the scheduled hearing. Both parties must have the opportunity: to present oral and written testimony under oath; to call and question witnesses; to present oral and written arguments; to request documents relevant to the issues(s), and to be represented.

(4) The five-member State appeals committee, chaired by the hearing officer, will administratively review the appeal, make a preliminary decision, and notify the training provider and the LWDB. The committee may either uphold or reverse the LWDB decision.

(5) The State appeals committee must render a decision within 60 days from receiving the training provider's initial State appeal request.

References:

Workforce Services Policy - Eligible Training Provider List, TN-WIOA (16-9); Title I of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3101 et seq.); Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); WIOA Section 188 Nondiscrimination; WIOA Section 122 Identification of Eligible Providers of Training Services.

Vetted and Approved by the Northwest Tennessee Workforce Board: June 10, 2020



Jimmy Williamson, Chair

Northwest Tennessee Workforce Board

Individual Training Account

Effective Date: June 10, 2020

Duration: Indefinite

Purpose: To establish a policy for use of Individual Training Accounts (ITAs) for in-demand occupations.

Policy: An Individual Training Account (ITA) voucher may be available to provide funding for WIOA eligible adults, dislocated workers and out of school youth, observing Priority of Service policies, who have completed an assessment and been determined to need in-demand occupational skills training to become gainfully employed. An ITA may be provided if the State Workforce Agency (SWA) or one-stop center staff determine, after an interview, evaluation or assessment, and career planning, that the eligible individual is:

- Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through Career Services alone;
- In need of training services to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment, through Career Services alone; and
- In possession of the skills and qualifications to successfully participate in the selected program of training services.

Training services must be linked to in-demand employment opportunities in the local area or planning region or in a geographic area in which the individual is willing to commute or relocate. The selection of training services should be conducted in a manner that maximizes customer choice, is linked to in-demand occupations, informed by the performance of relevant training providers, and coordinated to the extent possible with other sources of assistance.

Per TEGL 19-16, Section 134(c)(3)(E) of WIOA, with respect to funds allocated to a local area for Adult employment and training activities, priority must be given to recipients of public assistance, other low income individuals, and individuals who are basic skills deficient for receipt of Individualized Career Services and Training Services. Also per TEGL 19-16, Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, as described in TEGL 10-09, when programs are statutorily required to provide priority for a particular group of individuals, such as the WIOA priority described above, priority must be provided in the manner described in the Priority of Service Policy.

The Northwest Tennessee Workforce Board limits ITAs to programs on the WIOA Eligible Training Provider List that lead to a credential in a period of 2 years or less, including Challenge/CLEP tests, when appropriate. ITAs may also be used to support Registered Apprenticeships (RAs), an "earn and learn" training model that combines structured learning with on-the-job training from an employer. The goal is to provide workers with advanced sets of skills that meet the specific needs of employers. Upon completion of a RA program, participants receive an industry issued, postsecondary credential that certifies occupational proficiency and is also portable (see WIOA Section 122[a][2][A]).

Many RA programs also offer interim occupational credentials that can be attained by apprentices during their program. Attainment of a credential marks an important milestone in the apprenticeship and signals that the apprentice has successfully advanced along a career pathway, increased their skills in the field, and potentially moved beyond the point of needing support from a program authorized by WIOA. Given that RAs can range from one to six years, and WIOA support for apprentices may be needed earlier in the program rather than the last two years, ITA funds may be utilized for up to two years at any point in a RA program as long as an interim credential will be earned during that period, or within the following year.

ITA funding is for unmet need for cost of training not covered by other federal or State financial aid, such as Pell, Lottery, TN Promise, and TN Reconnect. WIOA funds are considered “last dollar.” ITA funding is authorized per training term (quarter, semester, trimester, etc.), with subsequent terms authorized after successful completion of the previous term. The ITA is limited to \$4,000 per year, for two years, with total cost limited to \$8,000 during participation in the WIOA program (approved effective 11/27/18; previously limited to \$3,000/year, \$6,000 maximum as of 11-13-12).

The One-Stop Operator may file an appeal with the NWTNWB Executive Director for additional time/funding for the participant for extenuating circumstances that prohibit successful completion.

A Needs Assessment/Financial Aid Worksheet, identifying costs and financial aid information, and staff authorizing the ITA, must be completed prior to authorizing funding. The AJC staff should provide career guidance; however, the participant’s choice for a training provider must be observed.

Funding Criteria for ITAs

The process a participant goes through to select a program of study and the process the Career Advisor follows to establish whether or not the participant is eligible for training assistance goes well beyond the process of determining if a person meets the minimum general qualifications to be determined financially eligible for WIOA.

In order to make a career decision, the participant will go through a series of assessments and career exploration exercises in order to establish the appropriateness of training. Career decision making should rely heavily on the Local Labor Market Information, focusing on future job growth. If there is no local demand, then the participant must be able to establish a viable plan for relocation to an area where the occupation is in demand before training can be approved. This plan must be documented within the case narrative section and on the Individual Service Strategy (ISS).

In order for and ITA to be used to pay for training, a number of questions have to be addressed:

1. Is the program of study selected on the Eligible Training Provider List (ETPL)? Has the program been approved by the local board? Anyone seeking training Out-of-State must document that the Out-of-State provider and program is listed on the eligible training provider list of the state in which it is located.
2. Does the program lead to a certificate as defined in TEGl 10-16, Change 1, issued on August 23, 2017? It is the policy of our Local Board to not use local WIOA training funds for refresher courses or other training which does not lead to a certificate as defined in TEGl 10-16, Change 1. Although some of these types of training may be listed on the ETPL, our Local Board has elected to not use WIOA Title I training funds for these types of programs. We are not to use training funds to re-train a person in a program for which they already possess the certificate.

Example: A person who currently holds a Class A CDL will not be eligible to receive NWTNWB training funds to attend a commercial truck driving training program. A person who has an active LPN license will not be eligible to receive training funds to attend a LPN training program. In both instances, the training would be considered re-training for the occupation for which they already hold the certificate and therefore, not eligible for local training funds.

3. Is the program of study going to lead to a job in a documented demand occupation in the local or regional area to which the individual is willing to relocate or commute?

4. Is the program of study selected appropriate for the individual? Appropriateness of training should be based on assessment results. If it appears to be incongruent with the assessment results, the ISS must address and explain on what basis the career decision was made

5. Is the program a Pell eligible program? If so, has the applicant/participant applied for Pell and other State Grant Awards (SEOG & TSAC)? Is the applicant/ participant potentially eligible for other sources of funding such as TN Promise, TN Reconnect, etc.?

Note: A participant may enroll in WIOA-funded training while his/her application for a Pell grant is pending. This enrollment is permitted as long as the Career Service Provider (CSP) has made arrangements with the training provider and the WIOA participant regarding allocation of the Pell grant if it is subsequently awarded. In that case, the training provider must reimburse the CSP all WIOA funds used to underwrite the training for the amount that the Pell grant covers (WIOA Section 134(c)(3)(B(ii)). Reimbursement is not required from the portion of Pell grant assistance disbursed to the participant for education-related expenses.

6. After Pell, SEOG and TSAC are applied to the cost of the training, is there any unmet need remaining? If not, there is nothing the NWTNWB will pay unless the participant is eligible for supportive services which may be available, such as transportation, child care, etc.

7. If Pell, SEOG, TSAC and WIOA do not cover all the costs of training, does the participant have a plan to pay for the difference? The plan to pay for all uncovered costs must be documented in the case narrative. Supporting documentation should be obtained as appropriate.

In addition to the above items, the following criteria must also be met in order for participants to be approved for, and continue to receive, funding for occupational skills training and associated supportive services:

For New Participants Only

1. Potential participants must be residents of, or dislocated from an employer located in, a county located within the local service area.
2. Potential participants must register in Jobs4TN or update an existing account.
3. Potential participants must complete all steps of the assessment and enrollment.
4. Potential participants must be currently enrolled, or accepted into, an institution and training program that is listed on the Eligible Training Provider List. The Career Advisor will use the eligible training provider list for the state in which the institution is located.
5. The training program must be linked to an in-demand occupation as determined by the Career Advisor through the use of the EMSI system or other documentation as appropriate.
6. For training programs leading to a career in an occupation requiring licensure, participants must meet the criteria outlined in the Licensed Occupations Eligibility section of this policy.
7. Potential participants must be able to complete the training program within two years. For those attending four-year institutions, they must have earned approximately 60 credit hours and / or reached junior status in order to be eligible for funding.

Note: Participants with less than 60 earned credit hours who anticipate completing training within two years must demonstrate and provide detailed documentation as to how they will complete training within the two-year period.

Exceptions: (1) In-School Youth enrolled during secondary school who transition to postsecondary training may receive travel stipends for the entire four-years at a four-year institution; and (2) ITA funds may be

utilized for up to two years at any point in a RA program as long as an interim credential will be earned during that period, or within the following year.

For New and Current Participants

1. Participants must meet at least half-time enrollment criteria according to the institution and program. Up to half of participants' credit hours may be for developmental / remedial classes.

Note: For institutions / programs that do not require coursework for the summer term, a participant may still choose to take courses during this time. Participants who choose to take classes during the summer term can take any number of credit hours as long as they are still following their plan of action to graduate, and as long as they still have ITA money available.

2. Participants must be in good academic standing and maintain satisfactory progress according to the institution's policy. If the participant falls below good standing, they must return to school without funding until they get back in good standing. Once they return to good standing status, the career advisor may apply funding again.

3. Participants may only receive funding once. If participants fail, or drop out of a class that has been paid for by an ITA, they must retake the class on their own, without funding, including travel.

4. Participants who drop a class, without approval from their Career Advisor, must successfully complete the next term on their own, including travel, before they can receive funding again.

5. Participants attending Pell-eligible training institutions must complete the FAFSA and CANNOT be in default on any federal financial aid (i.e. Pell grants).

Funding Criteria for Licensed Occupations

Clients being considered for licensed professional occupational training should have good prospects for finding and keeping employment in the field. Based on research of area employers, the following conditions must be met for a client to be considered for financial assistance for any unmet need for occupations that require licensure prior to employment in the field. All Licensure Occupations:

1. No felony convictions for any crime in the five (5) years. The past five (5) years is calculated from the date they were convicted of the crime. To check for felony convictions AJC Staff must check the Tennessee Bureau of Investigation Felony Offender Search website - <https://apps.tn.gov/foil/search.jsp>.

2. No DUI convictions in the past ten (10) years.

3. No sex offender registration within the last ten (10) years. To check for sex offender registry status WIOA Staff must check the National Sex Offender Search website - <https://www.nsopw.gov/en-US>.

If the conviction occurred in the most recent 5 years, an appeal must be filed with the Career Service Provider for consideration for funding in order to evaluate the impact of the conviction on employment opportunities in the selected occupation / field. Applicants must supply a pre-hire letter with their appeal.

Truck Driving Specific Requirements

1. The applicant must supply a valid Medical Examiner's Certificate of a DOT Physical (currently valid for a maximum of two years) and proof of drug screen, performed no more than thirty (30) days prior to date of WIOA eligibility.

2. The applicant must supply a copy of a Motor Vehicle Report (MVR) that is no more than ten (10) days prior to the date of WIOA eligibility.

3. Driver's license must not have been suspended or revoked in the last three (3) years.

4. No reckless or careless driving violation within the last three (3) years.

5. No more than three (3) moving violations in the last three (3) years.
6. No more than one (1) “at fault” accidents in the last three (3) years.

Certified Nurse Assistant/ Patient Care Technician

All applicants who want to attend Certified Nurse Assistant Training or the Patient Care Technician program will have completed 8 hours of job shadowing and orientation scheduled by the training provider to make sure he/she has a clear understanding of the responsibilities of employment and will be successful in the position.

Appeal Process

If the applicant chooses to appeal a condition of eligibility, an appeal must be completed by the applicant and submitted to Executive Director of the Career Service Provider. Appeals denied by the Career Service Provider, may be appealed to the One-Stop Operator. In the case where an applicant can provide a pre-hire letter, this is to be included with the Appeal.

When to File an Appeal

1. If an individual is denied funding for training because a staff person determines that an individual is not in need of training due to the individual being marketable, able to work in the field, and the expected wages per EMSI are enough for the person and his / her family to be self-sufficient, then the individual may choose to file an appeal.
2. If the customer has a felony over 5 years old and intends to attend a training program for an occupation which requires a license, such as a truck driver, nurse, or teacher, the customer must file an appeal.

Payment of ITAs & Refund Policy

To authorize ITA funds, the Career Service Provider (CSP)’s staff members must complete a Needs Assessment and Financial Aid Worksheet to document required training costs as verified by an authorized representative of the training provider. Once the CSP staff person receives the form back from the training provider, to authorize ITA funds, if needed, he / she must enter an authorized amount, not to exceed the identified unmet need or the available ITA funds, and a voucher number generated by the electronic case management system. Training providers must utilize the completed form to request payment. Invoices are due no later than 30 days past the Term Begin Date. Prior to the submission of invoices, the institution’s Financial Aid Representative will review the information provided in Needs Assessment/Financial Aid Worksheet:

1. If changes have occurred that would reduce Unmet Need (additional aid was received, student dropped hours, etc.), corrections should be made to the form and initialed by the Financial Aid Representative prior to signing. Any over payment of Unmet Need could result in audit finding for the program and the Training Provider.
2. If changes have occurred that would increase Unmet Need (book price increase, test fee left off, tuition increase after authorized, etc.), no changes will be made for this term.

If the form is accurate, it should be signed, dated and forwarded to the Account Billing Representative for the Training Provider.

NOTE: If the Financial Aid Representative fails to accurately report financial aid that the student receives, the payment to the Training Provider will be reduced by the amount not reported. It will be the responsibility of the Training Provider to collect any over payment made to the student.

The Account Billing Representative will review the information provided for accuracy and verify at least one day of attendance of registered classes prior to dispersing funds to the student and prior to billing for the ITA.

NORTHWEST TENNESSEE WORKFORCE BOARD PARTICIPANT PROGRAM POLICY

The Needs-Based Scholarship Amount Authorized should be applied to Tuition/Fees first. Remaining funds may be dispersed to the student for other costs after confirming that the student has attended all classes at least once for the number of registered hours listed in the Student Needs Assessment and Financial Aid Worksheet.

If the student drops below the agreed upon registered hours prior to attending first day of class for registered hours and funds have not been dispersed, the Training Provider has an obligation to place a hold on funds and notify AJC Staff member that the Unmet Need must be recalculated/reduced.

If the student drops below the agreed upon registered hours after attending the first day of class for registered hours and funds have been dispersed, the Training Provider should return any applicable refund to WIOA, but will not be held accountable for funds dispersed to the student. The student will be penalized by WIOA the upcoming semester.

Exceptions to the Use of ITAs

In accordance with TDLWD's American Job Center Individual Training Account Use guidance, Tennessee recognizes limited exceptions to the use of ITAs. Contracts for services may be used instead of an ITA only when one or more of these exceptions apply (WIOA Section 134(c)(3)(G)(ii)):

- 1) The services provided are OJT, customized training, incumbent worker training, or transitional jobs;
- 2) The LWBD determines that there are an insufficient number of Eligible Training Providers in the local area to accomplish the purpose of a system of ITAs;
- 3) The LWDB determines that in the area there is a training-services program of demonstrated effectiveness offered by a community-based organization or other private organization to serve individuals with barriers to employment;
- 4) The LWDA determines that the most appropriate training could be provided by an institution of higher education to train multiple individuals for jobs in sector-demanded occupations, provided this does not limit customer choice; or
- 5) The LWDA is considering entering into a pay-for-performance contract and the LWDA ensures that the contract is consistent with 20 CFR 683.510.

In order to determine the effectiveness demonstrated by a community-based organization or other private organization, particularly as it applies to the special participant population to be served, the NWTNWB will evaluate the following:

- A) Financial stability of the organization;
- B) Demonstrated performance in measures appropriate to the program; and
- C) The relevance of the specific program to LWDA needs identified in the local area

Reference: 20 CRF 680.320(a)(3); 20 CFR 680.340(f); WIOA Section 122(d)

Related TDLWD Policy: AJC Individual Training Account Use Guidance (pages 1 and 2-3)

Vetted and Approved by the Northwest Tennessee Workforce Board: June 10, 2020



Jimmy Williamson, Chair
Northwest Tennessee Workforce Board

Supportive Services

Effective Date: May 21, 2019

Duration: Indefinite

Purpose: To provide policy for providing supportive services for eligible participants.

Policy: As defined in the WIOA, Supportive Services means services such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under the act. The Northwest TN Workforce Board, through the regional planning process and in compliance with TDLWD policy, recognizes that Supportive Services are limited and must be leveraged with other local and state resources. **Supportive services should only be provided when the services are not available elsewhere, since WIOA is considered funding of last resort.** Funds allocated to a local area (WIOA Section 133) may be used to provide supportive services to Adults and Dislocated Workers who:

- (1) Are participating in programs with activities authorized in WIOA Section 134(c)(1)(A)(ii) or WIOA Section 134(c)(1)(A)(iii);
- (2) Have exited and need post-program support services as follow-up (for up to 12 months after exit); and
- (3) Are unable to obtain such supportive services through other programs providing such services.

Supportive services for youth, as defined in WIOA Section 3(59), are services that enable an individual to participate in WIOA activities.

Participants in WIOA programs who face significant barriers to employment, such as recipients of public assistance, low-income individuals, or individuals who are basic skills deficient, should be given service according to their level of need.

Supportive Services are not entitlements and must be supported by demonstration of financial need. The participant's need for services will be documented in the case file; participants enrolled in individualized career or training services and must demonstrate need in the Individual Employment Plan or Individual Service Strategy. When multiple options are available for receiving supportive services, documentation must show a reasonable effort was made to determine and choose the lowest, competitively priced service available. Support services activities and supporting case notes will be entered into VOS by AJC staff.

In the event that funds are limited, the Executive Director may limit one or more of the Supportive Services to priority populations only.

Allowable Support Services

According to 20 CFR § 680.900 and § 681.570, Supportive Services for Adults, Dislocated Workers, and Youth may include, but are not limited to, the following:

- (a) Linkages to community services;
- (b) Assistance with transportation;
- (c) Assistance with child care and dependent care;
- (d) Assistance with housing;
- (e) Needs-related payments, as described at §§ 680.930, 680.940, 680.950, 680.960, and 680.970;
- (f) Assistance with educational testing;
- (g) Reasonable accommodations for individuals with disabilities;
- (h) Legal aid services;
- (i) Referrals to health care;

- (j) Assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear;
- (k) Assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and
- (l) Payments and fees for employment and training-related applications, tests, and certifications.

The allowable support services as described below will be made available in the following manners:

Referral and Coordination

The One-Stop Operator and Service Provider(s) shall ensure procedures are in place to coordinate support services through linkages to community services and through partner referral to avoid duplication and ensure Title I funds are last-dollar and are only used to provide supportive services when the services / funds are not available elsewhere.

Payments on Behalf of / to Participants

The following support services will be paid on behalf of the participant, directly to the service provider, unless otherwise noted. As noted below, in certain cases (e.g. Child or Dependent Care or Housing, Legal, and Medical Services) payments must be made directly to the participant as a reimbursement. If the participant has a support service need but cannot afford to make the payment to be reimbursed, the Career Service Provider may submit a request to the One-Stop Operator who will submit it for approval by the Northwest TN Workforce Board Executive Director for payments to be made directly to the participant as an advance. Participants must complete a written request and sign an agreement stating that the funds will only be used for the identified purpose and that receipts of purchases / services obtained must be provided by the participant and maintained by staff. The agreement must also acknowledge that failure to provide appropriate receipts / documentation will result in all funding being suspended for the participant until such documentation is provided. The agreement must be maintained by staff and the purpose of the payment and the approval must be documented in case notes. Duration, unless otherwise noted, is limited to approved terms of participation in programs with activities authorized in WIOA Section 134(c)(1)(A)(ii) or WIOA Section 134(c)(1)(A)(iii); or have exited and need post-program support services as follow-up (i.e. support services for occupational skill training would be limited to up to two years). Amounts are limited to actual cost, subject to a combined \$1,500 maximum, unless other limitations are set out in this policy. Documentation of support service costs, issued by the training provider and / or vendor, must be maintained in the participant's case file.

Supplies, Uniforms, Accommodations, and Testing

*****Payments for these supportive services should be made to the vendor, preferably, or to the participant as a reimbursement, unless otherwise approved.***

- assistance with uniforms or other appropriate work attire and work-related tools, including such items as eye glasses and protective eye gear needed to be successful in occupational skills training, on-the-job training, transitional jobs, pre-vocational services, or work experience activities;
- assistance with books, fees, school supplies, and other necessary items, such as drug screens and background checks, for students enrolled in postsecondary education classes, subject to the maximum ITA amount for required books, fees, and supplies, and up to the \$1,500 combined maximum for other basic supplies that are not mandatory but may be necessary such as calculators, backpacks, printing / copying fees, and parking passes;
- assistance with educational testing;
- payments and fees for employment and training-related applications, tests and certifications.

- Reasonable accommodations for individuals with disabilities.

Housing, Legal, and Medical Services

****Payments for these supportive services must be made to the participant as a reimbursement, unless otherwise approved.**

- Assistance with housing, excluding rental deposits or mortgage payments, to allow participants to maintain or obtain adequate or temporary shelter, and related costs such as utilities and / or phone / internet plans, when an emergency arises while actively participating in career or training activities which would prevent the continuation of their attendance. The purpose of the funds must be documented and payments made to the participant require a copy of the bill or receipt listing the participant as the debtor attached to the authorization. Rent payments will require a copy of a lease agreement naming the participant.
- Legal aid services;
- Medical / health care and counseling services such as required immunizations, dental services, ophthalmologist services, eye glasses, hearing aids, drug and alcohol counseling, mental health counseling, behavioral counseling, etc.

Assistance with Child and / or Dependent Care

****Payments for these supportive services must be made to the participant as a reimbursement, unless otherwise approved.**

Assistance with childcare for children under the age of 12 and dependent care for children over the age of 12 who have a disability, elderly parents, etc., may be utilized to help a participant meet their family care needs during WIOA Title I program participation. Child and dependent care services must be provided by a licensed facility and selected by the participant. Services will be payable at a maximum rate of \$100 per child / dependent per week, not to exceed actual cost, up to the \$1,500 combined maximum. Since supportive services must only be provided as last-dollar funds, participants who appear to possibly meet requirements for other childcare or dependent care services, such as those available through the Department of Human Services, Headstart, school district pre-k programs, TennCare Choices, etc., must first make application to those programs and provide proof of denial prior to being approved for Title I child or dependent care services. Participants must provide documentation of child / dependent status, such as a birth certificate, guardianship documents, etc. and must complete a release stating that the parent / caregiver is the one deciding on their child / dependent care provider and that the LWDB and Career Service Provider are not liable for issues that may arise.

Transportation Assistance

The LWDA will provide transportation assistance for an eligible WIOA participant attending an LWDA approved training provider and program for occupational skills training or for Out-of-School youth to the worksite for the first 30 days of employment. The transportation assistance will be paid through a stipend payment paid at intervals consistent with the training provider terms or a one-time only payment for Out-of-School youth in work experience. Out of School Youth who transitioned from an In-School Youth Program and choose a University Parallel program of study may receive support services, including transportation assistance, in order to complete the goals established in the individual service strategy. Subsequent ITA funding will require the participant, program and provider to meet all local/state criteria.

The payment will be based on exact costs calculated at a rate of \$.15 per mile one-way unit per day, converted to roundtrip (not subject to the \$1,500 maximum). Participants receiving transportation assistance from another organization (i.e. Workforce Essentials) are not eligible to receive a full transportation stipend from WIOA. As last dollar funds, all other programs must pay first before WIOA funds can be authorized.

In the event that a participant is receiving travel funding from another program, the total amount anticipated to be received in transportation assistance from the other agency must be deducted from the transportation assistance amount WIOA expects to pay.

To be eligible for this stipend, one must be in good standing and making satisfactory progress, be a fulltime student with no more than 1/2 of the credit hours being for remedial / developmental classes, must not drop or be removed from a course without notifying and providing needed information to the WIOA staff member regarding this action, etc.

Participants may receive a travel stipend for the first 30 days of a transitional job or work experience activity to offset their gas expenses until they have received one month of pay, at which time, they should have been able to budget money out of their paychecks to pay for their own gas expenses. In the event a transitional job or work experience position requires the participant to travel, the travel stipend may be extended through the duration of the work experience or transitional job.

Additionally, required auto repair, insurance, and / or driver license fee payments may be made, subject to the combined \$1,500 maximum, in response to an immediate need, in order to allow a participant to continue to participate in employment and training activities. Normal vehicle maintenance costs are not allowed. If a participant is personally repairing his / her personal vehicle, funds may be used to purchase the parts. Auto repair may not exceed the value of the vehicle. Staff should take into consideration if public transportation would be a more feasible option for the participant.

Needs-Related Payments (currently suspended due to funding limitations)

Needs-related payments provide financial assistance to participants for the purpose of enabling them to participate in training and are a supportive service authorized by WIOA sec. 134(d)(3). Unlike other supportive services, in order to qualify for needs-related payments a participant must be enrolled in training. Needs-related payments may be paid while a participant is waiting to start training classes if the participant has been accepted in a training program that will begin within 30 calendar days. The Governor may authorize local areas to extend the 30-day period to address appropriate circumstances.

Eligibility Criteria in order to be eligible for needs-related payments:

Adults must:

- (a) Be unemployed;
- (b) Not qualify for, or have ceased qualifying for, unemployment compensation; and (c) Be enrolled in a program of training services under WIOA sec. 134(c)(3).

Dislocated Workers must:

- (a) Be unemployed, and:
 - (1) Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
 - (2) Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the 8th week after the worker is informed that a short-term layoff will exceed 6 months; or
- (b) Be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

Youth must:

- (a) be co-enrolled into either the Adult or Dislocated Worker programs to qualify for Needs-Related Payments.

Documentation of all eligibility criteria is required and must be maintained in the participant's case file.

Level of Needs-Related Payments

Per § 680.970, the level of needs-related payments is determined as follows:

- (a) The payment level for Adults must be established by the Local WDB.
- (b) For Dislocated Workers, payments must not exceed the greater of either of the following levels:
 - (1) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; or
 - (2) The poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff. The weekly payment level must be adjusted to reflect changes in total family income, as determined by Local WDB policies.

Methodology - The Northwest TN Workforce Board has authorized weekly needs-based payments for Adults and Dislocated Workers based on the amount needed for the participant and his / her family to reach the poverty level for the family size, to be adjusted as family income changes, and not to exceed:

- (a) The maximum weekly unemployment compensation benefit amount of \$275 for individuals who have not been determined eligible to receive unemployment benefits.
- (b) The applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation.

Example: An applicant is made eligible as an Adult participant as part of a family of four in accordance with the guidelines set forth in the WIOA and relate federal, state, and local guidance. The participant's total family income is \$15,575 per year. The family income is deducted from the poverty level for the family size and converted to weekly rate for needs-related payments as shown below.

\$24,300 per year (Poverty Level for a Family of 4) - \$15,575 per year (Total Annual Family Income)

\$8,725 per year (Amount Needed per Year)

$\$8,725 \text{ per year} / 52 \text{ Weeks per Year} = \$167.79 \text{ Needed per Week}$

The participant is eligible to receive the full \$167.79 per week since it is less than the maximum weekly unemployment benefit of \$275, and the individual has not drawn unemployment.

Exceptions to Support Services Limits

The One-Stop Operator may grant exceptions to the limits established for supportive services by submitting a written request for individual need, including supporting documentation, to the Executive Director of the Northwest TN Workforce Board. For example, an individual who has childcare needs expected to exceed the \$1,500 limit may request to use other available funding (i.e. unused ITA funds) to cover the expected costs. A decision will be rendered within 5 working days.

Unallowable Support Services

Support services may not be used to pay for expenses incurred prior to the participant's enrollment into the WIOA program. Program Management approval is required and should be documented. Advances against future payments are not allowed. Examples of unallowable services include, but are not limited to:

- Fines and penalties such as traffic violations, late finance charges, and interest payments
- Entertainment, including tips
- Contributions and donations

- Vehicle or mortgage payments
- Refund deposits
- Alcohol or tobacco products
- Pet food
- Items to be purchased for family or friends
- Out-of-state job search and relocation expenses that will be paid by the prospective employer

Reference: 20 CFR 680.900; 20 CFR 680.970; 20 CFR 681.570; WIOA Section 106(c)(1)(F)

Related TDLWD Policy: LWDA Supportive Services Guidance 5-8-17 (pages 2 and 4)

Vetted and Approved by the Northwest Tennessee Workforce Board: May 21, 2019



Jennifer Bane, Executive Director
Northwest Tennessee Workforce Board

E. Executed Cooperative Agreements Core Partners Cooperative Agreement

Northwest Tennessee Workforce Board and WIOA Core Partners

In accordance with Workforce Innovation and Opportunity Act (WIOA) section 107(d)(11), the local workforce development board (LWDB) shall enter into 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)) with the local agencies administering plans under title I – Vocational Rehabilitation (VR) Services – 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.

Therefore, the remaining WIOA Core Partners agree to support the Cooperative Agreement in place between the Northwest Tennessee Workforce Board (NWTNWB) and Offices of Vocational Rehabilitation Services (VR) as follows:

A. Cross Training of Staff

The parties to this agreement shall provide staff training and technical assistance with regard to:

- (1) the availability and benefits of, and information on eligibility standards for, each agency's services; and
- (2) the promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce development activities in the local area through the promotion of program accessibility (including programmatic accessibility and physical accessibility), the use of nondiscriminatory policies and procedures, and the provision of reasonable accommodations, auxiliary aids and services, and rehabilitation technology, for individuals with disabilities.

B. Use and Sharing of Information

The parties agree to the use of:

- (1) information and financial management systems, as made available by the respective State agencies, that link all components of the workforce development system, that link the components to other electronic networks, including nonvisual electronic networks, and that relate to such subjects as employment statistics, and information on job vacancies, career planning, and workforce investment activities; and
- (2) customer service features such as common intake and referral procedures, customer databases (as made available by the respective State agencies), resource information, and human services hotline (Department of Human Services Customer Service: 615-313-4700).

C. Cooperative Efforts with Employers

The parties agree to cooperate, collaborate, and coordinate to:

- (1) market and deliver services to employers in the local area;
- (2) facilitate job placement of program participants; and
- (3) carry out any other activities that the designated local Business Services unit and the employers determine to be appropriate.

D. Other Efforts at Cooperation, Collaboration, and Coordination

The parties agree to enter into Memorandums of Understanding and Resource Sharing / Infrastructure Agreements to:

- (1) identify staff roles, responsibilities, and available resources, and specification of the financial responsibility of each component of the local workforce development system with regard to paying for necessary services (consistent with State law and Federal requirements); and
- (2) specify procedures for resolving disputes among such components.

SIGNATURES

Approved as signed by:

Jennifer Bane 5/15/2020
Date
Jennifer Bane, Executive Director
Northwest Tennessee Workforce Board
731-288-3585, ext. 406
jbane@nwtworks.org

Angela Hollingsworth, Coordinator 5-19-20
Date
Angela Hollingsworth, Coordinator (AE)
Weakley County Schools
731-441-9135
angela.hollingsworth@wस्क12tn.net

Barry Buchanan 5-20-2020
Date
Barry Buchanan, Coordinator of Adult Education
Jackson State Community College
731-424-3520
Bbuchanan@jscc.edu

Kristie Bennett 5/21/2020
Date
Kristie Lancaster Bennett, Regional Director
TN Dept. of Labor and Workforce Development, Division of Workforce Services
731-441-9681
kristie.bennett@tn.gov

Marla W. Rye 5/21/20
Date
Marla Rye, President
Workforce Essentials, Inc.
931-905-3500
Mrye@workforceessentials.com

**COOPERATIVE AGREEMENT
BETWEEN
NORTHWEST TENNESSEE WORKFORCE BOARD
FOR LOCAL NORTHWEST WORKFORCE DEVELOPMENT AREA
AND
TENNESSEE DEPARTMENT OF HUMAN SERVICES,
VOCATIONAL REHABILITATION PROGRAM**

This Cooperative Agreement (“Agreement”) by and between the Northwest Tennessee Workforce Board (“NWTNWB”) and the Tennessee Department of Human Services, Division of Rehabilitation Services, Vocational Rehabilitation Services (“VR”) outlines the principal responsibilities of the Parties with regard to the purposes set forth in Section 107(d)(11) of the Workforce Innovation and Opportunity Act, Pub L. 113-128 (“WIOA”), subparagraph (B) of Section 101(a)(11) of the Rehabilitation Act of 1973, Pub. L. 93-112, and other applicable law and rules. NWTNWB and VR may be referred to individually as a “Party” or collectively as the “Parties” to this Agreement.

- A. Purpose. In accordance with 29 U.S.C. § 721(a)(11), VR each designated state unit or agency shall enter into agreement with local agencies administering plans under 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.
- B. Cross Training of Staff. Each of the Parties to this Agreement shall provide staff training and technical assistance with regard to:
1. The availability of benefits and information regarding eligibility standards for services each provides; and
 2. The promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce development activities in the local area through the promotion of programmatic and physical accessibility) and reasonable accommodations and the use of nondiscriminatory policies and procedures,
- C. Use and Sharing of Information. Each of the Parties to this Agreement agrees to the use of:
1. Types of information available to it such as employment statistics, job vacancies, career planning, and workforce investment activities as permitted by confidentiality requirements and applicable law and rules which benefits all partners, the overall operation of the American Job Center (“AJC”) and providing services to customers;
 2. Customer service features such as common intake and referral procedures, customer databases, resource information, and the Human Services Hotline [Department of Human Services Customer Service (615) 313-4700].
- D. Cooperative Efforts with Employers. With regard to the programs and/or services , each Party agrees to cooperate, collaborate, and coordinate to:
1. Market and deliver services to employers in the local area;
 2. Facilitate job placement of program participants; and
 3. Conduct any other activities that the designated local Business Services unit and the employers determine to be appropriate.

E. Additional Cooperation, Collaboration, and Coordination Activities. With regard to each Parties program of services, each of the Parties agree to participate in the process for and provide information necessary to the development of a Memorandum of Understanding and Infrastructure Funding Agreement.

F. Written Notice. All notices and communications regarding this Agreement shall be addressed as follows:

DEPARTMENT OF HUMAN SERVICES

Paula Knisley, Director
Vocational Rehabilitation Program
Citizens Plaza State Office Building
400 Deaderick Street, 12th Floor
Nashville, TN 37243
Telephone: (615) 837-5049
Paula.Knisley@tn.gov

**NORTHWEST TENNESSEE
WORKFORCE BOARD**

Jennifer Bane, Executive Director
708 East Court Street
Dyersburg, TN 38024
Telephone: (731) 288-3585, Ext. 406
jbane@nwtworks.org

G. Period of Agreement and Termination. This Agreement shall remain in effect until modified or terminated in writing upon giving the other Party at least thirty (30) days advance written notice.

**NORTHWEST TENNESSEE WORKFORCE BOARD FOR
LOCAL WORKFORCE DEVELOPMENT AREA 12**

By: J Bane
Jennifer Bane, Executive Director

Date: 12/5/18

TENNESSEE DEPARTMENT OF HUMAN SERVICES

By: Paula Knisley
Paula Knisley, Director, Vocational Rehabilitation Program

Date: 12-5-2018

MEMORANDUM OF UNDERSTANDING

BETWEEN

Northwest Tennessee Workforce Board, Inc. (NWTNWB)

AND

Northwest TN Workforce Development Area Comprehensive One-Stop Center Partners (as listed below)

Jennifer Bane

jbane@nwtworks.org

Individual designated by the Local Workforce Board Chair to lead MOU negotiations

Email address

Not applicable

Impartial individual designated by the Local Workforce Board Chair to lead annual budget negotiations

Email address

1. CONVENING OF THE PARTIES TO MOU (WIOA SEC. 121(C)(1)) (Tennessee MOU/IFA Instructions Page 4)

- *List the required partner providing services in the local area*
- *List the partner agency providing services of each required partner*

REQUIRED PARTNERS AS PARTIES TO MOU	ENTITY ADMINISTERING PROGRAM TYPED NAME
Title I: Adult, Dislocated Worker, Youth	NWTNWB / Dyersburg State Community College
Title II: Adult Education and Family Literacy	Jackson State Community College; Weakley County Schools
Title III: Employment Programs under Wagner-Peyser	TN Department of Labor & Workforce Development
Unemployment Insurance	TN Department of Labor & Workforce Development
Trade Readjustment Assistance (TRA)	TN Department of Labor & Workforce Development
Trade Adjustment Assistance (TAA)	TN Department of Labor & Workforce Development
Job Counseling, Training, Placement Services for Veterans	TN Department of Labor & Workforce Development
Migrant and Seasonal Farmworkers	Tennessee Opportunity Program
Community Services Block Grant (CSBG)	NW TN Economic Development Council
Senior Community Services Employment Program (SCSEP)	NW TN Human Resource Agency; TN Community Services Agency
Second Chance (Reentry)	No programs available in Northwest TN
Title IV: Rehabilitation Services	TDHS, Vocational Rehabilitation Program
TANF	Workforce Essentials, Inc.
Parties to the MOU	NAME
LWDB Chair	Jimmy Williamson
LWDA Chief Local Elected Official	Mayor Gary Reasons

TDLWD Regional Director	Kristie Bennett (WP, UI, TRA, TAA, and Veterans programs)	
Title I - President of Dyersburg State Community College	Dr. Karen Bowyer	
Title II - Adult Education District	Dr. Jeff Sisk; Angela Hollingsworth	
TANF - Workforce Essentials, Inc. President	Marla Rye	
TDHS, Vocational Rehabilitation Program	Kevin R. Wright	
Migrant and Seasonal Farmworkers Director	Alisha Walker	
CSBG / NW TN Economic Development Council	Don Ridgeway	
SCSEP - NW TN Development District	John Bucy	
SCSEP - TN Community Services Agency	Tom McWherter	
OTHER PROGRAMS OFFERED IN THIS LOCAL AREA AS PARTIES TO MOU		IF MARKED YES, ENTITY ADMINISTERING PROGRAM
Department of Human Services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
TCAT/Tennessee Reconnect	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Included as Perkins Partners
Job Corps	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Youth Build	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Housing and Urban Development Employment and Training Activities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A
Perkins/Post-Secondary Career & Technical Education	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dyersburg State Community College; TN College of Applied Technology-Paris, McKenzie, and Newbern
ADDITIONAL PARTNERS AS PARTIES TO MOU		ENTITY ADMINISTERING PROGRAM
Native American Programs		Native American Indian Association of TN
ALC, SNAP		TN Department of Labor & Workforce Development
RESEA		TN Department of Labor & Workforce

2. PURPOSE AND SCOPE OF MOU (Tennessee MOU/IFA Instructions Page 5) If additional space is needed, please include an attachment referencing this section.

- Describe the general purpose and scope of the “umbrella” MOU

The purpose of this MOU is threefold, with the overall goal being to ensure efficiency within the local One-Stop Service Delivery system:

- 1) To establish cohesiveness and define the mutually agreed upon roles and responsibilities of each Partner in regards to service delivery, sharing of resources, and financial responsibilities;
- 2) To ensure that all individuals seeking services at American Job Centers are provided services through operations that are mutual to all Partners programs, and to ensure that these individuals are also referred to program services which are unique to the Partners’ programs; and
- 3) To establish methods of referral of individuals between all Northwest TN American Job Centers and the consortia partners for the appropriate services and activities.

The scope of services outlined in this MOU follows Workforce Services Division Policy #7 regarding Service Integration and functional alignment wherein Tennessee’s One-Stop system shall strive to streamline workforce services functions, prevent the duplication of services and eliminate inefficient practices. To this end, Partners agree:

- 1) To endorse a single customer flow model based on customer need, not program requirements;
- 2) To refer customers between Partners by methods listed in this Agreement;
- 3) To authorize the sharing of customer data and information in order to facilitate co-enrollment and case management across programs and funding streams; and
- 4) To participate in joint planning of this MOU, plan development, and modification of activities to accomplish the following:
 - Accessibility of the Partners' applicable services to customers through the One-Stop Service Delivery system
 - Participation in the operation of the One-Stop Service Delivery system, consistent with the terms of the MOU and requirements of authorized laws
 - All Partners and staff are adequately cross-trained as a result of their participation in capacity building and staff development activities
 - Continuous partnership building by requiring inclusion of all Partners involved in the One-Stop System
 - Continuous adaption to state and federal guidelines
 - Responsiveness to local and economic conditions, including employer needs
 - Meet common data collection and reporting needs via Jobs4TN
 - Involvement in special grant and/or pilot projects that impact a Partner's shared staffing resources
 - Co-branding through inclusion of "AJC identified" or "American Job Center" on any joint products, programs, activities, services, facilities, and materials used by the combined Partnership of the System

3. VISION FOR THE SYSTEM (Tennessee Combined State Plan Section II(b)) (Tennessee MOU/IFA Instructions Page 5) If additional space is needed, please include an attachment referencing this section.

- *Describe the shared vision and commitment of the local board and required partners to a high-quality local workforce delivery system (vision must be consistent with Federal, State, regional, and local planning priorities, as well as the Governor's Guidelines)*
- *Describe which aspects of the vision are currently in place*
- *Outline the steps to be taken and the general timeline for how required partners will implement any aspects of the vision that are not yet in place*

The vision of the local workforce development board (LWDB) and required partners is for Northwest Tennessee to be an area where business and industry thrive based on the availability of a skilled workforce and a robust talent pipeline, and where increasing wealth fuels prosperous communities and a high quality of life. To achieve this vision, the board and partners strive to develop a quality workforce system to meet the needs of area employers and job seekers by:

- 1) Increasing the skills and knowledge of Northwest Tennesseans to meet the needs of employers now and in the future;
- 2) Creating career pathways from high school, postsecondary education / training to the workforce; and
- 3) Eliminating duplication and leveraging dollars to provide more opportunities to existing job seekers and the emerging workforce.

Aspects of the vision currently in place include:

- 1) The Regional Planning Council, which includes members of the core partners as well as other partners, identifies regional and local in-demand and emerging sectors using available labor market data, strategy meetings, and other data gathering methods. Workforce efforts are then focused on identified sectors through services available through AJC partners, such as the development of career pathways in manufacturing and healthcare.
- 2) The LWDB's standing committees guide the Business Services Team in implementing effective methods of gathering and understanding employers' feedback, such as an employer survey, participation in various business organizations, and various methods of conducting outreach to local employers. The information gathered through such efforts has led to the implementation and / or expansion of such programs and initiatives as OJT and IWT.
- 3) Members of the Business Services Team conduct outreach in order to educate employers on the

services available through the AJC designed, with employers' input, to meet their needs and support talent development.

4) Coordination between training institutions, funding sources, the LWDB, and employers to ensure:

(a) training is available for in-demand occupations in the local area,

(b) current and prospective students are aware of various resources for funding training, including those offered by the partner programs, and

(c) resources are leveraged through co-enrollment and referrals in order to eliminate duplication.

5) Sector studies have been completed and career pathways developed for both the healthcare and manufacturing sectors, which help guide the focus of initiatives such as the Labor and Education Alignment Program (LEAP) and Re-Entry Advanced Manufacturing Program (RAMP). Both initiatives incorporate the Manufacturing Skills Standards Council's Certified Production Technician training, allowing high school students and inmates at a local jail respectively to earn valuable skills before entering or reentering the workforce.

While all aspects of the vision are already in place, the partners agree to enhance efforts by:

1) Expanding existing streamlining efforts among Title I staff across West Tennessee to include all partner programs. For instance, common intake processes and forms will be considered for implementation throughout the region.

2) Continuing weekly meetings of both on-site and off-site partners for each AJC in the region to ensure continued communication, coordination, and leveraging of resources.

4. MOU DEVELOPMENT (Tennessee MOU/IFA Instructions Page 5) If additional space is needed, please include an attachment referencing this section.

- Fully describe the process and efforts of the Local Workforce Development Board and required partners to negotiate the MOU
- Confirm whether all required partners participated in negotiations
- Explain the process to be used if consensus on the MOU is not reached by partners
- Please provide dates of partner meetings that specifically discussed the MOU

To negotiate the MOU, the LWDB followed the below process

1) Notification of Partners, 9/7/18: An email was sent by LWDB staff to the required partners with the prior executed MOU and a draft updated MOU attached. A list of proposed changes to the MOU and information needed was also included.

2) Preliminary Review of Draft MOU, 9/7-14/18: The proposed changes to the MOU were reviewed by the partners. Requested information and changes were submitted to the LWDB designee.

3) Updated Draft MOU Submitted to Partners, by 9/18/18: The LWDB Executive Director's designee emailed an updated draft of the MOU to all partners for review prior to the MOU negotiations meeting.

4) Negotiations Meeting, 9/20/18: Required partners met to review the draft MOU.

5) Final MOU Distributed, by 9/26/18: The LWDB designee emailed the final MOU to partners for signatures.

6) Signatures Obtained, by 10/26/18: Signatures were submitted to the LWDB in order for the executed MOU to be submitted to the TDLWD by 11/1/18.

7) Revisions, by 7/1/19: The LWDB designee emailed the revised MOU to partners for review and signatures in order for the executed MOU to be submitted to the TDLWD by the LWDB by the 7/1/19. New partners were given the opportunity to review the previously developed MOU, ask questions, and provide feedback. During the negotiations, all required partners offering services in Northwest TN participated in negotiations. If the partners fail to reach a consensus on the MOU, the process to resolve the dispute is described in Section 4 Attachment.

5. NAME AND LOCATION OF COMPREHENSIVE ONE-STOP CENTER(S) (Tennessee MOU/IFA Instructions Page 5) If additional space is needed, please include an attachment referencing this section.

- Provide the name and address of the comprehensive one-stop center(s) in the local service delivery system
- Where applicable list the designated affiliated sites or specialized centers
- Define any other operating titles that the local area assigns to each center
- Describe how outreach will be conducted in towns in the local area without an AJC
- Describe the local area's plans for the Mobile American Job Center

Note: The information provided in this section must match the Tennessee Development of Labor and Workforce Development listings

Northwest TN strives to ensure workforce development services are available to all area residents by maintaining an AJC in each county throughout the region. In order to manage administrative costs, competitive leases are negotiated, partners co-locate in the AJCs when possible, and the LWDB seeks additional funding through grant opportunities.

There are two comprehensive centers:

Carroll County	Dyer County
Tennessee American Job Center - Huntingdon	Tennessee American Job Center - Dyersburg
470 Mustang Drive	313 West Cedar Street
Huntingdon, TN 38344	Dyersburg, TN 38024

There are seven affiliate (A) / specialized centers (S), one in each of the remaining counties:

Benton County (S)	Crockett County (S)
Tennessee American Job Center - Camden	Tennessee American Job Center - Alamo
145 Hospital Drive	335 South Bells Street
Camden, TN 38320	Alamo, TN 38001

Gibson County (A)
Tennessee American Job Center - Humboldt
1751 E. Main Street
Humboldt, TN 38343

Henry County (S)
Tennessee American Job Center - Paris
55 Jones Bend Road Extended
Paris, TN 38242

Lake County (S)
Tennessee American Job Center - Tiptonville
229 Church Street
Tiptonville, TN 38079

Lake County (S)
Tennessee American Job Center - Ridgely
134 N. Main Street
Ridgely, TN 38080

Obion County (A)
Tennessee American Job Center - Union City
204 S. Second Street
Union City, TN 38261

Weakley County (S)
Tennessee American Job Center - Dresden
135 South Poplar Street, Suite B (effective August
1st: 116 W. Main Street)
Dresden, TN 38225

AJCs may also be referred to as one-stop centers.

While brick-and-mortar AJCs are valued for cost effectiveness, availability of resources to customers, and visibility in the community, Northwest TN also recognizes the need to bring the services to the customers who may not be able to visit the established AJC given the large service area and transportation barriers. In order to bring the services to the people, the TDLWD's Mobile AJC is utilized to serve remote areas and individuals who are unable to commute to one of the AJCs in the region. A Title I staff member has been assigned to coordinate with the Mobile AJC staff to ensure staff from the Title I partner attend Mobile AJC events, providing customers with access to all AJC services. The implementation of "street teams" has also enhanced services in areas without an AJC. These teams are charged with coordinating with community programs and agencies to provide AJC services via access points. Customers who visit an access point administered by a "street team" are able to receive the same Career Services offered in a traditional AJC, including job search assistance, resume development, workshops, etc. Northwest TN's use of Skype for "face-to-face" interactions with various one-stop partners and / or employers also allows customers in affiliate sites and access points to virtually receive one-stop services typically only offered onsite at the comprehensive centers. Jobs4TN also allows both job seeker and employer customers to remotely access secure, web-based AJC services such as labor market information, unemployment insurance, and mediated labor exchange.

In order to maximize services to populations with barriers, agencies serving these populations are targeted for outreach efforts such as distribution of marketing materials, participation in events, such as those involving "street teams" or the Mobile AJC, and invitations to participate in AJC events and strategy meetings. Such agencies may include Adult Education, Department of Human Services, Health Department, Housing Authorities, Head Start programs, and Boys & Girls Clubs. The AJC displays marketing materials for core and community partners, and provides materials to be displayed at the partners' sites. Social media accounts are also used to connect with customers and other agencies and inform them of the services available through the AJC. The Business Services Team conducts rapid response meetings in order to serve workers dislocated through closures or layoffs. Outreach to unemployment claimants regarding AJC services is also conducted via email when contact information is available. A standing committee of the local workforce board provides guidance for reaching and serving such populations.

**6. DESCRIPTION OF COMPREHENSIVE ONE-STOP SERVICES (WIOA Sec. 121(c)(2)(A)(i))
(Final Rules § 678.500(b)(1)) (Tennessee MOU/IFA Instructions Page 5) If additional
space is needed, please include an attachment referencing this section.**

- Complete a local service matrix (Attachment II) illustrating local methods of service delivery which includes:
 - *Career services to be provided by each required partner in each comprehensive one-stop center*
 - *Other programs and activities to be provided by each required partner*
 - *Method of delivery for each service provided by each required partner (e.g., staff physically present, cross-trained staff, direct linkage technology)*
- In the spaces provided below:
 - *In the introductory paragraph of this section, describe the required partners' combined commitment to integration and "manner in which the services will be coordinated and delivered through the system" (§ 678.500(b)(1))*
 - *In the spaces below designated for each required partner, describe each partner's commitment to coordinated service delivery and explain how the local service matrices illustrate that commitment*
 - *For each required partner below, describe the location(s) at which services of each required partner will be accessible*

The AJC strives to provide integrated service delivery by aligning staff by functional teams and providing cross-training on all programs and services offered in the AJC by the various partners. The Welcome Function is coordinated by the One-Stop Operator (OSO). Staff are either hired or partners are coordinated to fulfill the duties of this function. Those serving in the Welcome Function warmly greet customers entering the AJC and offer an evaluation of service need to identify the services to offer to customers in order to best meet their needs. Each customer is encouraged to register for Jobs4TN, and customers in need of other basic career services, such as labor exchange services, provision of labor market information, or other self-directed or minimally staff-involved services, are typically served by the staff person assigned to the Welcome Function. Customers identified as needing eligibility determination or individualized career services are referred to on-site partners via a warm hand-off. For partners not located full-time in the Center, a spreadsheet (attached) is maintained with contact information for all of the required partner programs offering services in the area including the following information as available: agency name, contact person, address, phone and fax numbers, e-mail address, and website. This spreadsheet allows for partners to easily connect and communicate via referral and / or electronic connection. In order to offer a "warm hand-off," staff at the AJC will connect with the off-site partner staff while the customer is at the AJC in order to ensure the desired services are delivered. A referral form has been developed for recording and tracking referrals between partners.

Staff serving in the Welcome Function coordinate with staff in the Career Development Team and Business Services Team in order to seamlessly deliver career services to all customers. All of the core partners have staff who serve as members of the Career Development and / or Business Services Function, whether on-site or off-site by referral or electronic connection. Each program provides a valuable service and all are connected to reach the desired outcome for the customer. While Career Development Team members focus on performing individualized career services such as skills assessments, developing Individual Employment Plans (IEPs), and case management, the Business Services Team focuses on developing positive relationships with employers in order to identify and address their human resource needs. Staff members are also cross-trained to allow for streamlined services and reduced duplication.

Finally, staff at the AJC have a brief morning meeting to discuss shared resources and services that might benefit both current and prospective customers. This collaboration encourages more co-enrollment of participants between programs, further reducing duplication, enhancing services, and maximizing individual program funding. The use of e-mail, social media, and other technologies such as Skype to convey information to partner staff and customers enhances service delivery and increases Center efficiency, thus potentially expanding the customer pool. Additionally, staff stay current on partner programs through periodic Consortium meetings between the leadership of the core partner programs, quarterly Regional Planning Council meetings, and various staff trainings and / or meetings.

Title I (Adult, Dislocated Worker and Youth) –

Title I provides a variety of educational and training activities to eligible individuals based on the needs of the individual and in coordination with partner programs to prepare participants for employment in in-demand occupations. Services are available on-site at all AJCs in the LWDA, and are accessible to off-site partners through various methods. For instance, off-site partners may call or e-mail Title I staff to make referrals and may utilize the referral form developed by Title I staff as described in Section 8 below. Title I staff also maintain a spreadsheet (attached) for use by all partners containing relevant contact information for making referrals. The system's website also features a contact form that partners or customers may use to contact a Title I staff person for more information about services available through the AJC. Partners and customers may also send a message to Title I staff through the system's Facebook page. Marketing materials are made available at all AJCs. Title I Youth Services will be made available as outlined in the attached service strategy. The Board and Title I Youth Service Provider will enter into agreements / MOUs with providers offering Youth program elements as appropriate.

Title II (Adult Education and Family Literacy) –

Adult Education provides HiSet preparation and testing services. Weakley County Schools and Jackson State Community College manage adult education programs through direct linkage with the AJCs in Northwest TN with co-locating of staff, when feasible, at the comprehensive centers in Dyersburg and Huntingdon, and classes being offered in Humboldt when possible. An electronic presence of off-site staff for referrals will be available within the counties of Benton, Crockett, Henry, Lake, Obion, and Weakley County AJCs. Marketing materials are made available at all AJCs.

Title III (Employment Services under Wager-Peyser) –

Title III offers outreach and labor exchange activities for individuals and employers. Job seekers register at the front desk Kiosk / Jobs4TN.gov to begin the process of a job search activities such as entering a resume and their skills into Jobs4TN so they may be identified by companies who are hiring. Staff are available on-site at the AJCs in Dyersburg and Huntingdon. Services are available at the affiliate sites through direct linkage using phone, email, or Jobs4TN.gov. Partner staff on-site in the affiliate centers are cross-trained to provide both job seekers and employers assistance in accessing and utilizing the features of Jobs4TN. Employers may submit job orders to staff in any of the nine AJCs for posting to Jobs4TN. Marketing materials are made available at all AJCs.

Unemployment Insurance (UI) –

Partner staff working on-site at all nine AJCs are cross-trained to provide meaningful assistance for UI. This includes assisting customers in using Jobs4TN.gov to complete claims, weekly certifications, and utilizing the live chat feature, or using lwdsupport.tn.gov/hc/en-us to submit and track help desk tickets. Fax machines are also available at the AJCs to allow customers to submit needed information to the TDLWD State office if necessary. A LWDB staff member also serves as the Rapid Response Coordinator for the local area and coordinates with partners to provide assistance to employers and affected employees through Rapid Response services. Additionally, Title I and Title III staff are responsible for recording these services in Jobs4TN by entering activities into the individual's or employer's account. Marketing materials are made available at all AJCs.

Job Counseling, Training and Placement Services for Veterans –

In accordance with U.S. Code, Title 38, veterans and "covered persons" are provided the Priority of Service and Veterans preference on all job opportunities and qualified training programs available through the AJC. Notification of priority of service for Veterans is posted at each center. For Veterans with significant barrier(s) to employment, intensive services are available. Veterans services are available on-site at the AJC in Dyersburg. Other partner staff on-site in the affiliate centers and the comprehensive center in Huntingdon are cross-trained to provide self-identified Veterans with the Military Services Form to determine if a referral to Veterans services is appropriate. Veterans services are accessible through direct linkage via phone or email, and Veterans services staff are able to meet with customers on-site at these offices if needed.

Trade Readjustment Assistance –

Companies contact the TRA unit to file a TRA claim. Trade claims are tracked via Jobs4TN.gov website. TRA services are available on-site at the AJCs in Huntingdon and Dyersburg. Other partner staff on-site in the affiliate centers are cross-trained to assist in identifying job seekers who may qualify for TRA to determine if a referral to TRA services is appropriate. TRA services are accessible through direct linkage via phone or email, and TRA staff are able to meet with customers on-site at these offices if needed. TRA claimants will contact the TRA/TAA representative at the AJC for an appointment to discuss TRA services.

Trade Adjustment Assistance (TAA) –

TAA petitions are available online at www.dolta.gov. TAA services are available on-site at the AJCs in Huntingdon and Dyersburg. Other partner staff on-site in the affiliate centers and the are cross-trained to assist in identifying job seekers who may qualify for TAA to determine if a referral to TAA services is appropriate. TAA services are accessible through direct linkage via phone or email, and TAA staff are able to meet with customers on-site at these offices if needed. TAA claimants will contact the TAA representative at the AJC for an appointment to discuss the following services; re-employment services, job search allowance, relocation allowance, and training. Claimants interested in training are referred to Title I for assessment and testing. In addition, applicants are referred to Tennessee College of Applied Technology (TCAT) and or State School representative for assistance.

Migrant & Seasonal Farmworkers –

The program's main objective is to conduct outreach to and assessment of low income farmworkers in order to assist those who qualify with job training and placement services as listed in the local service matrices. Marketing materials are made available at all AJCs.

Services are accessible at all AJCs in the local area through direct linkage and cross-training of partner staff. For instance, Title I staff screen applicants for farmwork backgrounds in order to determine if a referral can be made. Migrant & Seasonal Farmworkers staff may also meet with potential clients on-site at the AJC if necessary.

National Farmworker Jobs Program (NFJP) –

The program's main objective is to conduct outreach to and assessment of low income farmworkers in order to assist those who qualify with job training and placement services as listed in the local service matrices. Marketing materials are made available at all AJCs.

Services are accessible at all AJCs in the local area through direct linkage and cross-training of partner staff. For instance, Title I staff screen applicants for farmwork backgrounds in order to determine if a referral can be made. NFJP staff may also meet with potential clients on-site at the AJC if necessary.

Community Service Block Grant (CSBG) –

CSBG services are available via direct linkage by phone or email. Marketing materials are made available at all AJCs. Northwest TN Economic Development Council has service centers that serve low-income households in Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley counties with CSBG, TEFAP (Temporary Emergency Food Program or commodity foods), and LIHEAP (Low Income Home Energy Assistance Program or "energy assistance"). The Head Start/Early Head Start Program serves all counties in Northwest TN. Other services include emergency assistance with utilities, rent or mortgage, intake and referral, outreach and needs assessment, and case management for employment/self-sufficiency.

Senior Community Services Employment Program (SCSEP) –

SCSEP services are available via direct linkage by phone or email. SCSEP provides low income individuals 55 and older who have poor employment prospects with subsidized, part-time, community service work based training. Participants train an average of 20 hours per week in a variety of community service activities at non-profit and public facilities, including the AJC. SCSEP also assists its customers in utilizing AJC services such as computer classes, interview classes, and resume assistance. Marketing materials are made available at all AJCs.

Title IV (Rehabilitation Services) –

The Vocational Rehabilitation Program provides a variety of services to eligible individuals with disabilities based on the rehabilitation needs of the individual in accordance with their aptitudes, abilities, capabilities and interests and as identified on an Individualized Plan for Employment to prepare for or advance in competitive integrated employment. VR collaborates with AJC partners, community rehab service providers, educational institutions and employers. VR services are directly accessible through co-location at AJCs and from local VR offices.

DHS/TANF –

DHS is committed to addressing poverty and creating cycles of success. The Two-Generation Approach requires intentional focus on the success of the children and adults in their lives simultaneously and places the family on a better path towards economic security when the needs of the family are addressed holistically. This approach includes an emphasis on education, economic supports, health and well-being, and social capital. This goal shall be achieved in the context of assisting individuals and families eligible for TANF ("Clients") in meeting program participation requirements. WorkForce Essentials, Inc. shall provide Employment and Case Management Services with a focus on empowering families eligible for TANF on a course to achieve economic stability based on the four (4) core component activities of the Two-Generation Approach, which focuses on the holistic success of the children and adults: (1) education, (2) economic supports, (3) health and well-being, and (4) social capital. TANF services are available on-site at the AJCs in Dyer, Gibson, Obion, and Weakley counties.

Second Chance (Reentry) –

Services are not available in Northwest TN.

HUD Employment and Training Activities –

Services are not available in Northwest TN.

Job Corps –

Services are not available in Northwest TN.

YouthBuild –

Services are not available in Northwest TN.

Perkins/Post-Secondary Career & Technical Education–

Tennessee’s Community and Technical Colleges play an integral role in the economic growth of our State. From providing short-term training programs to customized, long-term initiatives, these colleges have developed innovative strategies to meet the workforce training needs of local, regional and State employers. As recipients of funding under the Carl D. Perkins Career and Technical Education Act, these institutions strive to develop more fully the academic, career, and technical skills of students who elect to enroll in career and technical education programs. These institutions coordinate with AJC partners to conduct one or more "Manufacturing Days" at high schools in each of the LWDA's counties annually. These events are conducted in partnership with local education institutions and businesses to assist students in understanding all aspects of an industry, providing them with career guidance, and preparing them for high skill, high wage, or high demand occupations leading to self-sufficiency. DSCC and the TCATs also work with AJC partners to engage local employers in assisting in developing programs and to apply for programs to be added to the eligible training provider list.

TCAT/Tennessee Reconnect–

As Perkins recipients for Career & Technical Education, the TCATs in the local area participate in the same activities as described in the "Perkins/Post-Secondary Career & Technical Education" section above. All Perkins services are offered through direct linkage and / or cross-training of AJC staff, who may assist customers in going online to complete an admissions application or other required paperwork.

7. PROCUREMENT OF ONE-STOP OPERATOR (Tennessee Memorandum Guidelines for One- Stop Operator Procurement) (Tennessee MOU/IFA Instructions Page 6) If additional space is needed, please include an attachment referencing this section.

- *Name the procured one-stop operator – (this information will be amended once the One-Stop Operators have been procured). The following bullet points should be explained in this section*
- *Describe the functions and scope of work of the one-stop operator as defined in the Request for Proposal or as planned for the competitive procurement process*
- *Assure that the one-stop operator will not perform any of the proscribed functions (§ 678.620(b)) to avoid a conflict of interest*

Note: One-stop operator designation takes effect July 1, 2017 (§ 678.635)

In order to select an operator for the one-stop system in the local area, consistent with WIOA Sections 107(d)(10) and 121(d) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, and in accordance with the Regional Planning Council, the LWDB, with the agreement of the chief elected officials for the local area, shall designate or certify one-stop operators as described in section 121(d)(2)(A). In order to conduct a competitive process for the selection of a one-stop operator, in accordance with 121(d)(2)(A), the Board, with the agreement of the CEOs, issues a Request for Proposals (RFP) or procures a third-party to conduct the bidding process. Public notice is provided through both print media and electronic means, with potential bidders being notified of the release by email. Proposals received are reviewed by a committee approved by the Board and CEOs and who make a recommendation to the Board for selection of the operator. The selected operator enters into a contract with the Board and CEOs as developed by the fiscal agent to deliver the services described in the Scope of Work, which clearly articulates the role of the operator in accordance with §678.620(a).

To further avoid a conflict of interest in accordance with §678.620(b)(1), the functions and scope of work of the operator as detailed in the RFP, do not include the following functions, which will continue to be

performed by the LWDB: Convene system stakeholders to assist in the development of the local plan; prepare and submit local plans (as required under sec. 107 of WIOA); be responsible for oversight of itself; manage or significantly participate in the competitive selection process for one-stop operators; select or terminate one-stop operators, career services, and youth providers; negotiate local performance accountability measures; or develop and submit a budget for activities of the Local WDB in the local area. The above named functions shall continue to be conducted by the LWDB, not the selected operator. In accordance with §678.620(b)(2), in the event that an entity selected to serve as the operator in future procurement processes also serves a different role within the one-stop delivery system and performs some or all of these functions when acting in its other role, sufficient firewalls and conflict of interest policies and procedures will be developed according to the specifications in § 679.430 for demonstrating internal controls and preventing conflict of interest.

The purpose of the RFP is to identify and fund one entity to coordinate service delivery of the core and required American Job Center partners and service providers in the two comprehensive centers and seven affiliate centers in Northwest TN. All services provided by the operator will conform to the Coordinate, Observe, Report, Evaluate services model. The role of the Operator is further defined through guidance provided in TDLWD WIOA Workforce Services Regional and Local Planning Policy as:

- 1) Oversee management of One-Stop Centers and service delivery
- 2) Evaluate performance and implement required actions to meet performance standards
- 3) Evaluate various customer experiences
- 4) Ensure coordination of partner programs
- 5) Act as liaison with the LWDB and One-Stop Center
- 6) Define and provide means to meet common operational needs
- 7) Oversee full implementation and usage of all State systems by the local area
- 8) Design the integration of systems and coordination of services for the site and partners
- 9) Manage fiscal responsibility for the system or site
- 10) Plan and report responsibilities
- 11) Write and maintain a business plan
- 12) Market One-Stop Center services
- 13) Facilitate the sharing and maintenance of data; primarily the site, with emphasis on the state system
- 14) Integration of available services and coordination of programs for the site with all partners

In regards to Section 8 below, the local one-stop operator's role and responsibilities for coordinating referrals among required partners (§678.500(b)(3)) include:

- Inspire others and lead change; demonstrate extremely high levels of professionalism, integrity, and collaboration; and enhance and develop partnerships. Further, the operator will be required to coordinate with the leadership of all required partners
- Coordinate services with the LWDB's affiliate and/or identified access points to assure that required partners are apprised of AJC and community services for referral of customers.
- Maintain and update a digital and hard copy listing of all partner programs, including a brief description of service and contact information to assure that all staff in the AJC have up-to-date information for referral of customers.

In the Section 6 and 8 Attachment and in the spaces in Section 8 below designated for each required partner, each partner has listed the other programs to which it will make referrals, the method(s) of referral to each partner, and the means of tracking referrals. Referrals are made by all partners based on the initial evaluation of each individual's service needs using methods such as written, electronic, or phone referrals. Methods of referrals strive towards a coordinated and integrated approach to common intake procedures, career services, business services, and data sharing among partners.

The procured Operator as of the execution of this MOU is Mid-Cumberland Human Resource Agency.

8. REFERRAL PROCESS (WIOA Sec. 121 (c)(2)(A)(iii)) (Tennessee MOU/IFA Instructions Page 6). If additional space is needed, please include an attachment referencing this section.

- *In the spaces provided below, address all of the following:*
 - *In the introductory paragraph of this section, describe local one-stop operator's role and responsibilities for coordinating referrals among required partners (§678.500(b)(3))*
 - *In the spaces below designated for each required partner, each partner must list the other programs to which it will make referrals and the method(s) of referral to each partner; for example, in the Title I box, Title I will list all other programs to which it will refer clients and the method(s) of referral for each*
 - *Identify the method of tracking referrals*

Note: Local areas must be as specific as possible when describing the differences in referral methods between partner programs. DOL has expressed concern about this area in the past.

Note: See Introductory Paragraph in Section 7 Above

Title I (Adult, Dislocated Worker and Youth) –

Title I staff will refer to all participating partners using any of the means detailed in the Section 8 Attachment. Referrals to on-site partners will be made using a warm hand-off. In order to track the referrals made amongst partners, a referral form has been developed and all partners are encouraged to utilize the form. The form may be completed electronically and emailed or faxed to partners who are not available on-site at the AJC, and the receiving agency is asked to complete and return the form. Title I staff track the referrals made by following-up with the customer and / or agency monthly if the form is not returned to ensure services are provided to the customer, if not provided while the customer is at the AJC.

Title II (Adult Education and Family Literacy) –

Adult Education will make referrals to appropriate stakeholder agencies as listed in the Section 8 Attachment whenever a barrier to success is identified by our students or staff. Formal referrals will be made to these agencies through emails and calls and follow-up will be conducted as needed.

Title III (Employment Services under Wager-Peyser) –

Referrals to on-site partners are made using a warm hand-off and staff may also utilize the referral form developed by the Title I staff. Referrals are also made via electronic connection through Jobs4TN.gov website, to include partners located outside the American Job Center (AJC), and for a means of tracking for participant progress. Title III staff also track the referrals made by following-up with the customer and / or agency monthly if the form is not returned to ensure services are provided to the customer, if not provided while the customer is at the AJC.

Title IV (Rehabilitation Services) –

The Vocational Rehabilitation Program (VR) may make referrals to any available partner program to meet the rehabilitation needs of eligible individuals. Referrals may be made using the established AJC standard or by email phone or other appropriate method. The local service matrix illustrates the collaboration between VR and the partners to ensure the best use of resources in providing services to customers. VR tracks referrals using specific referral codes and an electronic case management system.

Unemployment Insurance (UI) –

Partner staff working on-site at all AJCs are cross-trained to provide meaningful assistance for UI using Jobs4TN.gov and/or lwdsupport.tn.gov/hc/en-us. Fax machines are also available at the AJCs to allow customers to submit needed information to the TDLWD State office if necessary. On-site staff receive written, electronic, or phone referrals to assist customers with UI. Referrals are also made via electronic connection through Jobs4TN.gov website, to include partners located outside the American Job Center (AJC), and for means of tracking.

Job Counseling, Training and Placement Services for Veterans –

Customers with SBEs are referred to any partner who can assist them with becoming job-ready. Referrals will be made to all other participating partners, as listed in the Section 8 Attachment, when there is a need for that service. These referrals will be made by phone or email, or warm hand-off for on-site partners. Referrals are also made via electronic connection through Jobs4TN.gov website, to include partners located outside the American Job Center (AJC), and for a means of tracking for participant progress. Follow-ups are made by phone each month with the customer.

Trade Readjustment Assistance –

Trade affected workers are first referred to the TRA Unit for eligibility determination. If eligible, a claim is taken by the claims agent and the customer is referred back to the AJC for assistance with job search or training opportunities. Referrals are made via electronic connection through Jobs4TN.gov website, to include partners located outside the American Job Center (AJC), and for a means of tracking for participant progress. Follow-ups are completed with customers weekly.

Trade Adjustment Assistance (TAA) –

Referrals for Trade-affected workers are made to TAA staff for assessment and testing if the worker is interested in training opportunities. The TAA staff then refers the customer to Title I or Title II staff for CASAS and/or TABE testing. Referrals are made via electronic connection through Jobs4TN.gov website, to include partners located outside the American Job Center (AJC), and for a means of tracking for participant progress. Follow-ups are also done daily with on-site staff as needed.

Migrant & Seasonal Farmworkers –

Every customer who makes contact with this program, whether they qualify or not, is always referred to the AJC for services that may be able to receive. Contact is made with customers referred by the AJC and effort made to determine if they may be served by the program.

Referrals are made to all other partners as listed in the Section 8 attachment. To track referrals, staff will utilize the method of tracking referrals as developed by the Title I staff.

National Farmworker Jobs Program (NFJP) –

Every customer who makes contact with this program, whether they qualify or not, is always referred to the AJC for services that may be able to receive. Contact is made with customers referred by the AJC and effort made to determine if they may be served by the program.

Referrals are made to all other partners as listed in the Section 8 attachment. To track referrals, staff will utilize the method of tracking referrals as developed by the Title I staff.

Community Service Block Grant (CSBG) –

Customers can be referred via phone call, e-mail or face-to-face contact with county staff at service centers. Customers in need of any agency services will be assessed for eligibility through the application intake process. NWTNEDC can provide host placement opportunities for customers who need their community service time and works with partners to coordinate any services, training, or needs.

Senior Community Services Employment Program (SCSEP) –

SCSEP refers clients to the AJCs and receives referrals from the AJC in the form of a phone call or email, including the Title I referral form. With the completion of the referral form by both parties, it is understood the customer has been taken care of. Referrals are made to all other partners as listed in the Section 8 attachment.

DHS/TANF –

WorkForce Essentials, Inc. (WFE) utilizes an electronic referral system via an internal database known as Salesforce that generates a client referral to the designated partner. The referrals are followed by personal contact with the partner by a WFE Staff Member. Follow-up is conducted through personal contact of the partner and documented in Salesforce and the DHS state system of record ACCENT. Referrals are made to all other partners as listed in the Section 8 attachment.

Second Chance (Reentry)–

Not available in Northwest TN.

HUD Employment and Training Activities –

Not available in Northwest TN.

Perkins/Post-Secondary Career & Technical Education–

DSCC and the TCATs in the local area refer students to AJC partners as listed in the Section 8 attachment for educational assistance opportunities and other services by providing them with the telephone number, email, and AJC address. Staff may also utilize the referral form and method of tracking referrals as developed by the Title I staff in addition to making follow-up contacts with students and prospective students in accordance with each institution's policies.

Job Corps –

Not available in Northwest TN.

YouthBuild –

Not available in Northwest TN.

TCAT/Tennessee Reconnect–

As Perkins recipients for Career & Technical Education, the TCATs in the local area participate in the same activities as described in the "Perkins/Post-Secondary Career & Technical Education" section above.

9. PHYSICAL ACCESSIBILITY (WIOA Sec. 121 (c)(2)(A)(iv)) (WIOA Final Rules §678.500(b) (4)) (Tennessee MOU/IFA Instructions Page 6) If additional space is needed, please include an attachment referencing this section.

Describe how—through specific examples and commitments—required partners will assure the physical accessibility of the comprehensive one-stop center(s), including the following:

- *The comprehensive one-stop center's layout supports a culture of inclusiveness*
- *Access to public transportation is available within reasonable walking distance*
- *The location of a dedicated parking lot, with parking lot spaces closest to the door designated for individuals with disabilities*

An entrance of each AJC is wheelchair accessible, and are marked by the universal accessibility sign. Dedicated parking spaces are available with parking spaces closest to the door and / or ramp designated for individuals utilizing wheelchairs in accordance with ADA guidelines. At the comprehensive center in Dyersburg, an adjustable computer desk is able to accommodate individuals utilizing wheelchairs. At all centers, a doorbell is available for individuals needing assistance in opening the door to the center. Compliance with ADA requirements is ensured when locating to new buildings or when repairs are needed. An Equal Opportunity poster is displayed at each center and a Grievance brochure outlining the steps to file a complaint is made available. Signage regarding the availability of Language Line for interpretation services is also posted in each AJC. Staff also participate in an annual nondiscrimination/EO/disability awareness training to ensure the center supports a culture of inclusiveness.

Perhaps the greatest barrier for many AJC customers is the lack of transportation. While mass public transportation is not available in Northwest TN, individuals needing transportation assistance may utilize transportation services available through various community agencies such as Northwest TN Human Resource Agency, which provides transportation service for the citizens of the region to ensure access to medical and educational facilities, employment sites, shopping centers, and various other businesses and services. In order to enhance the provision of transportation and other supportive services, the Regional Planning Council ensures the sharing of best practices for possible replication. Additionally, through collaboration with programs offering supportive services, Northwest TN will also maximize customers' access to services not available through the AJC. For example, partnering with agencies offering transportation services on behalf of customers who lack means of transportation to coordinate

schedules, arrange services, or to potentially fund such services for both individuals and groups. Coaching and mentoring services available through the AJCs and partner programs, such as TN ReConnect, are also utilized to assist customers in obtaining needed services.

In order to assure the continued physical accessibility of the comprehensive one-stop centers, the required partners will:

- 1) Ensure compliance with ADA requirements when locating to a new building or when repairs are needed;
- 2) Maintain the above named accommodations, or ones similar, and others on an as-needed basis;
- 3) Offer referrals to provide customers with a comprehensive set of services, including accommodations;
- 4) Maintain an Equal Opportunity Officer for the LWDA to ensure compliance with all appropriate legislation and regulation; and
- 5) Provide training to staff on a routine basis.

10. PROGRAMMATIC ACCESSIBILITY (WIOA Sec. 121 (c)(2)(A)(iv)) (WIOA Final Rules §678.500(b)(4)) (Tennessee MOU/IFA Instructions Page 7) If additional space is needed, please include an attachment referencing this section.

- *Describe how the comprehensive one-stop center provides access to all required career services in the most inclusive and appropriate settings for each individual participant*
- *Describe specific arrangements and resources available to assure that individuals with barriers to employment, including individuals with disabilities, can access available services and how outreach will be conducted to these groups (§678.500(b)(4). Include Mobile American Job Center information.*
- *Explain how services will be provided using technology that is actually available and in accordance with the “direct linkage” requirement under WIOA*

Note: Provide as much specificity as possible for each partner program

The Operator is responsible for designing and implementing quality services to all AJC customers. The American Job Centers standing committee of the LWDB also provides guidance for enhancing services while the Outreach and Opportunities committee develops methods to identify and recruit target populations, such as the outreach efforts and coordination with the Mobile AJC described in Section 5 above. With high unemployment and poverty rates, and low educational attainment in the area, the AJC serves many customers experiencing barriers to employment. Typically served through the Welcome Function and / or Career Development Function, these customers often need staff assistance in order to address barriers such as lack of transportation, childcare, healthcare, education, and/or work ethic to become self-sufficient. Given the many needs of populations with barriers, staff in the AJC must be knowledgeable of partner programs and community resources and be prepared to help customers in utilizing these services, including ensuring accessibility and providing reasonable accommodations.

Reasonable accommodations are provided for all aspects of a customer's experience in the AJCs, such as during application/registration for, and provision of, aid, benefits, services, and training.

Accommodations are made according to the individual's need in order to ensure that he / she receives equal benefits from the program or activity, will be able to compete fairly in educational work settings, and in general, to have an equal opportunity. If needed, documentation of the individual's need for accommodations is obtained and maintained in a separate, secure location. In order to inform customers of the accommodations available, the following tag-line, or one similar, is included on all recruitment brochures and other outreach materials including print, newspaper ads, television, and radio commercials produced by the local workforce development board: "EOE. Auxiliary aids and services available upon request. TDD# 711."

Accommodations available, detailed in the Section 10 attachment, include a large keyboard and calculator, a trackball mouse, ZOOM software for individuals with visual impairments, Language Line for interpretation or translation services, extended time and readers for assessments, large-print and Spanish Registrant Handbooks, and IntelliKeys keyboards. JAWS software, which reads aloud what's on the computer screen and gives the user a unique set of intelligent tools for navigating and accessing web pages and all screen content for individuals with visual impairments, is also available at the comprehensive center in Dyersburg. The system utilizes a TDD/TTY number for all centers, 711, and a TDD/TTY phone is available at the comprehensive center in Dyersburg, as well as in six of the affiliate centers. Interpretive machines are made available if needed and referrals are made for additional services not offered in the AJC. Furthermore, in partnership with DRS, a braille is available for the blind, interpreters for the deaf will be provided through the Jackson Council for Independent Living, and accessibility evaluations will be done at the STAR Center.

In accordance with the "direct linkage" requirement under WIOA, services are provided using technology available at the AJCs. For instance, the use of Skype for "face-to-face" interactions with various partners and / or employers also allows customers in affiliate sites and access points to virtually receive one-stop services typically only offered onsite at the comprehensive centers. Jobs4TN also allows both job seeker and employer customers to remotely access secure, web-based AJC services such as labor market information, unemployment insurance, and mediated labor exchange. On-site and off-site partners also routinely make referrals via phone or email, or to Jobs4TN.gov for the unemployment insurance program. Information regarding AJC services is also made available on the system's website and social media pages. The Mobile AJC and Title I "Street Teams" also provide access to services.

All partners agree that they will not discriminate in their employment practices or services on the basis of gender, gender identity and/or expression, age, race, religion, national origin, disability, veteran's status, or on the basis of any other classification protected under state or federal law. Partners assure that they have policies and procedures in place to address these issues, which have been disseminated to their employees and otherwise posted as required by law, and are in compliance with all applicable state and federal laws and regulations regarding these issues.

11. DATA SHARING AND COLLECTION (Tennessee MOU/IFA Instructions Page 7) If additional space is needed, please include an attachment referencing this section.

- Describe how core program partners will share data and information and will collaborate to assure that all common primary indicators of performance for the core program partners in the local area will be collectively achieved
- Provide assurances that participants' Personally Identifiable Information (PII) will be kept confidential
- In each description, cite specific examples of required partners demonstrating a commitment to integration in the local area
- Describe the collection of data across programs
- Describe how Jobs4TN will be utilized and incorporated

NOTE: Partners are encouraged to seek clarification from their respective core partner state agency and/or data staff

The management information system used to case manage participants for the programs listed below is the Jobs4TN system. Each AJC also utilizes the Greeter feature to track the number of customers using the AJC. Using this system for the majority of WIOA programs will allow programs to share information and reduce duplication of data entry. Information needed to calculate all common indicators of performance will reside in this system. Reports can be generated and shared with program staff to ensure that performance targets will be met. The State office has held core partner meetings and has established performance groups that will routinely meet and report out all core partner performance. This approach will allow all partners to share concerns and keep a close eye on performance as a system. TANF and Vocational Rehabilitation will use other case management systems but all WIOA partners will work to share information across these systems in order to better serve participants.

Title I: Adult, Dislocated Worker, Youth

Title II: Adult Education and Family Literacy

Title III: Employment Programs under Wagner-Peyser

Unemployment Insurance

Trade Readjustment Assistance (TRA)

Trade Adjustment Assistance (TAA)

Job Counseling, Training, Placement Services for Veterans

Migrant and Seasonal Farmworkers

Community Services Block Grant (CSBG)

Senior Community Services Employment Program (SCSEP)

Second Chance (Reentry) - not currently available in Northwest TN

Each employee is required to sign a user agreement stating that personally identifiable information is to be kept confidential and only used for the purpose of job duties. In addition, the TDLWD has memorandum of understandings with core partners in which participant information is shared. The TDLWD also has signed WRIS and FEDES agreements which govern participant wage records and their use. A signed confidentiality agreement is required by any employee or contractor stating they have read and acknowledge all protocols within the WRIS and FEDES agreement. The TDLWD will be maintaining written procedures detailing approaches for use of wage data to ensure that the information is only given to authorized personnel and used for only authorized purposes. TDLWD will also ensure that all wage data is maintained and destroyed in a timely manner using appropriate methodologies.

Parties to the MOU agree to work cooperatively to share data to the extent necessary and as permitted or required by applicable statutes or regulations. Additionally, partners further agree that the collection, use, and disclosure of customers' personally identifiable information (PII) is subject to various requirements set forth in Federal and State privacy laws. Partners acknowledge that the execution of this MOU, by itself, does not function to satisfy all of these requirements. All data, including customer PII, collected, used, and disclosed by partners will be subject to the following:

- 1) Customer PII will be properly secured in accordance with the agency's policies and procedures regarding the safeguarding of PII.
- 2) Customer data may be shared with other programs, for those programs' purposes, within the

American Job Center network only after the informed written consent of the individual has been obtained, where required.

3) Customer data will be kept confidential, consistent with applicable Federal and State privacy laws and regulations, such as but not limited to 20 CFR Part 603, 45 CFR Section 205.50, 20 USC 1232g and 34 CFR part 99, and 34 CFR 361.38, as well as any applicable State and local laws and regulations.

4) Collection and use of any information, systems, or records that contain PII and other personal or confidential information will be limited to purposes that support the programs and activities described in this MOU and will comply with applicable law.

5) Access to software systems and files under the respective partner's control that contain PII or other personal or confidential information will be limited to authorized staff members who are assigned responsibilities in support of the services and activities described herein and will comply with applicable law. Each partner expressly agrees to take measures to ensure that no PII or other personal or confidential information is accessible by unauthorized individuals.

All AJC and partner staff should be trained in the protection, use, and disclosure requirements governing PII and any other confidential data for all applicable programs, and shall share data across programs as appropriate. For instance, DSCC uses Banner as its student information and financial recording and reporting information system. Title I employees are also DSCC employees and have access to the needed information in this system. PII security is very important to DSCC and PII is not distributed through email or campus mail. Staff at DSCC only have access to information required for their job needs, including Title I staff.

Title I staff also work with financial aid and other staff members at DSCC and TCATs within the LWDA to complete needs assessments or other instruments to let Title I staff know, for example, how much need is to be paid by Title I on behalf of a student. Both Title I and TAA staff also coordinate with various training providers to obtain transcripts and other documentation of students' progress in their selected training programs. AJC partners also routinely share information in order for partners to make eligibility determinations and coordinate services. Examples of sharing of such information include:

1) Title I staff routinely obtain information from DHS and TANF partners to verify receipt of benefits to establish eligibility for various Title I programs.

2) Title I, TANF, and Rehabilitation Services staff routinely coordinate services to ensure customers' needs are met. For instance, if a customer is co-enrolled in Title I and TANF, and receiving transportation assistance through TANF, the Title I program deducts the amount received through TANF from the Title I transportation stipend.

3) Various partners often serve as training sites for SCSEP participants and coordinate with program managers to ensure participants' training needs are met. SCSEP asks the Host Agency to sign an agreement to assist the participants in learning skills to prepare them for the workforce, and also asks the host agency supervisors to provide feedback on how the participants are working out and if there are skills that need to be worked on.

12. COST SHARING OF SERVICES (WIOA Sec. 121 (c)(2)(A)(ii)) (WIOA Final Rules §678.755 and §678.760) (Tennessee MOU/IFA Instructions Page 7) If additional space is needed, please include an attachment referencing this section.

- *To complete this section, see the Individual AJC Budget Template instruction sheet – Attachment IV*
- *For the purposes of this section (12), only provide a narrative explanation of cost sharing services*

The operating budget of the one-stop service delivery system is the financial plan to which the one-stop partners, CLEOs, and LWDB in the local area have agreed in this MOU that will be used to achieve the goal of delivering services in the local area. To achieve this, each partner completed a budget for each AJC per the TDLWD Workforce Services MOU / IFA Guidance. These individual budgets were then consolidated into a master budget that consists of costs that are specifically identified in the statute (Section 12 Attachment).

Infrastructure costs, defined in WIOA sec. 121(h)(4), include non-personnel costs such as:

- 1) Rental of facilities.
- 2) Utilities and maintenance.
- 3) Equipment (including assessment-related and assistive technology).
- 4) Technology to facilitate access to the One-Stop, including planning and outreach activities.
- 5) Costs of the use of the common AJC identifier such as signage and supplies.

Additional costs include:

- 1) Applicable career services as described in WIOA sec. 134(c)(2).
- 2) Shared operating costs and shared services, described in WIOA sec. 121(i), that are related to the operation of the one-stop delivery system, but do not constitute infrastructure costs, such as initial intake, assessment of needs, appraisal of basic skills, identification of appropriate services to meet such needs, referrals to partners, and business services. These costs may include personnel expenses for shared Welcome Function staff.
- 3) Direct costs, as described in 2 CFR 200.413, including costs identified specifically with a particular final objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy (i.e. Title I Individual Training Accounts).

In accordance with WIOA Section 121(h), the following programs offering services in Northwest TN are required to contribute to infrastructure costs per the TDLWD Workforce Services MOU / IFA Guidance:

- 1) WIOA Title I Adult, Dislocated Worker, and Youth
- 2) WIOA Title II Adult Education and Literacy
- 3) WIOA Title III Wagner Peyser
- 4) Title IV Vocational Rehabilitation
- 5) Activities authorized under Title V of the Older Americans Act of 1965
- 6) Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006
- 7) Chapter 2 of Title II of the Trade Act of 1974
- 8) Chapter 41 of Title 38, United States Code
- 9) Employment and training activities carried out under the Community Services Block Grant Act
- 10) Programs authorized under State unemployment compensation laws
- 11) Part A of Title IV of the Social Security Act

Actual costs will be billed rather than estimates or budgeted amounts. The one-stop operating budget will be periodically reconciled against actual costs incurred and adjusted accordingly. Line item budgets may be adjusted between reconciliations as needed. This reconciliation will ensure that the budget reflects a cost allocation methodology that demonstrates how infrastructure costs are charged to each partner in proportion to the partner's use of the one-stop center and relative benefit received.

To determine each partner's expected contribution to infrastructure costs, Northwest TN utilized the Infrastructure Funding Agreement (IFA) template provided by the TDLWD (Section 12 Attachment). As agreed upon by the partners, the contribution per partner may be based on (1) Full-Time Equivalent (FTE), (2) Square Footage, and / or (3) Number of Customers Served. The IFA includes the below information in order to identify each partner's contribution:

- 1) A listing of all partners present in the local area
- 2) Whether the partners are physically located within an AJC or accessible through direct linkage
- 3) The infrastructure, additional, shared-direct, and direct costs of all partners and centers
- 4) The allocation base for all costs
- 5) The number of staff, weekly staff hours, office payment ratio, and number of offices for each partner
- 6) The assigned square footage for each partner and the square footage shared amongst partners
- 7) Direct costs by center
- 8) Total partner contributions by allocation base
- 9) Total partner contributions by cost category

13. DURATION/AMENDMENT/APPEAL PROCEDURES (WIOA Sec. 121 (c)(2)(A)(v)) (WIOA Final Rules §678.500(b) (5)) (Tennessee MOU/IFA Instructions Page 8) If additional space is needed, please include an attachment referencing this section.

Describe the duration of the MOU

Describe amendment procedures, including annual negotiation of infrastructure and shared system costs to address the following:

- *The amount of notice a partner agency must provide the other partners to make amendments*
- *The procedures for informing other partners of the pending amendment*
- *The circumstances under which the local partners agree the MOU must be amended*
- *The procedures for amending the MOU to incorporate the final approved budget on an annual basis*
- *The procedures for terminating the MOU or a specific partner's participation in the MOU*
- *The process for resolving any disputes that evolve after the agreement is reached*
- *The appeals process for any disputes that evolve after the agreement is reached*
- *Process must follow the directives in WIOA678.500(b)(5)*

NOTE: Ensure the MOU reflects the most recent date as amendments are approved

The duration of this MOU shall commence July 1, 2019 and expire either in three years, or upon amendment, modification, or termination.

Amendment / Modification:

All modifications must be in writing and approved by the LWDB. When a partner wishes to modify the MOU, the partner must first provide written notification thirty (30) days in advance of the proposed change to the LWDB Chair (or designee) and outline the proposed modification(s). Upon notification, the LWDB Chair (or designee) must ensure that discussions and negotiations related to the proposed modification take place with Partners in a timely manner and as appropriate. Amendment or modification of the MOU only requires the parties to review and agree to the elements of the MOU that changed. Depending upon the type of modification, this can be accomplished through email communications of all the Parties. If the proposed modification is extensive and is met with opposition, the LWDB Chair (or designee) may need to call a meeting of the Parties to resolve the issue. Upon agreement of all Parties, a modification will be processed. If determined that a Partner is unwilling to agree to the MOU modification, the LWDB Chair (or designee) must ensure that the dispute resolution process described in the Section 4 Attachment is followed. All decisions resulting from the execution of the dispute resolution process shall be considered final.

The LWDB Chair (or designee) must immediately circulate the MOU modification and secure partner signatures within four (4) weeks. The modified MOU will be considered fully executed once all signatories have reviewed and signed. The modification may be signed in counterparts, meaning each signatory can sign a separate document as long as the LWDB Chair (or designee) acquires signatures of each party and provides a complete copy of the modification with each party's signature to all the other parties.

If the modification involves substitution of a party that will not impact any of the terms of the agreement, it can be accomplished by the original party and the new party entering into an MOU that includes the LWDB, wherein the new party assumes all of the rights and obligations of the original party. Upon execution, the LWDB Chair (or designee) presents the agreement as a proposed modification to the MOU.

Annually, the infrastructure and shared system costs will be reviewed annually and re-negotiated as necessary to amend the MOU to incorporate the final approved budget. To accomplish this, partners will follow the below process:

- 1) Notification of Partners: The LWDB Executive Director (or designee) will notify all parties in writing that it is necessary to review the infrastructure and shared system costs and will provide all applicable documents along with a timeline for the review process.
- 2) Preliminary Review: All parties will be provided sufficient time to review the document(s) and raise any questions or concerns regarding any proposed changes to the budget.

- 3) Negotiations Meeting: The LWDB Executive Director (or designee) will arrange for all parties to meet if deemed necessary by any of the parties, or an electronic meeting may be held if appropriate.
- 4) Revised Draft Budget: The LWDB Executive Director (or designee) will submit a revised draft budget based on discussions at the negotiations meeting, and additional formal or informal meetings as needed, to all parties for review and final comments.
- 5) Final Review and Comment: All parties will review the final revised draft budget and submit comments to the LWDB Executive Director (or designee) by the specified deadline.
- 6) Signatures Obtained: The final draft budget will be routed to all parties for signatures by the LWDB Executive Director (or designee).

Failure to reach agreement on infrastructure costs will result in application of a state funding mechanism per 20 CFR 678.730, in which case the Governor, through assistance of the State Workforce Development Board, will make the final determination of each required partner's proportionate share of infrastructure costs. Per the TDLWD's TN WIOA Infrastructure Cost Sharing Guidelines for LWDA's, any required partner may appeal the Governor's determination, in writing via registered mail, no later than the 21st day from the date of receipt of the notice of denial or revocation, on the basis of a claim that the determination is inconsistent with (1) the proportionate share requirements of 20 CFR 678.735(a) or; (2) the cost contribution caps described in 20 CFR 678.735(c) and 678.738.

Other circumstances in which the MOU may be amended include to amend the name of the procured One-Stop Operator and the addresses of the American Job Centers.

Termination:

Any party may request to terminate its inclusion in this MOU by following the modification process identified in the Modification Process section above. In the event of termination, the parties to the MOU must convene within thirty (30) days after the breach of the MOU to discuss the formation of the successor MOU. At that time, allocated costs must be addressed.

This MOU will remain in effect until the end date specified in the Effective Period section shown above unless:

- 1) All parties mutually agree to terminate this MOU prior to the end date.
- 2) Federal oversight agencies charged with the administration of WIOA are unable to appropriate funds or if funds are not otherwise made available for continued performance for any fiscal period of this MOU succeeding the first fiscal period. Any party unable to perform pursuant to MOU due to lack of funding shall notify the other parties as soon as the party has knowledge that funds may be unavailable for the continuation of activities under this MOU.
- 3) WIOA is repealed or superseded by subsequent federal law.
- 4) Local area designation is changed under WIOA.
- 5) A party breaches any provision of this MOU and such breach is not cured within thirty (30) days after receiving written notice from the LWDB Chair (or designee) specifying such breach in reasonable detail. In such event, the non-breaching party(s) shall have the right to terminate this MOU by giving written notice thereof to the party in breach, upon which termination will go into effect immediately.

14. RENEWAL PROVISIONS (WIOA Sec. 121(c)(2)(A)(v)) (WIOA Final Rules §678.500(b)(6)) (Tennessee MOU/IFA Instructions Page 8) If additional space is needed, please include an attachment referencing this section.

Provide the process and timeline in which MOU will be reviewed, including:

- *Explain the renewal process, which must occur at a minimum of every three years*
- *Describe the required renewal process if substantial changes occur before the MOU's three-year expiration date*

NOTE: Ensure the MOU reflects the most recent date as renewals are approved

Renewal of an MOU requires all parties to review and agree to all elements of the MOU and resign the MOU. Substantial changes, such as changes in one-stop partners, or a change due to the election of a new CEO, will require renewal of the MOU. Non-substantive changes to the MOU, such as minor revisions to the budget or adjustments made due to the annual reconciliation of the budget, do not require renewal of the MOU.

To renew the MOU, either at the end of the three-year period or if substantial changes occur before the MOU's three-year expiration date, the parties to this MOU agree to follow the below process:

- 1) Notification of Partners: The LWDB Executive Director (or designee) will notify all parties in writing that it is necessary to renew and execute the MOU and will provide all applicable policies and preceding MOU documents, as applicable, including a timeline for the renewal process.
- 2) Preliminary Review: All parties will be provided sufficient time to review the existing MOU to identify potential changes and submit them to the LWDB Executive Director (or designee) prior to the negotiations meeting.
- 3) Negotiations Meeting: The LWDB Executive Director (or designee) will arrange for all parties to meet to review the draft MOU and proposed changes within thirty (30) days of the notification.
- 4) Revised Draft MOU: The LWDB Executive Director (or designee) will submit a revised draft MOU based on discussions at the negotiations meeting, and additional formal or informal meetings as needed, to all parties for review and final comments within thirty (30) days following the negotiations meeting.
- 5) Final Review and Comment: All parties will review the revised draft MOU and submit comments to the LWDB Executive Director (or designee) within fourteen (14) days.
- 6) Signatures Obtained: The final draft MOU will be routed to all parties for signatures by the LWDB Executive Director (or designee) within forty-five (45) days of the release of the revised draft MOU.

The LWDB Chair (or designee) will ensure the MOU reflects the most recent date as renewals are approved.

15. ADDITIONAL LOCAL PROVISIONS (OPTIONAL) (WIOA Sec. 121(c)(2)(B)) (WIOA Final Rules §678.500(c)) (Tennessee MOU/IFA Instructions Page 8) If additional space is needed, please include an attachment referencing this section.

No additional local provisions have been identified.

16. ADDITIONAL PARTNERS (WIOA Sec. 121 (b)(2)) (Tennessee MOU/IFA Instructions Page 8) If additional space is needed, please include an attachment referencing this section.

The Native American Indian Association (NAIA) of Tennessee, administering WIOA Native American programs in TN, has been included as an additional partner to the MOU. NAIA offers individuals who are Native American Indian (or a descendant), Native Hawaiian, or an Alaska Native AND unemployed or underemployed, services that can help them get the skills needed to enter a rewarding career in one of today's high-growth, in-demand fields. NAIA offers classroom training assistance to help cover the cost of tuition, books, supplies, and fees. Individuals receive one-on-one career counseling and needs assessment to determine any additional services NAIA may provide. Upon completion of training, NAIA also provides job search and placement assistance.

17. OTHER CONTRIBUTIONS (TEGL 16-16) (Tennessee MOU/IFA Instructions Page 8) If additional space is needed, please include an attachment referencing this section.

- *Describe contributions made to the one-stop system through other avenues, such as donations made by a non-partner entity*
- *Document third party in kind contributions made to supplement the operation of the American Job Center*

No contributions have been made to the one-stop system by non-partner entities.

18. NON-DISCRIMINATION & EQUAL OPPORTUNITY (WIOA Section 188) (Tennessee MOU/IFA Instructions Page 9) If additional space is needed, please include an attachment referencing this section

- *Describe how all partner staff will comply fully with all non-discrimination requirements*

The parties to this MOU agree that they will comply fully with the non-discrimination and equal opportunity provisions of: (1) Workforce Innovation and Opportunity Act Section 188, (2) Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq), (3) Nontraditional Employment for Women Act of 1991, (4) Civil Rights of 1964 Title VI (as amended), (5) Rehabilitation Act of 1973 Section 504 (as amended), (6) Age Discrimination Act of 1967 (as amended), and (7) Education Amendments of 1972 Title IX (as amended). Parties must also adhere to requirements imposed by, or pursuant to, regulations implementing these laws – including but not limited to 29 CFR 37-38.

All partners agree that they will not discriminate in their employment practices or services on the basis of gender, gender identity and/or expression, age, race, religion, national origin, disability, veteran's status, or on the basis of any other classification protected under state or federal law. Partners assure that they have policies and procedures in place to address these issues, and that such policies and procedures have been disseminated to their employees and otherwise posted as required by law. All partners will also cooperate with compliance monitoring that is conducted to ensure that all AJC programs, services, technology, and materials are physically and programmatically accessible and available to all. Additionally, staff members will be trained to provide services to all, regardless of range of abilities, mobility, age, language, learning style, or comprehension or education level.

In accordance with the WIOA Final Rules, the decision as to which entity will be responsible for ensuring accessibility to the One-Stop Service Delivery system is ultimately the LWDB's to make.

19. PRIORITY of SERVICE (TDLWD Veteran Priority of Service Policy) (WIOA Section 134(c)(3)(E) (Tennessee MOU/IFA Instructions Page 9) If additional space is needed, please include an attachment referencing this section

- *Describe how each partner staff will comply with the priority of service requirements set forth in the Veteran Priority of Service Policy as well as priority of service outlined in WIOA section (c)(3)(E)*

All parties to this MOU certify that they will adhere to all statutes, regulations, policies, and plans regarding priority of service for qualified U.S. Dept. of Labor job training programs, including, but not limited to, priority of service for veterans and their eligible spouses, and priority of service for the Title I Adult program, as required by 38 U.S.C. sec. 4215 and its implementing regulations and guidance, and WIOA sec. 134(c)(3)(E) and its implementing regulations and guidance. Partners will target recruitment of special populations that receive a focus for services under WIOA, such as individuals with disabilities, low income individuals, basic skills deficient youth, and English language learners.

The LWDA's priority of service policy is posted within the AJCs and on the system's website. Veterans or their eligible spouses are identified at the point of entry into the AJC through the Virtual One-Stop (VOS) Greeter or in registering on Jobs4TN/VOS. Individuals identifying as a veteran or eligible spouse are asked to complete Military Service Form LB-1118. In accordance with the TDLWD Veteran Priority of Service Policy, any individual self-identifying as a veteran or eligible spouse is provided immediate priority in the delivery of TDLWD-funded employment, training, and placement services, excluding those that require a commitment, such as classroom training, by the partner staff administering the service.

20. AUTHORITY AND SIGNATURES (WIOA Final Rules §678.500(d)) (Tennessee MOU/IFA Instructions Page 10) If additional space is needed, please include an attachment referencing this section.

- *Include a statement that the individuals signing the MOU have authority to represent and sign on behalf of their program under WIOA*

By signing his / her name below, the signatory certifies he / she has read the information contained within this MOU and its attachments and all questions have been discussed and answered satisfactorily.

Additionally, signing this document certifies the signatory's understanding of the terms outlined herein and agreement with the:

- 1) MOU,
- 2) Operating Budget, and
- 3) Infrastructure Funding Agreement (IFA)

By signing this document, the signator certifies that he / she has the legal authority to bind the respective agency the terms of the above named documents, and that this MOU expires either:

- a) In three years, or
- b) Upon amendment, modification, or termination.

F. Procurement Policies and Procedures

Purchasing and Procurement

The Northwest Tennessee Workforce Board (NWTNWB), the fiscal agent for the Northwest Local Workforce Development Area (LWDA) follows the below guidelines to procure goods and/or services:

- (1) Small Dollar Purchases - Non-recurring purchases totaling less than \$10,000, cumulatively in expense or revenue, may be made without documenting any quotes or proposals from multiple vendors.
- (2) Informal Solicitations - Purchases totaling less than \$50,000 in expense or revenue may be made based upon written, telephone or electronic bids. For purchases totaling \$10,000 - \$49,999.99, bids must be solicited from at least three (3) Responsive/Responsible Bidders/Proposers.
- (3) Formal Solicitations - A formal solicitation process shall be used when the estimated aggregate total of the expense or revenue is \$50,000 or more, including renewal terms of multi-year awards. The types of formal solicitations include 1) Request for Information (RFI); (2) Invitation to Bid (ITB)/Request for Quotation (RFQ); and (3) Request for Proposals (RFP). For competitive procurement of goods, an ITB/RFQ is appropriate, and in general, a purchase order may be used to finalize the purchase. For competitive procurement of services, an RFP is more appropriate, and a purchase order is generally not sufficient to serve as the written contract for the services.
- (4) Non-Competitive Procurements - (A) Contracting with Another State/Governmental Entity. Personal, professional and consultant service contracts may be obtained by non-competitive negotiation when the contractor is a State Agency, a political subdivision of the state, or any other public entity in Tennessee, or an entity of the federal government. (B) Sole Source and Proprietary Purchases. Whenever specifications are not so worded or designed to provide for competitive bidding, a Sole Source or Proprietary Purchase may be allowed. A Sole Source Purchase is available only from a single Supplier; a Proprietary Purchase allows for a competitive procurement process to be used that specifies a particular good or service. Written justification for Sole Source or Proprietary Purchases must be submitted in writing for approval by the Executive Director and additional documentation may also be required as a part of the request.
- (5) Federal and State Guidelines - All procurement policies follow Federal and State guidelines and fiscal staff are trained on allowable and unallowable costs. All purchases are made in accordance with Workforce Services Policy- WIOA (Allowable and Disallowed Costs, Including Food) and Workforce Services Policy- Workforce Services (Property Management) – WIOA.

Appropriate Use of Funds

The NWTNWB receives funds from a variety of sources. Most of the funds received are for specific, limited purposes or are subject to restrictions by a governing body. The NWTNWB uses all funds, regardless of type, in a manner consistent with applicable federal and state laws and regulations, NWTNWB policies, and other restrictions or designations governing their use.

Funds received by the NWTNWB may be expended for ordinary and reasonable business-related expenses that support the NWTNWB's mission. Business-related expenses are routine, operational in nature, and easily documented as NWTNWB mission-based. They include staff salaries, office

equipment and supplies, office operation and maintenance. Business expenses also include expenditure for goods and services that help to build, strengthen, and promote relationships with groups and individuals. These may include travel and meals in accordance with NWTNWB policy.

The following standards should guide the expenditure decision:

- (1) For business meetings and hosting functions, the approving NWTNWB official must exercise prudent judgment to ensure that the commitment of NWTNWB funds is appropriate, essential, and supports the public service mission.
- (2) The expenditure should not be personal in nature.
- (3) For employees, the expenditure should not be used as additional compensation (the IRS considers gift cards or gift certificates “cash equivalents” to be treated as additional compensation).

Prudent use of funds is the responsibility of every NWTNWB employee. Employees who spend NWTNWB fund inappropriately, as defined in this policy, as well as managers who approve such expenditures, will reimburse the NWTNWB, and may also be subject to disciplinary action.

Prohibited Transactions

No personal items shall be purchased through NWTNWB funds for any employee or any relative of any employee. No employee responsible for initiating or approving requisitions shall accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, by rebate, gift or otherwise, any money or anything of value whatsoever, or any promise, obligation or contract for future awards or compensation. Whenever any contract is awarded contrary to the provisions of these policies and procedures, the contract shall be void and of no effect, and if the violation was intentional, the employee responsible for the purchase shall be liable for any state funds paid contrary to these policies and procedures.

Gift Cards

The IRS considers gift cards and certificates as cash or cash equivalent fringe benefits and would be considered taxable income to an employee. Additionally, NWTNWB-funded expenditures for gift cards or gift certificates to employees as a token of appreciation for their work are not acceptable per IRS regulations. Therefore, gift cards or gift certificates should never be purchased for employees with NWTNWB funds. The use of gift cards as a means of providing support services and / or incentives for eligible participants is allowable.

[Code of Ethics in Procurement and Contracting](#)

The purpose of this policy is to provide specifications for the code of ethics in procurement and contracting, and shall be applicable to all employees who are primarily responsible for the purchase of goods or services for the NWTNWB. Employees must discharge their duties and responsibilities fairly and impartially, and should maintain a standard of conduct that will inspire public confidence in the integrity of the NWTNWB.

General Standards of Ethical Conduct

- (1) Any attempt to realize personal gain through public employment, inconsistent with the responsible discharge of that public employment, is a breach of public trust.

- (2) Employees shall base all purchases on the principle of competitive bidding consistent with policies of the NWTNWB.
- (3) Employees shall grant all competitive bidders equal consideration, regard each transaction on its own merits, and foster and promote fair, ethical and legal trade practices.
- (4) Employees shall avoid misrepresentation or sharp practices and demand honesty in sales representations whether offered through the medium of a verbal or written statement, and advertisement, or a sample product.
- (5) Employees shall be receptive to competent counsel from colleagues and be willing to submit any major controversy through the appropriate appeals processes.
- (6) Employees shall afford prompt and courteous reception insofar as conditions permit to all who call on legitimate business missions.
- (7) Employees shall not use without consent the original designs developed by a vendor for competitive purposes.

Conflict of Interest

It shall be a breach of ethical standards for any employee, in the performance of his or her official duties, to participate directly or indirectly in any proceeding or application; request for ruling or determination, claim or controversy; or other matter pertaining to any contract, or subcontract, and any solicitation or proposal thereof, in which to his or her knowledge:

- (1) He or she or any member of his or her immediate family has a substantial financial interest; or
- (2) A business or organization in which he or she or any member of his or her immediate family has a substantial financial interest as an officer, director, trustee, partner or employee, is a part; or
- (3) Any other person, business, or organization with whom he or she or a member of his or her immediate family is negotiating or has an agreement concerning prospective employment is a party.
- (4) The determination of whether a substantial financial interest exists shall be based upon the criteria identified in NWTNWB Conflict of Interest Policy.

Direct or Indirect participation shall include but not be limited to involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or purchase standard, rendering of advice, investigation, auditing or in any other advisory capacity.

Gratuities

It shall be a breach of ethical standards for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment, in connection with any decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing in the content of any specification or purchase stand, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling or other determination, claim or controversy, or other particular matter, pertaining to any contract or subcontract and any solicitation or proposal thereof.

Contemporaneous Employment Prohibited

It shall be a breach of ethical standards for any employee who is involved in procurement to become or

be, while such an employee, the employee of any party contracting with the particular governmental body by which the employee is employed.

Allowable and Disallowable Costs

The NWTNWB complies with all federal, state, and local regulations, policies, and guidance regarding the appropriate use of program funds, including the below policies.

Workforce Services Policy- WIOA (Allowable and Disallowed Costs, Including Food)

Effective Date: February 10, 2017; Duration: Indefinite

Subject: This policy explains the criteria to consider an expense allowable or disallowed, in addition to establishing necessary and reasonable criteria. The policy also addresses the purchase of food and beverages using public funds.

Purpose: This policy provides guidance on allowable and disallowed WIOA program costs (including food and beverage expenses in the context of a "working lunch", at conferences, and during travel). This policy will also define, and differentiate between, external and Internal customers and provide instances where state employees, subgrantee employees, and service providers fall into both categories. The policy also outlines guidance for employment generating activities under WIOA.

Scope: Office of the Governor, Title I- Adult, Dislocated Worker, and Youth Programs; Title II - Adult Education and Family Literacy Act Program(AE); Title III- Wagner-Peyser Act Program (WP); Title IV - Vocational Rehabilitation Program (VR); Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TNED); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Regional Planning Council (RPC); American Job Center (AJC); One-Stop Operator (Operator); Workforce Innovation and Opportunity Act (WIOA); Chief Local Elected Official (CLEO); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); other Workforce System Sub-Recipients (Subrecipients); Workforce System Partners (Partners).

References: WIOA Section 107; WIOA Section 129(c)(2); WIOA Section 134(c)(3); Final Rule 683.245; Final Rule 683.710(b)(4); Final Rule 6873.290(a); Final Rule 683.290(b); Tennessee Central Procurement Policy Number 2013-007; Tennessee Policy Number 2016-007(7.1.1); Department of Finance and Administration Policy 8 - Comprehensive Travel Regulations; Tennessee Workforce Services Property Policy; 2 CFR 200.404(a); 2 CFR 200.435(4)(g); 2 CFR 200.474; 20 CFR 683.235; 2 CFR Sec. 301-74.11; 2 CFR 200.403; 29 CFR 97.22; Buy American Act; State of Tennessee Code of Conduct.

Definitions (Tennessee Central Procurement Policy Number 2013-007):

- (1) Allocable Cost is a cost to a particular award or other cost objective if the goods or services involved are chargeable or assignable to the award or cost objective in accordance with relative benefits received.
- (2) Award is any money, loans, non-cash assistance, granted to the State (from the federal government), or granted by the State to a person or legal entity for furnishing by the State of assistance, whether financial or otherwise, to any person or entity to support a program authorized by law.

- (3) Contractor is an entity that receives a contract as defined in the US OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as "a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this part does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or subaward."
- (4) Subrecipient is a non-federal entity that receives an award from a pass-through entity to carry out part of a federal or state program; this does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

General Guidelines: Expenditures of WIOA Title 1-B funds are allowable only for those activities permitted by the WIOA regulations. For the Adult and Dislocated Worker programs, allowable activities include basic career, individualized career, and training services. Basic career and individualized career services are described in the WIOA Title 1-B Workforce Investment Activities and Providers. Training services are described in WIOA Title 1-B Use of Funds for Employment and Training Activities Section 134. In addition, allowable activities include youth services that are provided as a requirement of the WIOA Title 1-B Section 129 Use of Funds for Youth Workforce Investment Activities.

Allowable Costs (Per CFR 97.22): Local Workforce Development Areas (LWDAs) and subrecipients must comply with the federal allowable cost principles that apply to their organization. The reasonability of costs shall be determined in accordance with the following cost principles:

- (a) limitation on use of funds. Grant funds may be used only for:
 - (1) The allowable costs of the grantees, subgrantees and cost-type contractors, including allowable costs in the form of payments to fixed-price contractors; and
 - (2) Reasonable fees or profit to cost-type contractors but not any fee or profit (or other increment above allowable costs) to the grantee or subgrantee.
- (b) Applicable Cost Principles. For each kind of organization, there is a set of Federal principles for determining allowable costs. Allowable costs will be determined in accordance with the cost principles applicable to the organization incurring the costs. The following chart lists the kinds of organizations and the applicable cost principles.

For the costs of a—	Use the principles in—
State, local or Indian tribal government	OMB Circular A-87 (as codified at 2 CFR part 225).
Private nonprofit organization other than an (1) institution of higher education, (2) hospital, or (3) organization named in OMB Circular A-122 (as codified at 2 CFR part 230) as not subject to that circular	OMB Circular A-122 (as codified at 2 CFR part 230).
Educational institutions	OMB Circular A-21 (as codified at 2 CFR part 220).
For-profit organization other than a hospital and an organization named in OMB Circular A-122 (as codified at 2 CFR part 230) as not subject to that circular	48 CFR part 31, Contract Cost Principles and Procedures, or uniform cost accounting standards that comply with cost principles acceptable to the Federal agency.

[53 FR 8069, 8087, Mar. 11, 1988, as amended at 72 FR 37104, July 9, 2007]

Factors affecting Allowability of Costs (Per CFR 200.403): Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

- (1) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.
- (2) Conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.
- (3) Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.
- (4) Be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- (5) Be determined in accordance with generally accepted accounting principles (GAAP), except, for state and local governments and Indian tribes only, as otherwise provided for in this part.
- (6) Not be included as a cost or used to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period. See also §200.306 Cost sharing or matching paragraph (b).
- (7) Be adequately documented. See also §§200.300 Statutory and national policy requirements through 200.309 Period of performance of this part.

Questions to Consider When Utilizing WIOA Funds

Reasonability of the cost:

- (1) Do I have the capacity to use what I am purchasing? (Subrecipient must provide a narrative on efficient and effective use when requesting WIOA funds and draw-downs from TDLWD)
- (2) Did I pay a fair rate?
- (3) Do I have documentation to support a fair rate was paid? (documentation must be submitted)
- (4) If I were asked to defend this purchase, would I be comfortable doing so?

Necessary:

- (5) Is this item or service needed to meet grant goals?
- (6) Is this the minimum amount I need to spend to meet my need?
- (7) Repetition and frequency
- (8) Costs are similar to that which would be incurred by a reasonable and prudent person

Technical Assistance Meetings and Conferences

The cost of meetings and conferences (examples could include: lodging, facilities, food, beverages, materials, and supplies) where the primary purpose is to provide technical assistance and is necessary and reasonable for successful performance under the federal award is allowable.

Outreach costs

Examples could include flyers, brochures, banners, and other promotional material associated with promoting WIOA program services, including One-Stop location information and participant recruitment at job fairs. In the local area are considered allowable costs.

Procurement Restrictions

- (1) WIOA Title 1-B funds must be expended on only American-made equipment and programs as required by the Buy American Act.

- (2) Sub-awards or contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal programs or activities are prohibited.

Disallowed Costs

All costs associated with an unallowable activity are considered disallowable costs, regardless of their permissibility under other circumstances. Examples of unallowable activities include, but are not limited to:

- (1) Any legal expenses incurred for the prosecution of claims against the government are unallowable. This includes appeals to the Administrative Law judge of disallowed costs or other claims and civil actions where the federal government is a defendant {2 CFR 200.435(4)(g)}.
- (2) The costs of a construction or purchase of facilities or buildings or other capital expenditures for Improvements to land or buildings, are unallowable for all WIOA Title 1-B programs (20 CFR 683.235), except with prior written approval from the U.S. Department of Labor (20 CFR 683.235). See Tennessee Workforce Services WIOA Property Management Policy.
- (3) Public service employment, except when authorized under Title I of WIOA.
- (4) Employment-generating activities, investment in revolving loan funds, capitalization of businesses, investment in contact bidding resource centers, economic development activities or similar activities. An exception is made only for those employer outreach and job development activities directly related to participants.
- (5) The wages of incumbent workers during participation in economic development activities provided through the state workforce system.
- (6) Foreign travel and first-class airline tickets
- (7) Employment or training programs for sectarian activities. This section does not prohibit the provision of services by faith-based organizations, unless those services are sectarian in nature.
- (8) Expenses prohibited under any other federal, state, or local law or regulation.
- (9) Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable (2 CFR 200.438).

Salary and Bonus Restrictions Using WIOA Funds

In instances where funds awarded under WIOA Title I or the Wagner-Peyser Act pay only a portion of the salary or bonus, the WIOA Title I or Wagner-Peyser Act funds may only be charged for the share of the employee's salary or bonus attributable to the work performed on the WIOA Title I or Wagner-Peyser Act grant. The restriction applies to the sum of salaries and bonuses charged as either direct costs or indirect costs under WIOA Title I and the Wagner-Peyser Act (Final Rule 683.290(b)).

Internal and External Customer Definitions

Food and beverages are an allowable expense using WIOA funds when technical assistance is being provided between two parties, namely State administrative staff members in a meeting with subgrantees, and/or service delivery staff, or during conferences where the majority of Intended invitees are external but share common goals in program delivery. The spirit or purpose of the event must be in accordance with activities that incorporate progressive development of the WIOA program.

External customers: Participants, employers and/or board members are considered external customers. Professional colleagues would normally be considered individuals outside of the organizations influence but sharing common interests and goals of the organization.

Internal customers: Employees and subrecipients are considered internal customers.

State Administrative Staff/Local Subgrantee Staff as Internal vs. External Customers: Below are three examples to help differentiate state employees, subgrantee employees, and service providers as either external or internal customers:

Example One: There is a meeting where 30 employers are invited and 10 state and/or local administrative staff members, and/or local subgrantee staff, are in attendance to offer technical information to the proceedings. In this case the employer attendees are considered to be external customers. This is an example of an allowable cost.

Example Two: There is a meeting during regular business hours (not lunch hours) where 5 WIOA partner staff is discussing, debating, and planning activities with 10 state administrative staff members in attendance. In this case the state or local subgrantee staff attendees are the majority of the attendees and considered internal customers. Purchase of food with WIOA funds is not allowable in this scenario.

Example Three: State administrative staff and/or local subgrantee staff are giving technical assistance to service delivery staff and providing lunch is reasonable and necessary due to heavy traffic that would hinder productivity. This is an example of an allowable cost.

Example Four: WIOA funds may not be utilized on expenses associated with staff holiday gatherings or social gatherings. Gatherings of this nature that may include a "technical assistance" component are not permitted in regards to utilization of WIOA funds, as the main purpose of the event is not technical assistance. While a technical assistance component may be present, the atmosphere of a gathering (renting a facility, buffets, etc.) is not within the confines of necessary and reasonable, if the technical assistance time is much less than the social or networking time.

In example one food costs are allowable because employers are considered to be the attendees. In example two food costs are unallowable because state administrative staff is considered to be the attendees. In example three food costs are allowable so long as they are reasonable and necessary, which is true due to the burden of time that traffic and logistics would impose productivity (e.g. during a conference).

Reasonable costs per person must be in accordance with the per diem rate allowed by the State (See Tennessee Department of Finance and Administration Policy 8 - Comprehensive Travel Regulations).

Contributions and Donations

Public funds cannot be used to sponsor third-party events (such as a Chamber of Commerce event). Sponsorship costs of contributions and donations (including, but not limited to: cash, property, and services) from the non-Federal entity to other entities, are unallowable (2 CFR 200.434(a)).

Furthermore, sponsoring events such as purchasing/sponsoring tables, paying to have entity's name placed on event material, or purchasing tickets to an event (considered entertainment) would be considered a donation. When making determinations on the number of staff to send to events/functions, as well as determining if the fees/costs associated with attendance are appropriate or

allowable, management should abide by the necessary and reasonable standards as outlined in page 3 of this policy.

Are employment generating activities, or similar activities, allowable under Title I of the Workforce Innovation and Opportunity Act?

WIOA Title I funds must not be spent on employment generating activities, investment in revolving loan funds, capitalization of businesses, investment in contract bidding resource centers, economic development activities, or similar activities, unless they are directly related to training for eligible individuals. For purposes of this prohibition, employer outreach and job development activities are directly related to training for eligible individuals. These employer outreach and job development activities may include, but are not limited to:

- (1) Contacts with potential employers for the purpose of placement of WIOA participants;
- (2) Participation in business associations (such as Chambers of Commerce), joint labor management committees, labor associations, and resource centers; or
- (3) WIOA staff participation on economic development boards and commissions, and work with economic development agencies to provide information about WIOA programs.

See Final Rule 683.245 for further guidance on additional allowable employer outreach activities.

When participating in employer outreach activities, as defined in Final Rule 683.245, management must ensure that the participation is:

- (1) Necessary and reasonable;
- (2) Directly related to placing eligible individuals in training;
- (3) Directly related to placing WIOA participants into employment; and
- (4) Furthering the delivery of WIOA services.

In addition, management must ensure that any funds spent on employer outreach activities meet allowable costs standards.

Food and Beverages

The cost of food and beverages will not be considered an allowable cost unless the cost serves a public purpose. Alcoholic beverages are disallowed under any circumstances ((2 CFR 200.423 and Tennessee Policy Number 2013-007(7.1.1)).

Food Provided During Conferences: Costs of meetings and conferences, the primary purpose of which is the dissemination of technical information, are allowable. This includes costs of meals if the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award (2 CFR 200.404(a)).

Agencies sponsoring a conference may provide light refreshments to agency employees attending an official conference. Light refreshments for morning, afternoon, or evening breaks are defined to include, but are not limited to: coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips or muffins (41 CFR Sec. 301-74.11).

Food During Travel: Furthermore, costs incurred by employees and officers for travel, including subsistence and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-federal entity. Costs for meals during travel must justify that: Participation of the individual is necessary to the federal award; and the costs are reasonable and consistent with the non-federal entity's established travel policy (2 CFR 200.474).

Working Lunches: The cost of a "working lunch", with external customers and other colleagues, is only considered reasonable and necessary when there is adequate documentation for the necessity of having a meeting during a meal time instead of during normal business hours. This validating documentation should specify:

- (1) Which employment, training, and administration-related subjects (e.g. technical assistance components) were discussed;
- (2) Include a list of participants; and
- (3) Dated, itemized meal cost receipts.

Each local board and each grant recipient shall make readily accessible reports concerning its operations and expenditures (WIOA Section 185(c)(1)).

TAG Chapter 11-4 Allowable Costs

This guidance referencing WIA will be utilized until WIOA updates are published.

This chapter provides general guidance on defining allowable costs, discusses the criteria and conditions such as prior approval, and discusses specific types of costs that have been addressed either in the cost principles or in authorizing regulations, or grant agreements. It contains the following sections:

- Cost Principles: Allowable vs. Unallowable
- Selected Items of Cost
- Specific WIA Requirements
- Other Program Regulations and Grant Agreement Terms
- Attachment II-4-1-Summary of Cost Items.

Additionally, a discussion of match and leveraged resources can be found in Appendix F.

COST PRINCIPLES: ALLOWABLE VS. UNALLOWABLE

The criteria contained in the cost principles provide the basic guidance on determining whether costs are allowable in the ETA-funded programs covered by this TAG. It is important that grantees be aware that the cost principles are designed to offer guidance on determining allowability of costs and should be used as the first source of reference. It is possible that the cost principles may not make mention of an item, but that does not necessarily dictate that such a cost would be automatically allowed or prohibited. The cost should be treated consistently with the standards provided for similar or related costs. If a cost is not specifically treated within the applicable cost principles or regulations governing allowable costs (e.g., Appendix B to 2 CFR Part 225), then the general cost principles of the applicable circular or regulations are used to determine whether the cost is allowable. The cost principles are discussed in detail in Chapter II- 3, Cost Principles.

It is important for all grantees to be familiar with the applicable cost principles, the appropriate ETA program regulations and grant agreement terms for the ETA grants that they have been awarded. Costs may be allowable per cost principles, allowable per the cost principles but with conditions, or allowable per cost principles but unallowable per the ETA regulations or grant agreement. Similarly, some costs are allowable but only with prior approval of either the Grant Officer (for non-formula direct grantees), or the Governor, or her/his designee (for formula grantees). The following examples attempt to delineate commonly incurred costs as they would apply to a particular type of grantee or subgrantees, state or local government, nonprofit organization, institution of higher education, or commercial organization. The discussion in this chapter focuses mainly on direct costs, not indirect costs. A discussion of indirect costs takes place in Chapter II-8, Cost Allocation and Cost Pooling.

Travel: Reasonable travel costs necessary to effectively manage the grant, provide oversight, and measure program effectiveness are allowable. Air travel, when necessary, should be obtained at the lowest possible customary standard (coach or equivalent fare). All cost principles treat these costs as allowable.

Training: An ETA-funded grantee's professional development and training costs are allowable. Under WIA, these are also called "capacity building" costs. Consistent with the "necessary and reasonable" provision, grantees should ensure that training is relevant to the specific ETA-funded program or results in increasing the effectiveness of staff working on an ETA-funded program.

General Government Expenses: Grantees should take great care to avoid charging general government expenses to an ETA-funded grant. The costs of chief executives, legislatures (including city and county councils), judiciary and prosecutors, and public safety (fire and police) are unallowable unless provided otherwise in the grant. These costs are specifically treated in 2 CFR Part 225.

Public Outreach and Advertising: Grantees should be very familiar with how their applicable cost principles treat these costs. Costs associated with public outreach, community relations, or efforts to publicize the ETA-funded program(s) in order to generate participation are viewed by the cost principles as allowable within certain limitations. However, any public relations costs that solely promote the organization, or are not directly related to the ETA program providing the funding, are considered unallowable. The cost principles also contain specific requirements and prohibitions related to the use of advertising and advertising media. Determining the appropriateness of the cost and allowability for programs would also be a key requirement for One-Stop operations. The cost principles are quite specific on the conditions under which public relations costs are allowable, and partner programs may have other restrictions in their particular authorizing legislation or regulations.

Interest: Grantees should be familiar with how their respective cost principles addresses interest expenses, as differences exist across the cost principles. Generally, interest on borrowed capital is unallowable. However, interest on payments for equipment bought on time payments is allowable as a direct cost under certain conditions. Again, grantees should review the guidance in their relevant cost principles.

Pre-Award Costs: Unless authorized in writing by the Grant Officer (for direct grantees only and to the extent they would have been allowable if incurred post-award), pre-award costs cannot be charged to an ETA grant. Pre-award costs are not authorized for formula grantees.

Capital Assets Costs: Capital assets are non-current assets (assets that are not available or cannot be made available to finance current operations). Capital assets are the result of capital expenditures and include (but are not limited to) land, buildings, and equipment. Expenditures for land or building improvements as well as building and equipment repairs or maintenance expenditures that increase the value of a capital asset or increase its estimated useful life are identified as capital expenditures in Federal regulations. 2 CFR Part 225 Appendix B, Item 15 provides the guidelines on the allowability of expenditures for capital assets, guidelines on conditions, and applicable prior approval requirements. The costs of capital leases are treated in the same manner. The following are requirements for capital expenditures:

- (1) 2 CFR Part 225 requires the approval of the grantor agency for capital expenditures. This approval authority has been delegated to the states for the formula grants.
- (2) To the extent that state procedures for state organizations are sufficient to define the allowability of ETA capital asset acquisition costs and do not inappropriately constrain non-state organizations, the state's policy is applicable to non-state governmental subgrantees.

There is similar language in 2 CFR Part 220 and Part 230 related to capital expenditures.

Leasing: Interest costs associated with capital leases and other lease-purchase arrangements are allowable so long as they are reasonable and allocable to the grant pursuant to the specific criteria identified in applicable cost principles. Lease-purchase arrangements for real property, however, are unallowable under WIA programs. Permissible lease costs of real property are limited to operating leases, not capital leases. The cost principles now require capital expenditures be expensed in the period in which it is acquired. This may impact the allowability of interest charges.

Start-Up Costs: Costs associated with the start-up of businesses are not considered allowable under the provisions of Section 181 (e) of the WIA. Start-up costs associated with entrepreneur training would also fall under this prohibition. This prohibition will also apply to the start-up costs of an agency that would provide services to WIA clients. However, the purchase of equipment (with appropriate prior approval) will continue to be an allowable cost. Additional examples of unallowable activities are contained in WIA and other program regulations.

The above examples are but a few of the specific items of cost that are addressed in the cost principles or the program regulations. Grantees and subgrantees are urged to become very familiar with their relevant cost principles.

Note: Prior approval authority has been delegated to the Governor for the ETA-funded formula grants. For non-formula direct grantees, prior approval authority remains with the DOL Grant Officer. For subgrantees, approval authority rests with the awarding agency.

SELECTED ITEMS OF COST

Within 2 CFR Part 220, Part 225, and Part 230, and 48 CFR Pmi 31 (for commercial organizations), there is specific discussion of items of cost. Grantees should be familiar with these items and use them as ready references. The attached reference chart (Attachment II-4-1) is a summary of all cost items mentioned in the applicable cost principles. Some of the costs were discussed in the previous section. Note that some of these costs may be indirect. Grantees should also be familiar with the administrative cost limits as outlined in 20 CFR 667.200 et seq. for a full review of administrative costs.

Per the cost principles, some items of cost require pre-approval. As noted above, for competitive grantees, the Grant Officer is the approving authority, and for formula grants, the Governor or her/his designee is the approving authority.

As one can see, some items that are treated in one set of cost principles may not be treated in another. Similarly, some allowable costs are not addressed at all in the cost principles. In addition, some cost items require prior approval, or are allowable per the circular but unallowable by the ETA program regulations.

To the extent possible, these variations of allowability have been indicated in the attached table. Grantees and subgrantees are urged to consult closely with their applicable circular and to be cognizant of their particular program requirements. The table should be a starting reference point in inquiring as to specific items of cost, not a quick reference chart.

SPECIFIC WIA REQUIREMENTS

In addition to the allowable cost provisions of the cost principles, WIA regulations contain a number of provisions related to allowable and unallowable costs and activities. These provisions are listed below:

- (1) Any legal expenses incurred for the prosecution of claims against the government are unallowable. This includes appeals to the Administrative Law Judge of disallowed costs or other claims and civil actions where the Federal government is a defendant. [20 CFR 667.200(c)(6)]
- (2) With four exceptions, the costs of construction or purchase of facilities are unallowable for all WIA Title I programs [20 CFR 667.260]. The exceptions are listed below:
 - a. To meet obligations for access and accommodation under the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990, as amended
 - b. Repairs, renovations, and capital improvements of real property, including State Employment Service Agency (SESA) real property (identified at WIA Section 193), or Job Training Partnership Act (JTPA)-owned property transferred to WIA Title I programs
 - c. Jobs Corps facilities
 - d. To fund construction-related disaster relief projects.

The conditions in the cost principles would apply to the excepted construction costs. In addition, the YouthBuild program, which has a focus on training youth in the construction trades, has additional exceptions regarding acquisition and construction costs.

WIA also prohibits certain activities. All costs associated with an unallowable activity are considered unallowable costs, regardless of their allowability under other circumstances. The prohibited activities are as follows:

- (1) Employment-generating activities, including economic development activities. An exception is made only for those employer outreach and job development activities directly related to participants. Employment-generating activities are addressed in 20 CFR 667.262.
- (2) Public service employment, except to provide disaster relief employment [20 CFR 667.264(a)(2)].
- (3) The wages of incumbent employees participating in Statewide economic development activities [20 CFR 667.264(a)(1)].

- (4) Employment or training programs for sectarian activities. This section does not prohibit the provision of services by faith-based organizations, unless those services are sectarian in nature. [20 CFR 667.266] [29 CFR 37.6(±)(1)]

In the administration of USDOL social service programs:

- (1) No organization may be discriminated for or against on the basis of religious character or affiliation.
- (2) No eligible organization may be denied the opportunity to compete for or receive USDOL and other Federal financial assistance based upon the organization's religious character or affiliation.

Faith-Based and Community Organizations (FBCOs) that receive USDOL support may:

- (1) continue to carry out their religious activities
- (2) keep religious signs or symbols in their facilities
- (3) continue to select their board members (including members of the clergy) and otherwise govern themselves on a religious basis
- (4) offer voluntary religious activities to program participants-keep in mind that no "direct" Federal support can be used for religious activities and these activities must be separate in time or location from Federally supported activities and voluntary for program participants.

Regulatory changes were published in the Federal Register on July 12, 2004, removing barriers to (FBCOs) participation in USDOL social service programs. These relevant changes can be found at:

- New equal treatment regulations (29 CFR Part 2, Subpart D)
- Workforce Investment Act (WIA) nondiscrimination and programmatic regulations (29 CFR 37.6(f); 20 CFR 667.266 and 667.275)
- Job Corps regulations (20 CFR 670.555)
- Job Corps Policy and Requirements Handbook (PRH)-Sections 6.8 (Civil and Legal Rights), 2.2, 3.17, 5.4 and 6.9.

he regulations also prohibit the use of WIA funds for business relocation, if the relocation results in the loss of an employee's job at the original location in the U.S. The use of WIA funds for customized or skill training, on-the-job training, or company-specific job applicant assessments are prohibited for the first 120 days a relocated business operates in the new location. The regulations require that the State develop specific pre-award criteria prior to providing WIA funds to a new or expanding business to ensure compliance with this requirement. [20 CFR 667.268]

There are also specific sanctions for violations of the unallowable activities requirements. The procedures followed by the Grant Officer are discussed further in Chapter 11-12, Audits and Audit Resolution, and are listed in 20 CFR 667.510.

OTHER PROGRAM REGULATIONS AND GRANT AGREEMENT TERMS

Regulations for programs other than WIA may have provisions related to allowable and unallowable costs and activities. For example, Senior Community Service Employment program (SCSEP) regulations (20 CFR 641) include many allowable and unallowable costs provisions such as the ones listed under 20 CFR 641.630 and 20 CFR 641.850. In addition to program regulation, grant agreements may have specific provisions related to allowable and unallowable costs and activities. For example, many grant

agreements have terms that place limitations on the amount of administrative costs that can be expended by grantees. In the case of many types of grants awarded based on an SGA, specific provisions, including allowable activities and cost limitations that will apply to the grants awarded, are contained in the SGA itself.

Summary of Cost Items

KEY

- NT = Not treated in circular
 A = Allowable
 AC = Allowable with conditions
 AP = Allowable with prior approval of either the Grant Officer or Governor
 U = Unallowable
 A/U = Some categories within the particular activity are allowable, while some are not.
 Please consult respective circular for precise explanations.

Note: Some of the costs on this chart are allowable under the circulars and prohibited under WIA or other program-specific regulations. You should refer to the program-specific regulations if you have any questions on allowability of a particular cost. This chart is for reference only.

In addition, when reviewing the provisions related to selected items of cost in the OMB circulars, the cost principles applied in establishing the allowability of certain items of cost apply whether the cost is treated as a direct or indirect cost. Failure to address a particular item of cost is not intended to imply that it is unallowable. Rather, the determination of allowability in each case should be based on the treatment or principles provided for similar or related costs. Note also that, in some instances, different cost items may be similarly named, and there may be some overlap in the cost items treated by the different circulars. Again, this chart is for reference only.

	Cost Item	Circular A-21	Circular A-122	Circular A-87	48 CFR Part 31
1	Accounting systems	NT	NT	A	NT
2	Advertising and public relations	AC	AC/U	AC/U	AC
3	Advisory councils	NT	NT	A	NT
4	Alcoholic beverages	U	U	U	U
5	Alumni/ae activities	U	NT	NT	NT
6	Asset valuations resulting from business combinations	NT	NT	NT	A
7	Audit services	See A-133	See A-133	A	NT
8	Automatic electronic data processing	NT	NT	AC	NT
9	Bad debts	U	U	U	U
10	Bid and proposal costs (See also Item 65)	Item 65	Reserved	Item 65	Item 65
11	Bonding costs	NT	A	A	NT
12	Budgeting	NT	NT	A	NT
13	Civil defense costs	AC	NT	NT	A/U

	Cost Item	Circular A-21	Circular A-122	Circular A-87	48 CFR Part 31
14	Commencement and convocation costs	U	NT	NT	NT
15	Communication costs	A	A	A	NT
16	Compensation for personal services	A/U	A/U	A/U	A/U
17	Contingency provisions	U	U	U	U
18	Cost of money (See also Item 40)	U	U	U	AC
19	Deans of faculty and graduate schools	A	NT	NT	NT
20	Defense and prosecution of criminal and civil proceedings, claims, appeals, and patent infringement	AC/U	AC/U	A/U	U
21	Deferred research and development costs	NT	NT	NT	AC/U
22	Depreciation and use allowances	AC	AC	AC	AC
23	Disbursing service	NT	NT	A	NT
24	Donations and contributions	U	U	U	U
25	Economic planning costs	AC/U	AC/U	AC/U	NT/U
26	Employee morale, health, and welfare costs and credits	A	A	A	U
27	Entertainment costs	U	U	U	U
28	Equipment and other capital expenditures	A/U	AP	AP	AP
29	Executive lobbying costs	U	U	U See Item 42	U
30	Fines and penalties	U	U	U	U
31	Fund-raising and investment management costs (See also Item 40)	NT	NT	U	U
32	Gains and losses on disposition of depreciable property and other capital assets and substantial relocation of Federal programs (See also Item 64)	NT	NT	A	A
33	General government expenses	NT	NT	U	NT
34	Goods/services for personal use	U	U	NT	NT
35	Goodwill	NT	NT	NT	U
36	Housing and personal living expenses	U	AC/U	NT	NT

	Cost Item	Circular A-21	Circular A-122	Circular A-87	48 CFR Part 31
37	Idle facilities and capacity	NT	AC/U	AC/U	AC/U
38	Independent research and development	NT	Reserved	NT	AC
39	Insurance and indemnification	AC	AC	AC	A
40	Interest, fund-raising, and investment management costs	A/U	A/U	A/U	U
41	Labor relations costs	AC	AC	NT	AC
42	Lobbying	U	U	U	U
43	Losses on other sponsored agreements/contracts	U	U	U	U
44	Maintenance and repair costs	A	A	A	A
45	Manufacturing and repair costs	NT	NT	NT	A
46	Manufacturing and product engineering costs	NT	NT	NT	A
47	Material costs	A	A	A	A
48	Meetings and conferences	NT	A	See Item 2	See Item 2
49	Memberships, subscriptions, and professional activity costs	A/U	A/U See also Item 2	A/U See also Item 2	NT
50	Motor pools	NT	NT	A	NT
51	Organization costs	NT	AP	NT	U
52	Other business expense	NT	NT	NT	A
53	Overtime, extra-pay shift, and multi-shift premiums	NT	AC	AC	See also Item 16
54	Page charges in professional journals	NT	A	NT	NT
55	Participant support costs	NT	A	NT	NT
56	Patent costs	A	A/U	NT	A/U
57	Plant protection costs	NT	NT	NT	A
58	Plant reconversion costs (See also Item 68)	NT	NT	NT	U
59	Plant security costs	U	A	NT	NT
60	Pre-agreement costs (See also Item 61)	U	NT	NT	NT
61	Pre-award costs	NT	AP	U (formula)/AP	NT
62	Pre-contract costs (See also Item 61)	NT	NT	NT	AP
63	Professional services costs	A	A	A	A
64	Profits and losses on disposition of plant equipment/other capital assets	A	A	See Item 32	See Item 32

	Cost Item	Circular A-21	Circular A-122	Circular A-87	48 CFR Part 31
65	Proposal costs (See also Item 10)	AC	Reserved	AC/AP	AP
66	Publication and printing costs	NT	A/U	A	NT
67	Rearrangement and alteration costs	A	A	A	NT
68	Reconversion costs (See also Item 58)	A	A	A	NT
69	Recruiting costs	A/U	A/U	See Item 2	A
70	Relocation costs	AC	AC	NT	A/U
71	Rental costs of buildings and equipment	AC	AC	AC	AC
72	Royalties and other costs for use of patents	A	A	NT	A
73	Sabbatical leave costs	A	NT	NT	NT
74	Scholarships and student aid costs	A	NT	NT	NT
75	Selling and marketing	U	U	NT	A/U
76	Service and warranty costs	NT	NT	NT	A
77	Severance pay	AC	AC	AC	AC
78	Special tooling and special test equipment costs	NT	NT	NT	A
79	Specialized service facilities	AC	AC	NT	NT
80	Student activity costs	U	NT	NT	NT
81	Taxes	AC	AC	AC	AC
82	Termination costs	NT	AC	NT	A/U
83	Trade, business, technical, and professional activity costs	AC	AC	AC See also Item 49	AC
84	Training and education costs	AC	AC	AC	AC
85	Transportation	AC	AC	NT	AC
86	Travel costs	AC	AC	AC	AC
87	Termination costs applicable to sponsored agreement (See also Item 82)	AC	NT	NT	NT
88	Trustees	AC	AC	NT	NT
89	Under recovery of costs under Federal agreements	U	U	U	U

Purchasing Procedures

The following procedures are adopted as minimum standards for the NWTNWB to purchase materials, supplies, equipment, and services. The purchasing procedures are designed to inform the staff of details connected with procurement and to afford budget control for all functional areas. Each person who will require goods and services to accomplish their objective should become familiar with these instructions. Duties are properly segregated between employees responsible for purchasing, accounts payable, and cash disbursements. There are always two signatures on each purchase prior to submitting the information to the Chief Officer and Executive Director for payment. Once entered into the system for payment, the Director of Finance reviews the invoice for proper coding before approving it for payment.

Except as specifically provided in this policy or guidelines, the authority of the Executive Director pursuant to these policies and procedures shall not include the purchase or lease of real property or insurance, without approval of the NWTNWB, when the estimated aggregate total of the expense or revenue is \$50,000 or more, data processing equipment over \$249,999.99, or purchases for capital outlay projects from any fund source whatsoever. Goods and services may be procured without competitive bidding only if such purchases are justified in writing and approved by the Executive Director as required by NWTNWB policies and guidelines, except for Small Dollar purchases as allowed.

In cases where the NWTNWB policies and procedures do not address a specific procedure for purchase of a particular item, the Department of General Services' rules and regulations will govern, if applicable. The Executive Director may delegate approval authority as specified in this policy to their designees. Time periods specified in the policy shall be calculated by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it shall also be excluded.

Procurement Cards

The NWTNWB procurement card is used for small dollar, \$1,000 and under, purchases, without a purchase order, and for purchases over \$1,000 with a purchase order. It may be utilized as follows:

- (1) Limited group travel expenses (excursions and meals)
- (2) Purchases from local vendors for perishable items
- (3) Bank Services
- (4) Hotels and Motels
- (5) Airlines
- (6) Conference Registrations involving travel

Procurement card restrictions include the following:

- (1) Sales Tax (effective November 8, 2017)
- (2) Cash
- (3) Tax Payments, Fines and Court Costs
- (4) Bail and Bond Payments

Procurement Card Limits and Statements

- (1) Each transaction limit is \$1,000.00 or less without a purchase order.

- (2) Split transactions to the same vendor that total over \$1,000.00 to avoid issuing a Purchase Order are not allowed.
- (3) The credit limit is \$7,500 to \$15,000 depending on limits set on the card at the time of issuance.
- (4) Each card account will be issued a monthly statement from the bank.

Record Keeping

Each cardholder is responsible for maintaining a record monthly purchases applied to his/her procurement card. Within 5 business days of the purchase, all supporting documentation should be sent to the NWTNWB fiscal staff. Upon receipt of the procurement card statement from the bank, the Financial Coordinator will reconcile the charges on the statement to their record of purchases. The reconciled statement should be initialed by the Financial Coordinator and forwarded to the Quality Coordinator for review and a selection of a sample of transactions to monitor. The Quality Coordinator issues a monitoring report of any corrective action needed, and initials both the statement and reconciliation. The statement is then reviewed and approved by both the Director of Finance and Executive Director.

Problem Resolution

In the event the cardholder encounters a problem with a charge by the vendor, the cardholder should contact the vendor and attempt to resolve the problem. If unable to resolve, contact the Director of Finance or Executive Director within 30 days after the close of the billing cycle. The Director of Finance or Executive Director will issue a dispute and notify the cardholder when resolved.

Lost Card

Immediately contact the bank, available 24 hours a day, 7 days a week. Contact the Director of Finance or Executive Director and your immediate supervisor. The Director of Finance or Executive Director will initiate steps to close the card

Purchase Orders

Purchases less than one thousand dollars (\$1,000.00) may be procured via direct invoice to the purchasing card. All purchases one thousand dollars (\$1,000.00) and greater must be procured by entering a Purchase Order in QuickBooks with the written approval of the Executive Director of Director of Finance. Any employee found to have violated this policy may be held responsible for the purchase and shall be liable for any state funds paid contrary to this policy.

American Job Center Purchases

When making purchases for the American Job Centers (AJCs), fiscal staff review the request to determine if the item will be shared amongst partners in order to properly allocate the cost. Each partner is required to contribute to the operating costs as described in the Infrastructure Funding Agreements. Shared costs are identified and agreed upon at partner meetings and are proportionately distributed based on full-time equivalent, FTE, (communication, advertising, supplies, etc.) or square footage (utilities, building maintenance, lease, etc.). Proportionate share, cost allocation methodologies, and any additional considerations are determined and costs are billed to partners on a monthly basis. Actual costs are billed rather than estimates or budgeted amounts. Periodically, space, FTE, and any other contributing factors are reviewed to determine if the IFA needs to be modified. Fiscal staff also attend appropriate trainings, as offered, in order to ensure compliance with the Uniform guidance.

Contractors

The NWTNWB may contract with various agencies, in accordance with WIOA Legislation and Tennessee Department of Labor and Workforce Development (TDLWD) policies, in order to select a One-Stop Operator, provider(s) of Title I services, and / or employers for programs such as On-the-Job Training (OJT) Grants, and “Buy-out” classes. When awarding contracts through a competitive process, such as Title I sub-contracts, the NWTNWB researches potential bidders, issues a Request for Proposal, receives proposals, reviews, and then awards competitive grants to providers based on identified scoring criteria. Once it is determined that funds can be allocated, the NWTNWB has authorized administrative staff to initiate agreements or contracts with employers or appropriate community organizations.

Consistent with WIOA Sections 107(d)(10) and 121(d) and the Workforce Services Policy regarding One-Stop Delivery and Design System, paragraph (D) of the Local Board Responsibilities section, and in accordance with the Regional Planning Council, the NWTNWB, with the agreement of the chief elected officials for the local area, shall designate or certify one-stop operators as described in section 121(d)(2)(A). In order to conduct a competitive process for the selection of a one-stop operator in accordance with 121(d)(2)(A), the Board, with the agreement of the CEOs, shall issue a Request for Proposals for a designated time period, with public notice being provided through print media and / or electronic means, and with potential bidders being notified of the release by email. Proposals received shall be reviewed by a committee approved by the Board and CEOs. The review committee shall make a recommendation to the Board for selection of the Operator. The selected Operator shall enter into a contract with the Board and CEOs as developed by the fiscal agent.

Procurement Procedures

§ 200.318 General procurement standards.

- (a) The [non-Federal entity](#) must use its own documented procurement procedures which reflect applicable [State](#), local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this part.
- (b) Non-Federal entities must maintain oversight to ensure that [contractors](#) perform in accordance with the terms, conditions, and specifications of their [contracts](#) or purchase orders.
- (c)
 - (1) The [non-Federal entity](#) must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of [contracts](#). No employee, officer, or agent may participate in the selection, award, or administration of a [contract](#) supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a [contract](#). The officers, employees, and agents of the [non-Federal entity](#) may neither solicit nor accept gratuities, favors, or anything of monetary value from [contractors](#) or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the [non-Federal entity](#).

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.213 Suspension and debarment.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)

(1) The non-Federal entity may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The [non-Federal entity](#) alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the [non-Federal entity](#) of any contractual responsibilities under its contracts. The [Federal awarding agency](#) will not substitute its judgment for that of the [non-Federal entity](#) unless the matter is primarily a Federal concern. Violations of law will be referred to the local, [state](#), or Federal authority having proper jurisdiction.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75885](#), Dec. 19, 2014; [80 FR 43309](#), July 22, 2015]

§ 200.319 Competition.

(a) All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective [contractor](#) performance and eliminate unfair competitive advantage, [contractors](#) that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive [contracts](#) to consultants that are on retainer [contracts](#);
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

(b) The [non-Federal entity](#) must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed [state](#), local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts [state](#) licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the [contract](#).

(c) The [non-Federal entity](#) must have written procedures for procurement transactions. These procedures must ensure that all solicitations:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or

other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(d) The [non-Federal entity](#) must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the [non-Federal entity](#) must not preclude potential bidders from qualifying during the solicitation period.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75885](#), Dec. 19, 2014]

§ 200.320 Methods of procurement to be followed.

The [non-Federal entity](#) must use one of the following methods of procurement.

(a) Procurement by [micro-purchases](#). Procurement by [micro-purchase](#) is the acquisition of [supplies](#) or services, the aggregate dollar amount of which does not exceed the [micro-purchase](#) threshold ([§ 200.67](#) Micro-purchase). To the extent practicable, the [non-Federal entity](#) must distribute [micro-purchases](#) equitably among qualified suppliers. [Micro-purchases](#) may be awarded without soliciting competitive quotations if the [non-Federal entity](#) considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, [supplies](#), or other [property](#) that do not cost more than the [Simplified Acquisition Threshold](#). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price [contract](#) (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in [paragraph \(c\)\(1\)](#) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

- (i) A complete, adequate, and realistic specification or purchase description is available;
- (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (iii) The procurement lends itself to a firm fixed price [contract](#) and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

- (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

(iv) A firm fixed price [contract](#) award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type [contract](#) is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

(2) Proposals must be solicited from an adequate number of qualified sources;

(3) The [non-Federal entity](#) must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

(4) [Contracts](#) must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(5) The [non-Federal entity](#) may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(e) [Reserved]

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

(1) The item is available only from a single source;

(2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(3) The [Federal awarding agency](#) or [pass-through entity](#) expressly authorizes noncompetitive proposals in response to a written request from the [non-Federal entity](#); or

(4) After solicitation of a number of sources, competition is determined inadequate.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75885](#), Dec. 19, 2014; [80 FR 54409](#), Sept. 10, 2015]

§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The [non-Federal entity](#) must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1)** Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2)** Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3)** Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4)** Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5)** Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6)** Requiring the prime [contractor](#), if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

§ 200.322 Procurement of recovered materials.

A [non-Federal entity](#) that is a [state](#) agency or agency of a political subdivision of a [state](#) and its [contractors](#) must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 CFR part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75885](#), Dec. 19, 2014]

§ 200.323 [Contract](#) cost and price.

(a) The [non-Federal entity](#) must perform a cost or price analysis in connection with every procurement action in excess of the [Simplified Acquisition Threshold](#) including [contract](#) modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the [non-Federal entity](#) must make independent estimates before receiving bids or proposals.

(b) The [non-Federal entity](#) must negotiate profit as a separate element of the price for each [contract](#) in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the [contractor](#), the [contractor's](#) investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for [contracts](#) under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the [non-Federal entity](#) under Subpart E - Cost Principles of this part. The [non-Federal entity](#) may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

§ 200.324 Federal awarding agency or pass-through entity review.

(a) The non-Federal entity must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the non-Federal entity desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The non-Federal entity must make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

- (1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;
- (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
- (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
- (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The non-Federal entity is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

- (1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
- (2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

§ 200.325 Bonding requirements.

For construction or facility improvement contracts or sub contracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through

[entity](#) has made a determination that the [Federal interest](#) is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the [contractor](#) for 100 percent of the [contract](#) price. A “performance bond” is one executed in connection with a [contract](#) to secure fulfillment of all the [contractor's obligations](#) under such [contract](#).

(c) A payment bond on the part of the [contractor](#) for 100 percent of the [contract](#) price. A “payment bond” is one executed in connection with a [contract](#) to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the [contract](#).

200.326 Contract provisions.

The [non-Federal entity's contracts](#) must contain the applicable provisions described in Appendix II to Part 200 - [Contract Provisions for non-Federal Entity Contracts](#) Under Federal Awards.

Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include the equal opportunity clause provided under [41 CFR 60-1.4\(b\)](#), in accordance with [Executive Order 11246](#), “Equal Employment Opportunity” ([30 FR 12319](#), 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by [Executive Order 11375](#), “Amending [Executive Order 11246](#) Relating to Equal Employment Opportunity,” and implementing regulations at [41 CFR part 60](#), “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended ([40 U.S.C. 3141- 3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act ([40U.S.C. 3141- 3144](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The

non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor regulations ([29 CFR Part 3](#), "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act ([40 U.S.C. 3701- 3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). Under [40 U.S.C. 3702](#) of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of [40 U.S.C. 3704](#) are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under [37 CFR § 401.2](#) (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of [37 CFR Part 401](#), "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act ([42 U.S.C. 7401- 7671q](#).) and the Federal Water Pollution Control Act ([33 U.S.C. 1251- 1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act ([42 U.S.C. 7401- 7671q](#)) and the Federal Water Pollution Control Act as amended ([33 U.S.C. 1251- 1387](#)). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 ([3 CFR part 1986](#) Comp., p. 189) and 12689 ([3 CFR part 1989](#) Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of

parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than [Executive Order 12549](#).

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.322](#) Procurement of recovered materials.

[[78 FR 78608](#), Dec. 26, 2013, as amended at [79 FR 75888](#), Dec. 19, 2014]

Contracts and Agreements

The purpose of the policy is to outline requirements and procedures for processing contractual documents other than employment contracts. Services to be performed under any agreement or contract shall not be commenced and payment for such services shall not be made until an agreement/contract is executed in accordance with this policy and all requirements are met. The same policies and procedures also apply to contract/agreement amendments and addendums.

Only the Executive Director and those individuals who are specifically authorized in writing by the Executive Director through published policies, procedures or other authorizing documents have the authority to enter into agreements/contracts as agents of the NWTNWB. No other employees except those expressly identified in policy shall sign contracts without prior written approval.

Approvals

The following agreements/contracts shall be expressly subject to the approval of the Executive Director in accordance with NWTNWB policies and guidelines:

- (1) those involving or related to the purchase or lease of real property or data processing
- (2) the purchase of insurance or agreements providing insurance or other benefits for employees
- (3) the purchase of professional personal, or consultative services
- (4) purchases related to capital outlay projects

The Executive Director or his/her designee is the final approving authority for any agreement/contract; except that the approval of the Executive Director or designee shall be required for agreements/contracts with foundations or similar not-for-profit organizations, and hardware and software contracts as specified herein requiring the Executive Director's approval under other policies and guidelines.

Once the contract has been received and reviewed for compliance by the fiscal department, it will be routed for the Executive Director's approval; then forwarded to the vendor for approval if not signed initially.

No agreement/contract will be accepted with signatures by the vendor and/or procuring party dated after the requested start date of the agreement/contract.

Preparation of Agreements and Contracts

Before entering into an agreement/contract, funds must be available in the current year's budget. If funds are not available, a budget revision must be processed prior to payment of the agreement/contract. The initiating staff requiring or providing personal, professional, or consultant services is responsible for the preparation of the agreement/contract.

All necessary signature approval lines shall be prepared by the initiating staff, including lines for the corporation or individual and the Executive Director of NWTNWB. Signature approval lines for the Northwest Tennessee Workforce Board should be prepared when necessary.

If the other party or contractor is a corporation, its name must be stated in the agreement/contract exactly as it appears in its charter. The person signing on behalf of the corporation must have legal authority to do so, and his/her title/position shall be shown on the signature page.

The Executive Director may delegate his/her authority to sign agreements/contracts only if such delegation is specifically permitted in NWTNWB policy or if the delegation is specifically approved in writing by the Executive Director.

The staff requiring an agreement/contract must initiate the process sufficiently in advance to allow final approval before services are rendered. Agreements/Contracts must be submitted to the Executive Director a minimum of two (2) weeks prior to the desired service. Scanned copies of agreements/contracts are acceptable. Sufficient time must be allowed so that an executed contract is in place prior to any services being performed under the contract. Extreme caution should be used in preparation of agreements/contracts to ensure all provisions comply with NWTNWB guidelines. NWTNWB Legal Counsel has stated possible personal liability in not adhering to state law.

Legal questions relating to an agreement/contract will be referred to the NWTNWB Legal Counsel by the Executive Director.

Add the following language to any contract in which contractor is serving as a service provider handling "covered accounts", that is, any consumer account involving multiple transactions or multiple payments in arrears: " Service provider/Contractor shall have and maintain throughout the term of this agreement an identity theft prevention program for new and existing accounts which complies with the FTC regulations known as Red Flags Rule."

Routing Agreements and Contracts for Approval

After preparation of an agreement/contract, the staff shall forward a copy of the agreement/contract to the Executive Director. Once it has been determined that the agreement/contract is complete, it will be approved by the Executive Director and then forwarded to the vendor for signature if not already obtained.

One (1) copy of all executed contracts, original or scanned copy, shall be maintained by the fiscal department. An electronic copy is located on the shared drive and / or in QuickBooks.

Standard Guidelines

No agreement/contract of any nature which requires the expenditure of funds by NWTNWB shall extend beyond the end of the fiscal year and / or grant period in which it is entered into unless expressly subject to the condition that the organization shall have the right to terminate the agreement/contract

at the end of any fiscal year in the event that sufficient funds are not appropriated and/or budgeted for continuation of the agreement/contract. Contracts may be renewed up to a total period of five (5) years.

No agreement/contract of any nature shall be entered into which contains one or more of the following:

- (1) Provisions requiring the NWTNWB to pay for taxes, late penalties, liquidated damages, incidental or consequential damages, etc.
- (2) Payment of travel/per diem expenses in excess of maximum limitations set forth in NWTNWB policy.
- (3) Provisions designating the governing law of a state other than Tennessee.
- (4) Provisions requiring the NWTNWB to make advance deposits or payments, except those expressly allowed by the NWTNWB.
- (5) Provisions requiring the NWTNWB to purchase or obtain liability insurance, performance bond, or property insurance.
- (6) Provisions requiring the NWTNWB to insure, indemnify, or hold harmless any party from claims, which may arise out of the agreement or be brought by third parties.
- (7) Provisions requiring the NWTNWB to obtain or pay for outside labor of persons not employed by the NWTNWB are prohibited unless such cost is included as part of the total contract price.
- (8) Provisions requiring the NWTNWB to consent to the arbitration by a third party of claims arising out of or relating to the agreement.
- (9) Disclaimer of vendor's liability for incidental, liquidated, exemplary, or consequential damages.
- (10) Disclaimer by vendor of express or implied warranties of merchantability and fitness for a particular purpose.
- (11) Limitation on dollar amount of damages recoverable by the NWTNWB from vendor.
- (12) Unless vendor provides shipment insurance protecting the NWTNWB's interest, passing of risk of loss or title to NWTNWB before delivery and/or installation of products.
- (13) Right of vendor to enter NWTNWB's premises without notice to remove equipment or product upon alleged default by the NWTNWB.
- (14) Award of attorney's fees to vendor in the event of legal action against NWTNWB.
- (15) Consent to jurisdiction in courts outside Tennessee. Provisions requiring the NWTNWB to pay late charges, finance charges, collection costs, or interest in excess of that provided under Tennessee Prompt Pay Act (T.C.A. Section 12-4-701 et seq.).
- (16) Term of the agreement/contract longer than five (5) calendar years.
- (17) Provisions requiring the NWTNWB to keep vendor's information confidential (Tennessee Open Records Act, T.C.A. Sections 10-7-503-10-7-506).
- (18) Provisions requiring the NWTNWB to carry or maintain commercial or general liability insurance.
- (19) Provisions requiring the survival of paragraphs upon termination of the agreement/contract when those paragraphs are not in accordance with NWTNWB Policies and Guidelines.

Only the Executive Director can approve applications for all grants from agencies or organizations, acceptance of the award of the grant, and enter into agreements confirming grants, provided that where matching funds or services in lieu of funds are required by the NWTNWB. No applications shall be made unless the operating budget provides the funds and/or resources necessary for the project. The Executive Director is further authorized to accept the award of a grant and enter into agreements

confirming grants; further provided that the acceptance of grants and agreements confirming the award of grants shall be subject to the standard guidelines listed above.

In any agreement/contract which requires participation by an applicant, participant, or employee of the NWTNWB in a program or activity conducted in whole or in part by any other person or organization or which facilitates, permits or considers participation by such persons as part of or equivalent to a program or activity of the NWTNWB, the NWTNWB shall require the person or organization to agree that no person shall, on the basis of sex, race, color, religion, handicap, veteran status, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the program or activity. Breach of this provision shall be cause for termination of the agreement.

All agreements, contracts, and subcontracts shall contain all necessary non-discrimination requirements provided by Federal or State laws and regulations.

All agreements/contracts not expressly requiring the approval of the Executive Director may become effective upon the approval of the President of the NWTNWB or his/her designee, subject to the general requirements of this policy. In the event there is any question as to whether an agreement or contract shall be submitted for the approval of the Executive Director or the General Counsel, the agreement or contract should be routed to the fiscal office.

The Executive Director may direct that copies of any and all agreements/contracts entered into by the NWTNWB be submitted for informational and record-keeping purpose or to ensure compliance with this policy and may direct that certain or all agreements/contracts of the NWTNWB be submitted for prior review and approval when deemed necessary to ensure such compliance. In addition, the Executive Director may require annual reports on the type and number of agreements/contracts entered into by the NWTNWB, with additional information when necessary.

When the Executive Director is absent and a situation arises where an agreement or application must be submitted prior to his/her return, the authorized signatory will be allowed to approve for the Director.

Requests for Payment

After the service has been performed and an invoice has been received by the Financial Coordinator, the fiscal department must approve the invoice. The contract number must be referenced on the invoice. At no time will the contractor receive payment before the service has been completed and an invoice has been received by the fiscal department. For payments to individuals, information required for the preparation of Form 1099 must be included with the contract.

Payment made to non-employees for personal services are not subject to any deductions. Neither is it required that these payments be included on Form W-2. Internal Revenue Service regulations do require, however, that consultant fees, etc., be reported on Form 1099. The Social Security number and the home (not business or educational institution) mailing address of each individual must be provided on the check in order that they may be reported on Form 1099. Form 1099 will be prepared and submitted at year-end by the NWTNWB and will indicate the total payments that have been made to an individual or group during the preceding year.

Definitions

Catering Contract: a contract for any dollar amount issued for any catered event or meeting.

Service Contract: a contract that is issued for any service (and/or good) provided to NWTNWB at a negotiated cost equal to or greater than \$1,00.00. This includes personal, professional and consulting services.

Payment of Invoices

Invoices should be sent to the NWTNWB office via US mail, fax, email or hand delivery within 30 days from the date of the invoice or the date the goods or services were received, whichever is later. This will allow 15 days to process the approval and payment to comply with the Tennessee Prompt Payment Act. Note: payment of invoices within 15 days is contingent upon the availability of funding due to the minimum 14-day waiting period for payment of requested funds from the TDLWD.

Invoices will be paid only upon confirmation of receipt. Invoices will not be paid from statement. All statements received directly by staff should be sent to the fiscal department for follow-up of unpaid items.

Cost Reimbursement Contracts are to be invoiced monthly, or for OJT's, at the completion of the training hours. Below are the steps in reviewing and approving for payment.

- (1) An invoice, along with supporting documentation, is submitted to NWTNWB for payment.
- (2) The invoice is forwarded to the contract manager for their review and approval, if applicable.
- (3) Once the contract manager has made their initial review of the invoice, they sign off and return it to the fiscal department to be processed for payment.
- (4) All supporting documentation is reviewed and verified by at least one fiscal staff. If any discrepancies are found, the contract manager is contacted so the necessary corrections can be made.
- (5) Once the invoice has been reviewed by all parties and is ready to be processed for payment, the Financial Coordinator enters the invoice into QuickBooks.
- (6) The Director of Finance and / or Executive Director will review the invoice for accuracy and approve for payment by signing the check. The members of the Board of Directors of the NWTNWB are also authorized to sign as a second signature.

Vendors expect the NWTNWB to make prompt payment of its obligations. In certain circumstances, state law provides for interest to be paid to vendors in cases of late payments.

G. Title VI Training

NW Tennessee
Workforce Board, Inc.

Discrimination and Harassment
Prevention

What You Should Know

208 N. Mill Ave.
Dyersburg, TN 38024
731-286-3585
speer@nwtworks.org

Agenda

- Discrimination and Harassment Overview
- Disability Discrimination and Harassment, ADA reasonable accommodation
- Religious Discrimination and Harassment, religious accommodation
- NWTN Workforce Board Policies
- Complaint Resolution Process
- Review of Responsibilities

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Compliance

Technical assistance, investigation, and recommendations regarding the following policies:

- Discrimination and Harassment
- Affirmative Action
- Inclusive Language
- Open Searches

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Title IX

- Title IX prohibits all forms of discrimination on the basis of sex.
- Sexual harassment is considered to be a form of sex discrimination.
- Failure to effectively respond to harassment is considered "deliberate indifference," and a violation of Title IX.

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Title IX Compliance

The Board has designated **Laura Speer**, Director of Performance and Compliance, EO Officer, as the Title IX Coordinator to ensure Title IX compliance for the Board

Because sexual assault is considered to be a severe form of sexual harassment, an alleged victim may wish to file a sexual harassment complaint with the Title IX Coordinator.

The Title IX Coordinator is responsible for ensuring a non-discriminatory office environment that is free from harassment.

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Discrimination and Harassment: Applicable Laws

State and federal law prohibit **discrimination** and **harassment** based on a "protected class" in the workplace and in the educational environment.

Federal law defines protected classes as **sex (including pregnancy and related medical conditions), race, color, religion, age (40 and over), national origin, genetic information, disability, and veteran status** in the workplace and in education.

Tennessee state law in addition to the federal protected classes includes **gender identity** and **sexual orientation**.

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Discrimination

Discrimination is conduct that can include a broad spectrum of **disparate treatment** directed toward an individual or group of individuals **based on a protected class that adversely affects their employment or education**.

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Harassment

Harassment is **unwelcome** conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where **1)** enduring the offensive conduct becomes a condition of continued employment, or **2)** the conduct is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in **retaliation** for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit; or opposing employment practices that they reasonably believe discriminate against individuals.

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Examples of Discriminatory Conduct

- Negative personnel action (e.g., hiring, firing, promotions, discipline, evaluations against someone **because of their protected class**)
- Treating someone different because of a serious medical condition
- Advertising a position as particularly wanting to hire a female (or male)
- Failing to provide an otherwise reasonable accommodation for disability or religious beliefs

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Examples of Harassing Conduct

If unwelcome, the following acts may constitute harassment if based on a protected class:

- Taunts, threats, or intimidation due to protected status
- Written or electronic communications that are derogatory or threatening (i.e. via social media, email, or text messaging)
- Graffiti directed towards a protected group
- "Slang" or language that has taken on a derogatory or negative meaning against a protected group

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Sexual Harassment Is

Any unwelcome sexual advance;

Request for sexual favors

OR

Verbal or physical conduct of a sexual nature that is severe or pervasive enough to create a hostile or intimidating work or educational environment.

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Forms of Sexual Harassment

- Quid Pro Quo– actions by a supervisor, instructor or manager that condition the receipt of a benefit upon sex, or punish a person for not accepting sexual advances.
- Hostile Environment– actions by others that create an abusive work/academic environment. This can be verbal or non-verbal.

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Examples of Quid Pro Quo Harassment

- Better work or educational conditions in exchange for a sexual relationship.
- Reduced or diminished work or educational conditions when a sexual relationship is refused.
- Using physical or psychological coercion to force a sexual relationship, or as retaliation for refusal.

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Hostile Environment

- Can result from physical contact, verbal comments, non-verbal actions or a combination of these.
- Must reach a certain level of severity or pervasiveness to be considered sexual harassment.
- "Lower-level" conduct should be addressed before the pervasive standard is reached.

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Hostile Environment: Physical Conduct

- Touching any part of another person's body – especially in a suggestive manner
- Back rubs, neck or shoulder "massages"
- Sexually suggestive or lewd gestures
- Cornering, trapping or blocking another's path
- Stalking or following another person
- Attempted or actual sexual assault

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Hostile Environment: Verbal Comments

- Remarks about physical characteristics, appearance or attractiveness
- Remarks about sexual activity
- Sexual jokes, comments or innuendos
- Repeated requests for dates
- Propositions of any type

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Hostile Environment: Non-Verbal Actions

- Displays with sexually explicit or graphic content
- Sexual letters, notes, emails, facebook postings
- Unwanted personal gifts or attention
- Obscene gestures, ogling, leering
- Exposing oneself

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When is it Harassment?

Conduct will be considered sexual harassment when:

- 1) It is unwelcome to the recipient or observer (subjective standard); **AND**
- 2) A reasonable person would find the same conduct to create a hostile environment (objective standard).

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Sexual Violence

- Sexual Violence is a form of **sexual harassment**.
- Sexual harassment including sexual violence, if perpetrated by an employee, can affect the work or educational environment.

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Disability Discrimination

- Employees with real or perceived mental or physical disabilities have the right to be free from discrimination or harassment
- Qualified individuals (i.e., persons otherwise able to perform work) with disabilities may request accommodations to enable them to work or continue their studies
- An accommodation:
 - Must be reasonable
 - Cannot cause undue hardship or fundamentally alter an academic program
- The accommodation process is interactive and requires communication from all parties

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When is it a Reasonable Accommodation request?

An employee tells his supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing."

This is a request for a reasonable accommodation.

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When is it a Reasonable Accommodation request?

An employee who is required to stand to complete the duties of his position regularly becomes fatigued because of serious medical condition. The employee requests a stool to reduce fatigue.

This is a request for a reasonable accommodation.

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Documentation of Disability

- Documentation of the disability may be required in order to receive accommodations.
 - Employees must contact their supervisor or Human Resource Services and provide documentation to initiate the accommodation process.
- Medical documentation is confidential.

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Religious Discrimination and Harassment

- Title VII of the Civil Rights Act

- Prohibits institutions from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment (including harassment).
- Requires institutions to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship.

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Definition of Religion

- The EEOC defines "religion" to include moral or ethical beliefs about right and wrong that are sincerely held with the strength of traditional religious views.
- Religious discrimination also includes discrimination against someone because s/he is an atheist.

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Accommodating Religious Practices and Expression

Examples of religious accommodations employers may be required to provide:

- Leave for religious observances
- Providing time and/or place to pray
- Allowing the wearing of religious garb
- Permitting time-off during a mourning period for a deceased relative
- Accommodating certain hairstyles or grooming habits
- Honoring dietary requirements during meetings or training sessions where meals are served

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Board Discrimination and Harassment Policy Objectives

The Board is committed to providing a work environment that is inclusive and free from all forms of discrimination, harassment, and retaliation.

Board Discrimination and Harassment Policy:

- Prohibits harassment, discrimination, and retaliation.
- Prevents harassment, discrimination, and retaliation.
- Promotes a working environment that is welcoming to all.
- Stops inappropriate behavior before it progresses.

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Board Policy and Protected Classes

Board Policy covers more protected classes than state or federal law:

- Race or color
- Ethnicity
- Sex
- Pregnancy
- Religion
- National origin
- Physical or mental disability
- Age
- Genetic information
- Marital status
- Sexual orientation
- Gender identity
- Status as a U.S. veteran

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Who is Covered by the Policy?

- Everyone is covered under Board Policy
- If the basis for the alleged discrimination and/or harassment is a protected class it is prohibited conduct, even if the people involved are among the same protected class
- Everyone is in a protected class

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Complaint Resolution

Board employees have two mechanisms for resolving complaints of harassment or discrimination: **Informal** (this is where a supervisor is likely to play a role) or **Formal** (typically handled by central administration).

Whichever process is used, it is important that Board officials **do something** to respond to a concern of discrimination or harassment. When in doubt of what to do, contact the EO Officer.

Informal Complaint Resolution - Steps

Informal: a person may contact the supervisor with authority over the accused

- The supervisor should listen to the concern and explore resolution with the person who brought it forward and determine the desired outcome.
- The supervisor **must notify the EO Officer if he or she receives a complaint or concern**. This is not a breach of confidentiality – the EO Officer **must** be informed of the complaint.
- Supervisors **must consult** with the EO Officer on next steps and potential resolution.

Informal Complaint Resolution-Steps

- A supervisor shall not impose discipline against an accused person without first consulting with the appropriate office.
- Supervisors should attempt to resolve complaints within three weeks.
- The supervisor **must notify the EO Officer of the resolution to the complaint**.
- Reinforce/Reiterate the prohibition against **retaliation** to all parties.
- **Follow up** with the complainant.

Non - Specific Complaints

What if an employee tells a supervisor or the Board of concerns about harassment and discrimination, but will not disclose names or specific facts.

Does the Board have to proceed?

- Yes, to the **extent possible**. However, if necessary facts or circumstances are not shared there may be little that can be done to resolve the complaint.

Formal Complaint Resolution

Formal: a person may also file a formal complaint, which may result in an investigation and discipline.

The accused is notified of the complaint:

- In all other cases involving employees, EO Officer will follow procedures outlined in the **Discrimination and Harassment Policy**.

Complaint Process

- Confidential initial meeting (intake meeting)
- Determine whether investigation is warranted
- Interviews with third-party witnesses
- Interview with respondent
- Review of documentation/data analysis
- Resolution if appropriate
- Finding

Retaliation

Retaliation is prohibited both by law and Board policy.

Elements of Reprisal:

- Participation in the **complaint process** or opposition to a discriminatory employment practice
- Adverse action against complainant
- Causal connection between the protected activity and the adverse action

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Harassment Prevention - Employees' Responsibilities

- Employees are expected to maintain an environment that is free from harassing activity.
- Keep your behavior professional.
- Follow Board policy and know where to find the policy and resources.
- Don't mix personal and professional communications – cause for misinterpretations.
- Don't tolerate misbehavior by others – address it by letting someone know.
- Seek assistance promptly if you are the target of or observe behavior that you believe qualify as harassment.
- Do not invade another individual's personal space.
- Do not touch anyone without their permission.

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If You Experience Harassment

Any employee who believes that he/she is victim of discrimination or unwelcome harassment can file a complaint about the situation as soon as possible.

Y Report conduct

You may contact the EO Officer at 731-286-3585 or you may file a complaint at any point with the appropriate office or supervisor of the accused.

Additional Options for responding include (if you feel comfortable):

- Y Tell the harasser the conduct is unwelcome
- Y Keep a record of the conduct
- Y State that you will report the conduct if it continues

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Supervisors' Responsibilities: Harassment-free environment

- Be proactive; monitor workplace behaviors
- Treat all complaints seriously and confidentially
- Respond immediately (consult with the EO Officer)
 - Take prompt, effective action when faced with concerns
 - Stop the current behavior, prevent future problems
- Advise against retaliation
- Report complaints to the EO Officer or applicable office
- Regularly distribute the Discrimination and Harassment Policy
- Do not engage in behavior that may be viewed as retaliatory or obstructive to the complaint process
- Document, document, document!

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Supervisors' Responsibilities: Harassment-free environment (cont.)

- Set example (supervisors and managers are role models) "walk the talk"
- Be accessible (have an "open door policy")
- Communicate regularly with staff (reiterate policies in meetings)
- Enforce respect and civility in the workplace
- Be receptive and responsive to requests for accommodations
- Know where to find the policy and resources
- Expand recruitment efforts through outreach
- Maintain accurate Position Descriptions (use valid selection criteria)
- Use diverse interview panels in the hiring process

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Thank You. We hope you find this resource helpful.

Please visit
<https://vimeo.com/6123163> to view a short video.

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TITLE VI TRAINING

Training:	Title VI Training	Date:	11/04/2019 to
Facilitator:	Online Training	Place/Room:	Online

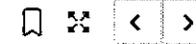
Name	Title	Company	Phone
Laura Speer	Director of Performance/Compliance/EEO	NWTNWB	731-286-3585 ext. 403
LeAnn Lundberg	Director of Facilities and Computer Services	NWTNWB	731-334-5100
Derrick Quinn	Compliance Officer	NWTNWB	731-334-5839
Gina Johnson	Assistant Director of Finance & Administrative Services	NWTNWB	731-334-5101
Jennifer Bane	Executive Director	NWTNWB	731-334-5102
Ginger Powell	Deputy Director	NWTNWB	731-286-3585 ext. 409
Lana Burchfield	Public Information Specialist	NWTNWB	731-334-5107
Terry Williams	Finance Coordinator	NWTNWB	731-286-3585 ext. 410
Theresa Ethridge	Business Service Representative	NWTNWB	731-334-5115
Maleia Evans	Business Service Representative	NWTNWB	731-286-3585 ext. 414
Lana Woods	Business Service Representative	NWTNWB	731-882-1162

West TN Regional Equal Opportunity Training

Title I	Connie Wright	crwright@dsc.edu	731-352-8573	3-Oct
	Wilma Capps	capps@dsc.edu	731-286-7700	3-Oct
	Renee Mitchell	fmitchell@dsc	731-784-5221	3-Oct
	Sara Cooper	secooper@dsc.edu	731-784-5221	3-Oct
	Natalie Dunning	ndunning@dsc.edu	731-641-1020	3-Oct
	Connie Eiskant	ceiskant@dsc.edu	731-253-8171	3-Oct
	Amanda Tibbs	tibbs@dsc.edu	731-364-0100	3-Oct
	Katie Treece	kltreece@dsc.edu	731-784-5221	3-Oct
	Kelcey Coble	krcoble@dsc.edu	731-286-2600	4-Oct
	Olivia Capps	ocapps@mysdsc.edu	731-286-7700	4-Oct
	Rebecca Acred	acred@dsc.edu	731-784-5221	4-Oct
	Marcia Fields	mfields@dsc.edu	731-784-5221	4-Oct
	Catherine Vandyke	cnvandyke@dsc.edu	731-784-5221	4-Oct
	Jeannie Mathis	mathis@dsc.edu	731-784-5221	4-Oct
Welcome Staff	Peggy Cook	cook.peggy@odlemanagemt.com	731-364-0100	3-Oct
	George Girard	girard.george@odlemanagemt.com	731-641-1020	4-Oct
	Crystal Fuller	fuller.crystal@odlemanagemt.com	731-352-8573	4-Oct
	Talith Joyce	joyce.talitha@odlemanagemt.com	731-784-5221	3-Oct
	Laura Delgadillo	delgadillo.laura@odlemanagemt.com	731-286-7700	3-Oct
	Jaclyn Marshall	marshall.jaclyn@odlemanagemt.com	731-784-5221	4-Oct
	Erica Nance	nance.eric@odlemanagemt.com	731-286-7700	4-Oct
Workforce Essentials	Rhonda Davis	rdavis@workforceessentials.com	731-433-9446	4-Oct
	Donna Dildine	ddildine@workforceessentials.com	731-514-0468	4-Oct
	Kristen Havener	khavener@workforceessentials.com	731-334-5110	4-Oct
	Shelia Gilliland	sgilliland@workforceessentials.com	731-377-5421	4-Oct
	Jamee Floyd	jfloyd@workforceessentials.com	731-882-4875	4-Oct
	Jessica Jones-Young	jyoung@workforceessentials.com	731-434-9859	4-Oct
Title III	Dayton Roberts	dayton.roberts@tn.gov	731-352-8574	4-Oct
	Rachel Ellis	rachel.ellis@tn.gov	731-352-8572	3-Oct
	LaKeisha Matthews	lakeisha.matthews@tn.gov	731-352-8638	3-Oct
	Clay Cunningham	clay.cunnungham@tn.gov	731-352-8573	4-Oct
	Johnny Polk	johnny.polk@tn.gov	731-660-8187	4-Oct
	Karen Davison	karne.davison@tn.gov	731-660-8186	4-Oct
	Bea Baltimore	delia.baltimore@tn.gov	731-286-7700	3-Oct
	Trudy Kindle	trudy.kindle.tn.gov	731-286-7700	3-Oct
	Dianne Ward	elizabeth.ward@tn.gov	731-286-7700	4-Oct
	Gina Abbott	gina.abbott@tn.gov	731-286-7700	4-Oct
Adult Education	RaSha Higdon	tom.stolarick@gmail.com	731-501-9894	4-Oct
	Tom Stolarick	rashaadulted77@gmail.com	731-415-5892	4-Oct
	Angela Hollingsworth	angela.hollingsworth@wcsk12tn.net	731-044-9135	4-Oct
Vocational Rehab	Sonia Byrd	sonia.byrd@tn.gov	731-286-7700	4-Oct



TBR Policy



Tennessee Board Of Regents Policy Statement

TBR non-harassment and discrimination policies stipulate that:

- The TBR System does not discriminate against students, employees, or applicants for admission or employment on the basis of **race, color, religion, creed, national origin, sex, sexual orientation, gender identity/expression, disability, age, status as a protected veteran, or genetic information.**

Applicable TBR Policies:

- [Equal Employment Opportunity and Affirmative Action- 5:01:02:00](#)
- [Discrimination & Harassment - Complaint & Investigation Procedure : P-080](#)

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Laws Applicable To The Workplace

State and federal laws prohibit discrimination and harassment based on a “protected class” in the workplace and in the education environment.

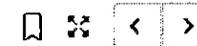
- TN Human Rights Act – State law.
- Title VII of Civil Rights Act of 1964 and Americans with Disabilities Act (ADA), as amended – Federal law.

Protected Classes (Groups)

Protected classes is a characteristic of a person which cannot be targeted for discrimination. Under state and federal laws, these classes include sex, race, color, religion, age (40 and over), national origin, genetic information, disability, and veteran status.

TBR/DSCC policies also cover sexual orientation and gender identity/expression as protected classes.

What is Unlawful Harassment and Discrimination?



Defining Unlawful Harassment And Discrimination

The terms **discrimination** and **harassment** are often used loosely by individuals experiencing tension or conflict in the workplace. However, employees must be able to distinguish between bad behavior that falls under a personnel matter versus that that rises to the level of *unlawful* harassment or discrimination.

These terms are defined as follows:

1. **Discrimination** is conduct that can include a broad spectrum of different treatment directed toward an individual or group of individuals **based on a protected class** that **adversely affects their employment**.
2. **Harassment** is **unwelcome** conduct that is **based on a protected class**. Unwelcome means that the harassing conduct was not solicited or invited and is regarded as undesirable or offensive.

If any employee believes that they have been subjected discrimination or unwelcome harassment should contact their Equity Officer about the situation as soon as possible. The Equity Officer at DSCC is Sheila Gillahan, Director of Human Resources. She may be reached at gillahan@dsc.edu or 286-3316.



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What Is Unwelcome Behavior?

Unwelcome means that the harassing conduct was not solicited or invited and is regarded as undesirable or offensive.

For example, telling off-color jokes concerning race, sex, or disability might be considered unwelcome to an individual.

It is important to note that harassment is subjective. What might be acceptable to one individual might be offensive and unwelcome to another.

An individual **does not** have to verbalize their objection to the behavior in order for it to be **unwelcome**.

Two Basic Types Of Harassment

Prohibited workplace harassment may take one of two forms:

1. "**Quid pro quo**" harassment occurs when employment decisions or treatment are based on submission to or rejection of unwelcome conduct, or
 2. The conduct is **severe** or **pervasive** enough to create a work environment that a reasonable person would consider the same conduct to be intimidating, hostile, or abusive. This would be considered a **hostile work environment**.
-

Quid Pro Quo Harassment

Under "Quid Pro Quo" Harassment:

- The harasser must be in a **position of authority**, and
- The subject of the harassment must participate in the behavior or risk an **adverse employment action** such as termination.

For example, a supervisor requires a direct report to participate in religious activities in order to keep their position with the organization.

What Is Hostile Work Environment?

A hostile environment can result from the **unwelcome** conduct of supervisors, co-workers, outside vendors, contractors, or anyone else with whom the subject of the conduct interacts on the job, and the unwelcome conduct renders the workplace atmosphere **intimidating, hostile, or offensive**.

Examples of behaviors that may contribute to an unlawful hostile environment include:

- Open discussions about sexual activities.
 - Unnecessary touching.
 - Commenting on physical attributes.
 - Displaying sexually suggestive or racially insensitive pictures.
 - Using demeaning or inappropriate terms or epithets.
 - Using crude language.
 - Engaging in hostile physical conduct.
-

When Conduct Creates An *Unlawful* Hostile Work Environment

To constitute *unlawful* harassment, conduct must be **unwelcome** and **based on a protected class**.

When determining if harassment creates a hostile work environment, the conduct must be either:

1. **Severe** - one incident that a reasonable person would consider to be unusually offensive or abusive - i.e., unwelcome physical contact of a sexual nature or
 2. **Pervasive** - small incidents over a period of time - i.e., frequent open conversations in common spaces using derogatory terms about a protected class.
-

Americans With Disabilities Act Of 1990 (ADA)

The ADA protects current and former employees and applicants from discrimination based on disability status.

The ADA considers an employee or job applicant to have a disability based on a number of criteria including if the impairment or condition **substantially limits a major life activity**. Examples of major life activities include, but are not limited to, seeing, hearing, communicating, and concentrating.

Reasonable Accommodations

Employees with actual (or perceived) mental or physical disabilities have the right to be free from discrimination and harassment. An example of this would be denying training to an employee as a result of their disability status.

In addition to being in a work environment that is free from harassing behavior, qualified individuals (i.e., persons otherwise able to perform a job) with disabilities may request **accommodations** to enable them to work.

An accommodation:

1. Must be **reasonable**.
 2. Cannot cause **undue hardship** to the employer or **fundamentally alter the position**.
-

The Interactive Process

The reasonable accommodation process is interactive and requires communication from all parties.

Employees must contact their supervisor or designated department to officially initiate the **interactive process**.

Documentation of the disability may be required in order to receive accommodations; however, all medical documentation is confidential and should be filed separate from personnel files.

Sexual Harassment

Sexual Harassment is any **unwelcome** sexual advance, request for sexual favors, or verbal or physical conduct of a sexual nature that is **severe or pervasive** enough to create a hostile or intimidating environment.

Quid Pro Quo Sexual Harassment - "This For That"

Quid pro quo sexual harassment generally results in a tangible employment decision based upon the employee's acceptance or rejection of unwelcome sexual advances or requests for sexual favors.

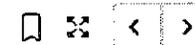
This kind of harassment is committed by a supervisor or someone who can effectively make or recommend formal employment decisions (such as termination, demotion, or denial of promotion) that will affect the victim.

Hostile Environment Based On Sex

Hostile Environment can result from physical contact, verbal comments, non-verbal actions of a sexual nature, or a combination of these. These acts, however, must be unwelcome and reach a level of **severity** or **pervasiveness** in order to be considered sexual harassment.



Examples of Sexual Harassment



What Does It Look Like?

The following is a non-exhaustive list of acts that could be considered sexual harassment:

1. Unsolicited back rubs, neck, or shoulder massages.
2. Cornering, trapping, or blocking another person's path.
3. Remarks about physical characteristics, appearance, or attractiveness.
4. Sexual jokes, comments, or innuendos.
5. Repeated requests for dates.
6. Displays of sexually explicit or graphic content.
7. Unwanted personal gifts or attention.
8. Sexual emails, texts, or posts on social media.

If any employee believes that they have been subjected to any of these or similar acts, they should contact their Equity Officer about the situation as soon as possible. The Equity Officer at DSCC is Sheila Gillahan, Director of Human Resources. She may be reached at gillahan@dsc.edu or 286-3316.

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What Is Title VI?

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on **race, color, religion, sex, and national origin** in any program that receives **federal financial assistance**. This includes state agencies and educational institutions

TBR has two general guidelines related to compliance with Title VI:

- [G-125: Process for Filing Title VI Complaints](#)
 - [G-130: Limited English Proficiency](#)
-

How Does It Apply To DSCC?

Generally, DSCC employees might encounter potential issues in the provision of services to the public, such as community-based educational or support programs.

Student claims of harassment or discrimination based on race, color, religion, sex, or national origin would fall under Title VI. However, **workplace** claims of harassment or discrimination would *mostly likely* fall under Title VII as opposed to Title VI.

Examples of prohibited behaviors based on **race, color, religion, sex, or national origin** include:

- Denying benefits.
 - Restricting participation.
 - Providing services in a different manner.
 - Restricting service to particular times for groups.
-

What Is Limited English Proficiency?

Title VI requires entities to provide meaningful access to programs, activities, and services to individuals that have Limited English Proficiency ("LEP").

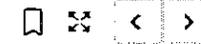
- LEP individuals do not speak English as their primary language and have a limited ability to communicate in English.

LEP individuals cannot be denied or provided with a lesser form of service because of an inability to understand English. (i.e. – providing service only one day a week for specific language speakers).

The DSCC Human Resources Office and the Student Services Office have contact information to aid an individual who has a limited ability to communicate in English. Please contact Sheila Gillahan (286-3316) or Larenda Fultz (286-3234) if you are aware of an individual who needs assistance.



Filing a Complaint



How To File A Complaint

Employees who feel harassed, or are aware of potential incidents of harassment, **do not have to confront the harasser in order to file a complaint!** If an individual does not feel safe doing so, they can report the harassment to any supervisor or to one of the following individuals:

Director of Human Resources/Title IX Coordinator

Ms. Sheila Gillahan
1510 Lake Road
Dyersburg, TN 38024
Eller Administration Building - Room 231
gillahan@dscce.edu
731-286-3316

Dean of Student Services

Ms. Larenda Fultz
1510 Lake Road
Dyersburg, TN 38024
Dyersburg Campus
Student Center - Room 123
fultz@dscce.edu
731-286-3234

Under the policy, supervisors are **required** to report complaints harassment and discrimination. These reports cannot be kept private or confidential.

Complaints must be brought within **365 days** of the last date of the alleged discriminatory act/behavior. However, please note that complaints that fall under Title VI must be filed within **180 days**.

DSCC Policy: 06:07:02:03 - Discrimination and Harassment - Complaint and Investigation Procedure

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The Investigative Process

The investigative process typically includes:

- Interviews with the party bringing the complaint and the accused.
- Relevant individuals who may have knowledge of the alleged harassment.
- Review of other evidence such as documentation (i.e., emails, text messages, etc.).

An investigation requires disclosing facts on a need-to-know basis; therefore, **confidentially cannot be guaranteed**. Complaining parties should understand that information will be disclosed only on a need-to-know basis with appropriate parties, but complete confidentiality cannot be promised.

The policy allows **sixty (60) calendar days** for investigation and resolution of a complaint; however, there can be an extension beyond this limit if there are issues such as difficulty reaching witnesses or the complexity of the complaint.

Informal Resolution

The policy allows that, at any point during the investigative process, the parties in the complaint may agree to attempt to informally resolve the complaint. **Both** parties must agree to attempt informal resolution and **either** party can end the process at any time. If informal resolution is attempted and not successful, the investigation will resume.

What Is Retaliation?

Federal and state laws, as well as TBR and DSCC policies, **strictly prohibit retaliation** in any way against an individual for reporting harassment or participating in an investigation of harassment. In fact, individuals can be held liable for retaliation even if an investigation showed that harassment did not occur.

Retaliation includes any **adverse action** taken against an employee for **filing a complaint or participating in a harassment or discrimination investigation**.

Acts of retaliation can lead to disciplinary action up to, and including, termination.

Who Must Follow TBR and DSCC Policies

All DSCC employees, students, and applicants for admission or employment are covered by the harassment and discrimination policy and are required to follow the provisions of the policy.

Supervisors, managers, and administrators must follow and enforce these policies. These individuals are also accountable for harassment and discrimination that **they knew, or should have known has/had taken place.**

Employees and students also do not have to tolerate harassment by visitors, contractors, or hosts for a program associated with DSCC. Even if the individual is a not an employee of DSCC does not remove DSCC's obligation to ensure an environment free from harassment and discrimination.

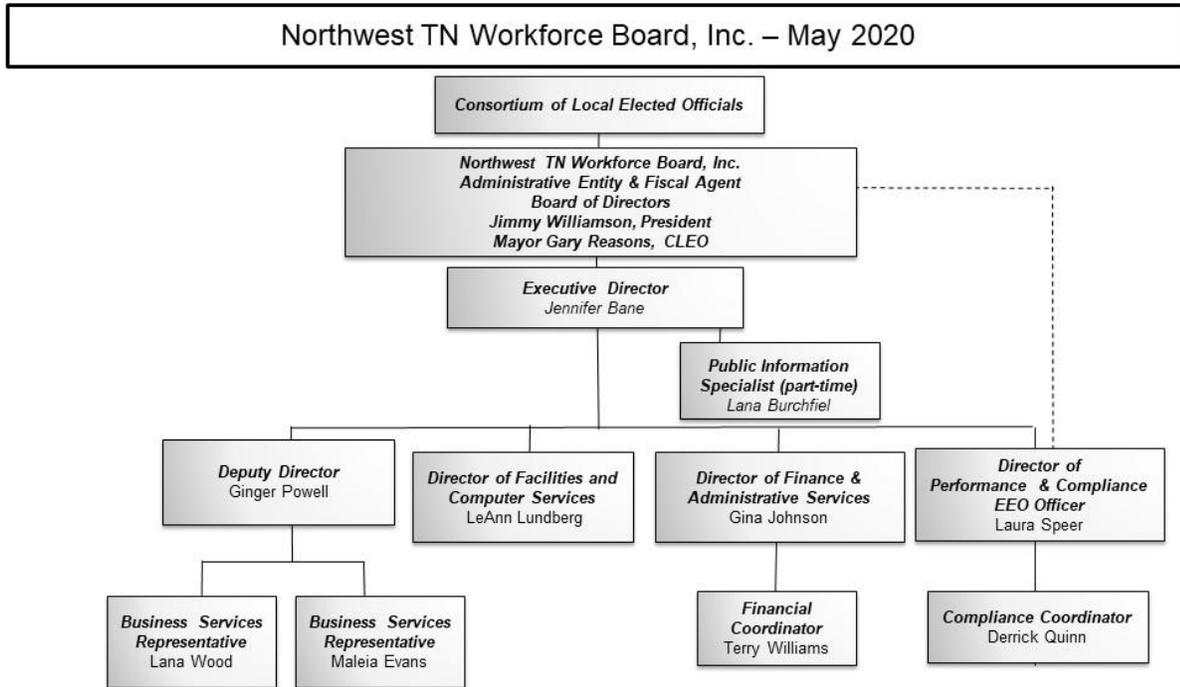
What You Need To Remember About Workplace Harassment

- Members of the same protected class can harass individuals in that same protected class. It's the behavior that counts—not the protected class of the participants.
 - A person can feel harassed even if they are not the intended target of the behavior.
 - While not all harassing behavior meets the standard of illegal conduct, any workplace harassment is inappropriate and **should not be tolerated**.
-

Tools For A Respectful Workplace

- THINK BEFORE YOU SPEAK!
 - Do not mix personal and professional communications which can lead to misinterpretations.
 - Do not touch anyone without their permission.
 - Consider how you would react if the same behavior were directed toward your spouse, significant other, or family member.
 - Avoid behavior that demeans, degrades, abuses, or shows disrespect to any individual.
 - Recognize that the same remarks or gestures that seem acceptable to some people may be embarrassing, offensive, or unwanted by others.
 - Ask yourself how you would feel if your behavior were captured on video, reported in print, or highlighted on the nightly news.
 - Seek assistance promptly if you are the target of or observe behavior that you believe qualifies as harassment.
 - Respect everyone!
-

H. Organizational Chart



**Grant Agreement between the Delta Regional Authority and
for Project # RW-0363**

Project Name: EARN\$TN- Expanding Apprenticeships in Rural Northwest TN
State: Tennessee
Federal Agency or Other Recognized Service (EIN #): Northwest Tennessee
Workforce Board, Inc. (45-3853000)
Grant Amount: \$150,000.00

The Following Conditions Apply to all DRA Projects

- Order of Precedence:** This Agreement is subject to the provisions of the Delta Regional Authority Act, the Delta Regional Authority Code, Administrative Requirements for Grants Awarded by the Delta Regional Authority and this Agreement as well as incorporated supplements, if any. Any conflict among these provisions shall be resolved giving precedence to these authorities in the order which they are listed in. The grantee acknowledges that no such provisions or any interpretations thereof shall be deemed to diminish the rights of DRA. DRA may at its option exhaust its remedies hereunder and under other documents, either concurrently or independently, and in such order as it may determine.
- Deadline:** The Authority may revoke or revise its approval of any project if work intended to be assisted is not underway within 18 months after the date of this Agreement.
- Grantee's Compliance to all laws and regulations:** The grantee shall comply fully with all laws and regulations. Specifically, the grantee shall protect his or her employees under all such laws, and regulations including, but not limited to, Executive Order 11246, Sections 503 and 504 of the Rehabilitation Act of 1973, Title VI and VII of the Civil Rights Act of 1963, The Family and Medical Leave of 1993, and applicable workers' compensation laws of the grantee's state.
- DRA Under Run Policy:** If the project contains only DRA funds, (and a non-federal share, where applicable), the DRA funds shall be returned to the DRA in the event of an under run. If the project contains both DRA funds and another agency funds, the funds shall be returned proportionately.
- Additional Funds:** It is understood that if the grantee receives additional funding from any new source towards the eligible cost of this project after DRA approval, these funding sources shall not be used to reduce the amount of local funds pledged. If new funds are available to this project, the DRA and the basic federal agency, if any, should be notified immediately as the DRA reserves the right to reconsider the level of its funding approval should this occur. In affirming this award, the grantee certifies that the additional funds are committed and available as needed for the project and that the additional

Additional Funds Cont.:	funds will not affect ownership of, or title to, the project facilities. If the additional funds are de-committed for whatever reason, DRA reserves the right to demand return of all grant proceeds.
Change in Scope:	It is understood that a change in scope should not be implemented without prior written approval from DRA and the basic federal agency, if any. A change of scope includes, but is not limited to, the project design, the type of project to be completed, capacity of the system, size of project, the number and/or type of customers served or equipment items or other property purchased.
Close Working Relationship with Administering Agency:	Pursuant to the Delta Regional Authority Act, it is expressly understood that the intent of this Agreement is that the grantee must work in conjunction and closely with the administering agency, if any, and follow bidding and contract award procedures to insure that all pertinent federal laws are complied with. Coordination with the administering agency begins with the filing of an application and continues throughout the project until completed.
Restrictions on Assistance:	DRA funds should not be used for any form of assistance to relocate industries within the Delta Region; recruitment activities which place a Delta state in competition with another Delta state; and projects to promote unfair competition between businesses within the Delta Region.
Project Account:	All DRA funds must be placed in a separate project account in the grantee's name with copies of all bank statements produced to DRA with the quarterly reports.
Bonding or Insurance:	The Grantee must provide evidence of adequate insurance and fidelity or employee dishonesty bond coverage.
Audit:	Audit requirements only apply to the year(s) in which the Agency grant funds are expended. Grantees expending \$750,000 or more of Federal assistance per year must provide an annual audit in accordance with 2 CFR 200.501. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in § 200.503. Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the DRA, administering agency, pass-through entity, and General Accounting Office.
Interest:	The Grantee will remit interest earned on grant funds deposited in an interest bearing account in accordance with 2 CFR 200.306

- Cost Incurred Prior to Approval:** Prior to the initial disbursement of grant funds, the grantee shall provide acceptable documentation to the Authority for costs incurred prior to the award to determine their eligibility in accordance with the requirements of the costs principles contained in 2 CFR 200 Subpart E. DRA reserves the right to deny all costs incurred prior to the award of this grant.
- Quarterly Report:** Quarterly reports are due to the DRA on the 15th of the month following each calendar quarter, executed by the proper signatory. It is the responsibility of the grantee, not the administering agency, to write a complete report and timely send the same to the DRA central office. A delinquent quarterly report will result in the withholding of funding requests.
- Final Report:** Within one month after the period of performance, the grantee shall prepare and submit to DRA for approval a final report of all work accomplished under this grant including recommendations and conclusions based on the experience and results obtained. After DRA's review of the final report, DRA will either return to the grantee the approved report with such comments, including any requirements, suggestions, or modifications as deemed necessary, or require resubmission of the final report if deemed necessary, in which case the grantee shall within 15 days submit another final report for review and comment.
- Budget:** Costs will be determined in general accord with the budget produced in the grantee's application subject to the terms of this Agreement and to pertinent DRA Code provisions.
- Hold Harmless:** Grantee will carry out the program under this Agreement as an independent contractor and not as an agent of the Authority. Grantee assumes sole and complete responsibility for the conduct of the program in such a manner as to assure the safety and welfare of all persons participating in or any way involved in, affected by, any activities conducted under this Agreement. The Authority, by its provision of funds for this project, undertakes no responsibility in this regard. Grantee shall indemnify and save harmless the Authority, its agents, officers and employees, from and against any and all claims, demands, suits, judgments, settlements, etc., for sums of money for or on account of personal injuries, property damage, or loss of life or property of any persons arising from or in any way connected with the performance of the project covered by this Agreement. Further, the grantee expressly releases the DRA from any liability for any losses or damages suffered by grantee, directly or indirectly, from or in any way connected with the performance of this Agreement.
- Subcontracting:** The grantee shall not enter into subcontracts for any of the work contemplated under this Agreement without obtaining the prior written

Subcontracting Cont.:	approval from the Authority, and subject to the conditions and provisions as the Authority may deem necessary, to protect the interests of the Authority. Provided, however, that notwithstanding the foregoing unless otherwise provided herein, such prior written approval shall not be required for the purchase by the grantee of articles, supplies, equipment and services which are both necessary for and merely incidental to the performance of the work required under this Agreement. Provided, further, however, that no provision of this article and no such approval by the Authority of any subcontract shall be deemed in any event or in any manner to provide for the incurrence of any obligation by the Authority in addition to the total amount and the Authority shall not be responsible for the fulfillment of the grantee's obligations to the subcontractors. Provided, further, that no subcontracting shall be deemed to relieve the grantee of any obligations under this Agreement.
Project Personnel:	The Authority reserves the right to approve or disapprove the selection or continued participation of any personnel supported with the funds made available under this Agreement.
Suspension/ Termination/ Collection:	The DRA shall have the right, upon written notice to the grantee, to suspend or terminate this Agreement for cause, whenever the Federal Co-Chairman determines there is reasonable basis to believe there has been malfeasance, embezzlement, misappropriation, unauthorized application of federal funds or material false statement in the conduct of this Agreement or any other DRA grant agreement and begin collection proceedings by unilateral election. This Grant Agreement may also be terminated and/or suspended for a violation of any law, rule, and/or regulation of DRA or other applicable laws.
Termination for Convenience:	The DRA may, by written notice to the grantee, terminate this Agreement in whole or in part for convenience of the Authority, whenever the DRA determines that such action is in its best interest. If this Agreement is so terminated, the rights, duties and obligations of the parties, including compensation of the grantee, shall be in accordance with Part 49 of the Federal Acquisition Regulation in effect on the date of this Agreement and such regulations are incorporated by reference as part of this Agreement.
Cornerstone, Plaque or Sign:	Any facility constructed in whole or in part by the funds provided under the DRA shall include a cornerstone, plaque or sign appropriately acknowledging the assistance provided through the DRA program; provided that such an item not be required if it would be prohibited as an eligible project cost under the basic federal program through which the DRA assistance is provided.
Retention of Rights:	Title to the equipment purchased with the grant funds resides with the grantee and assignees and successors approved by the DRA, but the

Retention of Rights
Cont.: equipment must be accounted for during and after the end of the project period. Accountability may be satisfied by continued use during its useful life in the same or other projects related to objectives of the DRA, as approved by the DRA. If the equipment is disposed of or transferred during its useful life to a use outside the scope of the DRA objectives, an amount equal to the resale value or the value of the DRA share at the time of disposal must be deposited in the grant account if still open, or the federal share must be refunded to the DRA or a DRA-designated successor. DRA reserves the right to transfer such equipment, leased or purchased with funds under this Agreement, no longer used primarily for the purposes for which it is dedicated under applicable provisions of this Agreement. It shall be the grantee's responsibility to monitor all use to ascertain that all such equipment is being used primarily for the purpose outlined in the grant application. Grantee may propose to DRA that the equipment be transferred to another agency or entity which could utilize it for the purposes outlined in this Agreement. Such transfers shall be subject to prior approval by DRA personnel and to the reservation of the rights in this Article.

Evidence of Good
Title: Prior to the initial disbursement of the funds by the Authority, the grantee shall provide evidence satisfactory to the Authority that the grantee has acquired good and merchantable title, free of all mortgages or other foreclosable liens, or title equivalent to all land, right-of-way, and easements necessary for the completion of the project, or the long-term leasehold interest, except when mortgage waiver has been granted by the Authority. Grantee certifies that no person, firm, corporation, agency, or governmental authority other than grantee has or has asserted any right, title, claim, equity or interest in, to or respecting the Project and that no person, firm, corporation, agency, or governmental authority other than the grantee has or has asserted any right, title, claim, equity or interest in, to, or respecting the Project.

Security
Agreement-
Machinery and
Equipment: The grantee expressly agrees to grant the Authority, prior to the initial disbursements, a security interest or other statement of Authority's interest in the personal property purchased in whole or in part with any of the proceeds of this award. Such security interest or other statement must be acceptable in form and substance to the Authority and must be perfected and placed of record in accordance with local law, with continuances refilled as appropriate. The grantee also agrees that, subject to the Authority's approval, the trade-in or selling of the personal property originally acquired for the project in order to acquire replacement personal property of equal or greater value to be used for the project is subject to the same requirements as the original property.

Recorded
Statement: The grantee expressly agrees to grant to the Authority, prior to initial grant disbursement, a first priority unsubordinated lien against, covenant or other statement of the Authority's interest in the property acquired or improved in

Recorded Statement Cont.:	whole or in part with the funds made available under this award. The <u>statement</u> shall specify in years the estimated useful life of the project and shall include, but be limited to, disposition and encumbrance. The statement shall be satisfactory in form and substance to the Authority. The statement of the Authority's interest must be perfected and placed of record and real property records of the jurisdiction of which the property is located, all in accordance with local law. The Authority will in its own discretion determine whether the lien, covenant or statement of interests satisfactory, and the Authority may require an opinion of terms, and has been expressly recorded. Facilities in which the Authority investment is only a small part of a large project, as determined by the Authority, may be exempted from the requirements from this section.
Operation and Maintenance Agreement:	If the grantee will not operate and maintain the project, then prior to the initial disbursement, the grantee shall provide to the Authority an executed copy of an agreement with the party responsible for the operation and maintenance of the project. Such agreement must be consistent with the Authority policies including, but not limited to, non-discrimination, environmental requirements, and adequate consideration. The agreement must also set forth that prior to occupancy, the occupant of any part of the land acquired or approved by this project must furnish to the grantee, for transmittal to DRA, properly executed DRA forms evidencing assurance of compliance with all applicable requirements.
Project Start and Ending Dates:	The project start date shall be the date of the execution of this Agreement. The project end date shall be determined by the dates set forth in Section 17 of the Standard Form 424. All requests for extension of the Project End Date must be requested in writing with an explanation of the need of the extension.
Financial Procedure:	The grant proceeds will be administered in accordance with generally accepted financial accounting procedures and standards. Should the grantee fail to follow such procedures and standards, DRA reserves the right to collect, suspend, terminate, and/or collect said funds as referenced herein.
Certification Regarding Lobbying:	The grantee certifies that no federal appropriated funds have been paid, or will be paid, by or on behalf of the grantee to any person or any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress, in connection with the awarding of this grant and the entering into of any and all agreements to effectuate this transaction. The grantee further agrees to comply with applicable statutory provisions prohibiting use of Federal assistance funds activities designed to influence any legislation or appropriations except through proper, official channels.
Return of Grant Proceeds:	The grantee acknowledges that all grant proceeds, until they are spent for the purposes of the grant and in accordance with the grant application and

Return of Grant Proceeds Cont.:	this Agreement, shall remain the property of DRA and, if not expended for the purposes of the grant and in accordance with the grant application and this Agreement, will be returned to DRA within 30 days after the final date on which the grant proceeds were scheduled to be spent under the terms of the grant application and this Agreement.
Licenses and Permits:	The grantee and its employees, agents, and advisors, and not DRA, are responsible for obtaining necessary licenses and permits, if any, for insuring that all aspects of the project comply with all applicable statutes, regulations, ordinance, and codes, and for all costs of the project in excess of the amount of the approved grant.
Notices:	Any notice shall be conclusively deemed to have been received by a party hereto and be effective on the earlier of the day on which delivered to such party or on the third business day after the day on which mailed, addressed to such party. Such notice to DRA shall be sent to its central office address of 236 Sharkey Avenue, Suite 400, Clarksdale, Mississippi 38614. Any notice to the grantee shall be sent to the address set forth in the grant application.
Waiver/Cumulative Remedies:	Neither any failure nor any delay on the part of DRA or any administering agencies in exercising any right, power or privilege hereunder or under the laws of the applicable jurisdiction shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise of any other right, power or privilege. No modification, amendment or waiver of any provision of this Agreement or other documents, nor consent to any departure by the grantee or any other person therefrom shall in any event be effective unless the same shall be in writing and signed by DRA and then such waiver or consent shall be effective only in the specific instance and for the specific purpose which given. No notice to or demand on the grantee or any other person in any case shall entitle such person to any other or further notice or demand in the same, similar, or other circumstances. Any remedies herein provided are cumulative and not exclusive of any remedies provided by law or of any remedies provided by any other document.
General Procedures:	All DRA grants shall be administered as follows: grants to state and local governments, in accord with OMB Circulars A-102 and A-87; grants to hospitals and other non-profit organizations, in accord with OMB Circulars A-110 and A-122; grants to higher educational institutions, in accord with OMB Circular A-110 and A-21; and other Federal regulations as applicable. The General Provisions hereof shall be applicable to DRA, its employees, representatives, agents, successors and/or assigns. The documentation in support of each action in the accounting records shall be filed in such a manner that it can be readily located. Grantee shall maintain custody of time records, payrolls, and any other records as appropriate to

General Procedures Cont.:	substantiate all services reported to DRA and/or the administering agency, if any.
Contracting Procedures:	In contracting for services and/or purchasing equipment under this Agreement, grantee shall assure that (1) all contracting shall be at prices and on terms most advantageous to the grantee and to the project; and (2) all interested parties shall have a full and fair chance at doing business with the grantee. Grantee shall arrange for all contracting through competitive bidding, or, if permitted by state law, other negotiating and contracting procedures that will assure compliance with (1) and (2) above.
Coordination and Non-Duplication:	In carrying out the project under this Agreement, grantee shall assure that the planning, design work and implementation of activities are coordinated with the activities conducted by the grantee under other related DRA grants, if any, and shall assure that there shall be no duplication of effort or funding under this Agreement of any work or payments under those grants.
Compliance with Applicable laws:	Grantee shall assure that all provisions of applicable federal, state, and local laws shall be complied with in the conduct of activities under this Grant Agreement. The DRA reserves the right to suspend or terminate this Agreement in the event that applicable federal, state, and local laws and regulations are not complied with. Such right shall not be exclusive and does not affect rights and remedies provided elsewhere by law, regulation, or agreement.
Progress Payments:	Grantee may receive progress payments on the basis of worked performed. DRA and the administering agency, if any, must concur as to the reasonableness of costs upon review of the submitted Form SF 270 (Request for Advance or Reimbursement). DRA and/or the administering agency, if any, reserves the right to determine that the requirements of this Agreement are being met before making such payments.
Advance Payments:	Grantee may receive advances of funds, in amounts sufficient to meet scheduled payroll costs and other related costs, including payments to subcontractors on the following basis: (a) grantee's certification that a firm commitment has been obtained from each employee appointed under this Agreement, or that firm, formal subcontracts have been executed which will require payments for goods and services to be delivered during the period for which advance is sought; (b) upon submission of Form SF 270 (Request for Advance or Reimbursement) and on the basis of the costs estimates approved by the DRA and/or administering agency, if any; and (c) grantee's certification that any previous advance has been exhausted (if previous advance has not been exhausted, this remainder must be used to meet scheduled expenses payable during the next period).

Disbursements:	All disbursements shall be for obligations incurred, after the effective date, in the performance of this Agreement, and shall be supported by contracts, invoices, vouchers and other data, as appropriate, evidencing the disbursements. DRA will make disbursements in proportion to DRA's percentage of the project budget.
EIN and DRA Project Numbers:	All payment requests must show the nine digit taxpayer identification numbers assigned by the Internal Revenue Service and the project number assigned to this project by DRA.
Rebates and Discharges from Liability:	Grantee agrees that any refunds, rebates or credits, or other amounts (including interest earned thereon) received by the grantee shall be paid to DRA to the extent that they are properly allocable to costs for which the grantee has been reimbursed. Grantee will, when requested, assign such amounts to DRA and execute such releases as may be appropriate to discharge the Authority, its officers and agents from liabilities arising out of this Agreement.
Official not to Benefit:	No member or delegate to Congress, or resident Commissioner, shall be admitted to any part of this Agreement, or any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with an incorporated entity for its general benefit.
Covenant Against Contingent Fees:	The grantee warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees of bona fide established commercial or selling agencies maintained by the grantee for the purpose of securing business. For breach or violation of this warranty the Authority shall have the right to annul this Agreement without liability or in its discretion to deduct from the grant amount or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.
Certification Regarding Debarment:	Grantee certifies that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any federal department or agency.
Fraud:	The grantee certifies that it has not within a three year period preceding the submission of the grant application been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public, whether it be federal, state, or local, transaction or contract under a public transaction or violated federal or state anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

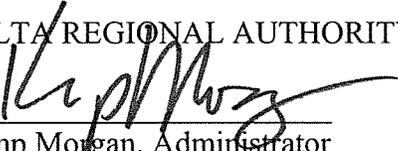
Indicted:	The grantee certifies that it is not presently indicted for or otherwise criminally or civilly charged by a government entity, whether federal, state, or local, with commission of any offenses.
Termination of Public Transaction:	The grantee certifies that it is not within a three year period preceding this grant application had one or more public transactions, federal, state, or local, terminated for cause or default.
Conflicts of Interests:	The grantee certifies that it has not violated the provisions of 7 U.S.C. 2009aa(1)(i) dealing with the conflicts of interest statute of the Delta Regional Authority Act.
Certification Regarding Drug-Free Work Place:	The grantee certifies that it will provide a drug free workplace.
Errors and Omissions/ Compliance Agreement:	The grantee agrees to fully cooperate and adjust for clerical errors or omissions in executing any of the documents in connection with this grant within 30 days from the date of mailing said request.
Basic Agency:	If the servicing of this grant is transferred to a Basic Agency, the grantee shall be responsible for all fees, expenses, or other charges for such servicing which will be paid from the grant funds by DRA.
Percentage Payments:	If the project budget is funded by any other source towards the eligible cost of this project, DRA shall only pay a percentage of the bill, contract, invoice, or voucher presented. This amount shall be equal to the percentage of DRA's funds to the overall project.
Free and Clear of Liens:	The grantee will keep the project free and clear of any liens, adverse claims, security interest, other charges and/or encumbrances.
Certifications Regarding Real Property:	The grantee certifies that real property involved in this project, if any, is in compliance with all zoning, subdivision, land use, redevelopment, energy, environmental protection, and planning and building laws, rules, and regulations, and other government requirements or restrictions applicable to construction, current and intended operation, current and intended use, maintenance, and/or occupancy of the Property. The grantee further certifies that all licenses, permits, certificates, and other consents required for occupancy of the real property in its current and intended operations have been obtained and are in good standing.
Illegal Aliens:	The grantee certifies that it is not in violation of the Federal Immigration and Nationality Act set-forth in 8 U.S.C. 1324 whereby it is unlawful to hire an alien, to recruit an alien, or to refer an illegal alien for a fee,

Illegal Aliens Cont.: knowing the illegal alien is unauthorized to work in the United States. The grantee further certifies that it has complied with all employment eligibility verification requirements, which include examination of identity documents and completion of Form I-9 for every employee hired.

Conveyance: The grantee represents and warrants that it shall not convey, transfer or assign any/or all of its interest in and to the project.

The grantee affirms this grant and the statements and documents produced in the accompanying grant application. By executing this Grant Agreement with DRA, the grantee adopts and ratifies all statements, representations, warranties, covenants, and materials it has submitted to DRA, consents to the grant, and agrees to all terms and conditions of this Grant Agreement.

PLEASE SIGN AND DATE IN BLUE INK.

DELTA REGIONAL AUTHORITY

Kemp Morgan, Administrator
Federal Project Development and Management

12/9/19
Date

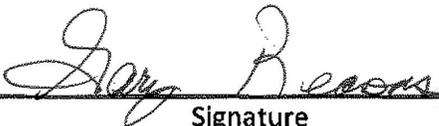

Jennifer Bane, Executive Director
Northwest Tennessee Workforce
Board, Inc.

10/29/19
Date

NORTHWEST SIGNATURE PAGE

The Northwest Local Plan and the Regional Plan for the West Tennessee region is submitted in accordance with the provisions of the Workforce Innovation and Opportunity Act. We further certify that we will operate our Workforce Development Act Program in accordance with the plans and applicable federal and state laws and regulations.

<p>Workforce Development Board Chair</p> <p> Signature</p> <p><i>Jimmy Williamson</i> Chair</p> <p>6/10/2020 Date</p>

<p>Chief Local Elected Official</p> <p> Signature</p> <p><i>Mayor Gary Reasons</i> Chief Local Elected Official</p> <p>6/10/2020 Date</p>
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