

**MISSISSIPPI**  
**Policy Number 2, Revision 3**  
**LOCAL WORKFORCE INVESTMENT BOARD APPOINTMENT**  
**AND CERTIFICATION POLICY**  
**Workforce Investment Act**  
**Office of Grant Management**

**I. SCOPE AND PURPOSE**

Section 117 of the Workforce Investment Act (WIA) requires the establishment of a Local Workforce Investment Board. According to subsection (c), the Governor shall certify a local board if the Governor determines that its composition and appointments are consistent with the provisions of Section 117(b) and, for a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures. The purpose of this policy is to provide local workforce investment area chief elected officials with the specific requirements and standards for nomination, appointment and certification of Local Workforce Investment Boards in the State of Mississippi.

All Local Workforce Investment Boards (LWIBs) shall comply with Federal, State and local conflict of interest requirements including opinions issued by the Mississippi Ethics Commission. Ethics Commission Advisory Opinion 04-076-E, issued on October 4, 2004, forbids LWIB members from having an interest in funds subject to LWIB oversight. Change 2 incorporates that opinion's requirements into Section II.F. of this policy.

**II. REQUIREMENTS**

**A. APPOINTMENT**

**1. SINGLE CHIEF ELECTED OFFICIAL**

According to the WIA, Section 117(c)(1)(A), the chief elected official in a local area is authorized to appoint the members of the local board.

**2. MULTIPLE UNITS OF LOCAL GOVERNMENT IN AREA**

a. According to the Act, Section 117(c)(1)(B), in a case in which a local area includes more than one unit of general local government, the chief elected officials of such units may execute an agreement that specifies the respective roles of the individual chief elected officials:

- (1) In the appointment of the members of the local board from the individuals nominated or recommended; and
- (2) In carrying out any other responsibilities.

State law permits local governmental units to enter into agreements and prescribes minimum requirements and the approval process. Therefore, multiple units of general local government must execute an agreement in accordance with the WIA and either Cooperative Service Districts, Section 19-3-101- through 19-3-115, *Mississippi Code of 1972* or the Inter-local Cooperation Act of 1974, Sections 17-13-1 through 17-13-17 of *the Mississippi Code of 1972* as amended.

b. Lack of Agreement

The Act, Section 117(c)(1)(B)(ii), prescribes that if, after a reasonable effort, the chief elected officials are unable to reach agreement, the Governor may appoint the members of the local board from individuals so nominated or recommended.

B. COMPOSITION

1. REPRESENTATIVES OF BUSINESS

a. Requirements of Section 117(b)(2)(A) and (B) of the Act

The local board shall include representatives of business in the local area, who:

- (1) Are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policy-making or hiring authority;
- (2) Represent businesses with employment opportunities that reflect the employment opportunities of the local area;
- (3) Are appointed from among individuals nominated by local business organizations and business trade associations; and

(4) Make up a majority of the local board.

b. State Requirements and Recommendations

(1) The local board is encouraged to include representatives of business in the local area who represent diverse businesses from throughout the area and employ individuals.

(2) The chief elected official is encouraged to consider business representative nominees who serve or have served on a District Workforce Development Council established pursuant to the Mississippi Comprehensive Workforce Training and Education Consolidation Act of 2004.

2. REPRESENTATIVES OF LOCAL EDUCATIONAL ENTITIES

a. To comply with 20 CFR Section 661.315(a), the local board shall include at least two representatives of local educational entities. Also, special consideration must be given to representatives of local educational agencies, local school boards, and entities providing adult education and literacy activities, and postsecondary educational institutions (including representatives of community colleges, where such entities exist) in the selection of members representing educational entities. These members must be selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing such local educational entities.

b. The nomination requirements for educational representatives described above must be met even if a one-stop partner is selected as an educational representative.

3. REPRESENTATIVES OF LABOR ORGANIZATIONS

a. According to 20 CFR 661.315(a), the local board shall include at least two representatives of labor organizations for a local area in which employees are represented by labor organizations.

- b. According to Section 117(b) (2)(A)(iii) of the Act and 20 CFR 661.315(e), these representatives must be nominated by local labor federations or, for a local area in which no employees are represented by such organizations, other representatives of employees.

4. REPRESENTATIVES OF COMMUNITY-BASED ORGANIZATIONS

- a. According to 20 CFR 661.315(a), the local board shall include at least two representatives of community-based organizations. Also, special consideration must be given to organizations representing individuals with disabilities and veterans, for a local area in which such organizations are present, in the selection of members representing community based organizations.
- b. The chief elected official is encouraged to solicit nominations from a wide variety of community-based organizations.
- c. The chief elected official is encouraged to appoint community-based organization representatives from organizations that serve a large portion of the workforce investment area.

5. REPRESENTATIVES OF ECONOMIC DEVELOPMENT

- a. According to 20 CFR 661.315(a), the local board shall include at least two representatives of economic development agencies. Also, special consideration must be given to private sector economic development entities in the selection of members representing economic development entities.
- b. The chief elected official is encouraged to solicit nominations from economic development organizations.
- c. The chief elected official is encouraged to appoint economic development representatives from agencies that serve a large portion of the workforce investment area and that represent the diverse aspects of the local economy.

6. REPRESENTATIVES OF ONE-STOP PARTNERS

- a. According to 20 CFR 661.315(a), the local board shall include at least one representative from each of the following one-stop partners where applicable:
  - (1) Programs authorized under the Workforce Investment Act;
  - (2) Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);
  - (3) Adult education and literacy activities authorized under title II;
  - (4) Programs authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);
  - (5) Programs authorized under Section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5) (as added by Section 5001 of the Balanced Budget Act of 1997), Welfare-to-Work;
  - (6) Activities authorized under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);
  - (7) Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);
  - (8) Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
  - (9) Activities authorized under Chapter 41 of Title 38, United States Code, Veterans' Programs;
  - (10) Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.);
  - (11) Employment and training activities carried out by the Department of Housing and Urban Development; and
  - (12) Programs authorized under state unemployment compensation laws (in accordance with applicable Federal law).
- b. An entity that administers two or more of the programs and activities carried out by the one-stop partners may be represented on the Local Workforce Investment Board by a single individual.
- c. The chief elected official is encouraged to solicit nominations or recommendations from applicable entities.

- d. The chief elected official may appoint representatives from other one-stop partners if that partner and the Local Workforce Investment Board have negotiated and signed a memorandum of understanding.

7. OTHER INDIVIDUALS

According to 20 CFR 661.315(b), the membership of the local board may include individuals or representatives of other appropriate entities, including entities representing individuals with multiple barriers to employment and other special populations, as determined by the chief elected official.

C. GENERAL MEMBERSHIP PROVISIONS

1. Except for one-stop partners, a Local Workforce Investment Board member may represent only one category of membership.
2. According to 20 CFR 661.315(c), members who represent organizations, agencies or other entities must be individuals with optimum policy making authority within the entities they represent.
3. CHAIRPERSON

As required by Section 117(b)(5) of the WIA, the local board shall elect a chairperson for the local board from among the representatives of business.

D. GENERAL APPOINTMENT PROVISIONS

1. DOCUMENTATION
  - a. All nominations shall be solicited in writing.
  - b. All nominations shall be received in writing.
  - c. Copies of each nomination shall be maintained in an official Local Workforce Investment Board certification file.
2. TERMS

Local Workforce Investment Board members may be appointed for fixed and staggered terms as prescribed by the chief elected official(s).

3. VACANCIES

Any vacancy in the membership of the Local Workforce Investment Board shall be filled in the same manner as the original appointment.

4. REMOVAL

Any member of a Local Workforce Investment Board may be removed for cause in accordance with procedures established by the Local Workforce Investment Board and the chief elected official.

E. LOCAL WORKFORCE INVESTMENT BOARD CERTIFICATION

1. REQUIREMENTS

- a. The Governor shall certify a Local Workforce Investment Board if the Governor determines that the board's composition and appointments are consistent with the provision of Section 117(b) of the Workforce Investment Act. For a second or subsequent certification, the extent to which the local board has ensured that workforce investment activities carried out in the local area have enabled the local area to meet the local performance measures shall be considered.
- b. No newly formed Local Workforce Investment Board shall be convened prior to receipt of written certification from the Governor by the chief elected official.
- c. The Governor shall certify or deny certification within 30 days after the date on which a list of members and necessary supporting documentation are submitted to the Governor.

2. FAILURE TO ACHIEVE CERTIFICATION

Failure of a local board to achieve certification shall result in reappointment and certification of another local board for the local area pursuant to the process described in this policy.

### 3. DOCUMENTATION REQUIREMENTS

#### a. Initial Certification

The chief elected official(s) shall submit a request for Local Workforce Investment Board certification in the event the Local Workforce Investment Area is newly designated by the Governor at a time to be determined by the Governor.

#### b. Biennial Review

The Governor shall certify the Local Workforce Investment Board once every two years.

#### c. Format

Documentation of Local Workforce Investment Board selection for certification purposes shall be provided in accordance with the attached Certification Package and review of local performance versus measures.

#### d. Updates

The chief elected official shall advise the Governor of all appointments, new and replacements, and reappointments to the Local Workforce Investment Board as they occur. Such updates shall include a complete revised Local Workforce Investment Board Roster and a Local Workforce Investment Board Appointee Profile for all affected members. Updates shall be provided to the Governor no later than 30 days following any appointment or reappointment. Updates will be reviewed to ensure that all appointments are made in accordance with the Act.

### 4. MONITORING

The chief elected official shall be responsible for monitoring the Local Workforce Investment Board membership on an annual basis to ensure that all members remain representative of the

geographic and private or public sector for which they were nominated and appointed.

**F. CONFLICT OF INTEREST**

1. No WIB member shall have an interest in funds subject to WIB oversight. A prohibited interest includes, but is not limited to 1) a WIB member whose business receives a contract or subcontract funded in whole or in part by WIA, 2) a WIB member whose business offers training on the Statewide Eligible Training Provider List, and 3) a WIB member who is employed by or who is a director of a nonprofit organization receiving a contract or subcontract subject to WIB oversight. The prohibition lasts for one year after the interested WIB member's term ends.
2. The above listed prohibition is further explained in Mississippi Ethics Commission Advisory Opinion 04-076-E, which states that the ethics violation may not be cured by declaring an interest and declining to vote ("recusal"). The opinion does not extend to WIB members representing the public sector, such as community college and state agency representatives, since these agencies and their representatives do not have a "pecuniary interest" in contracts as determined by Advisory Opinion 85-18-E issued on August 26, 1985.
3. All WIB members having an interest prohibited by Advisory Opinion 04-076-E shall no longer be considered members and shall be replaced forthwith. All WIB certifications shall be contingent upon compliance with this section and with all other Federal, State and local conflict of interest requirements.

**III. EFFECTIVE DATE**

This policy shall be effective immediately upon signature and replaces Policy Number 2, Change 2.

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Wanda Land  
Director  
Office of Grant Management

Date

Attachments: Local Workforce Investment Board Certification Package

**LOCAL WORKFORCE INVESTMENT BOARD (LWIB)  
CERTIFICATION PACKAGE**

- I. Specify the local workforce area name:
- II. Specify the name of the chief elected official(s) who appoints the Local Workforce Investment Board. If the Local Workforce Investment Board was appointed pursuant to an agreement among local units of government, attach a copy of the official agreement.
- III. Identify Local Workforce Investment Board members by representative category:

<b>REPRESENTATIVE CATEGORY</b>	<b>NUMBER</b>
A. BUSINESS	
B. PUBLIC SECTOR	
1. Local Education Entities	
2. Labor Organizations	
3. Community-Based Organizations	
4. Economic Development Agencies	
5. One-Stop Partners	
6. Others	
C. TOTAL	

- IV. Identify local business organizations and business trade associations from which business representative nominations were solicited:
- V. Describe how the business membership represents businesses with employment opportunities that reflect the employment opportunities of the local area.
- VI. Identify the regional or local educational agencies, institutions, or organizations representing local educational entities from which education representative nominations were solicited.
- VII. Identify the local labor federations from which organized labor representatives' nominations were solicited. If no employees in the local area are represented by such organizations, describe how other representatives of employee were selected.

- VIII. Describe the system for terms of member developed by the chief elected official.
- IX. Describe procedures to ensure the timely appointment of local workforce investment board members to fill vacancies.
- X. List all local board appointees/members on the attached roster. Submit a complete appropriate Appointee Profile for each member.
- XI. Assurances

The chief elected official shall provide the following assurances:

- A. Copies of all correspondence soliciting nominations and/or recommendations for local workforce investment board membership are on file and available for review.
- B. Copies of all correspondence nominating or recommending individuals for local workforce investment board membership are on file and available for review.
- C. The local workforce investment board has been established in accordance with Section 117 of the Workforce Investment Act.
- D. The Chairperson of the local workforce investment board shall be elected by the members of the local workforce investment board from members representing the private sector.
- E. All business representatives meet the requirements of Section 117(b)(2)(A)(i) of the Act.

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Signature of the Chief Elected Official

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Name and Title of the Chief Elected Official

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Date

## LOCAL WORKFORCE INVESTMENT BOARD ROSTER

NAME	BUSINESS ADDRESS & TELEPHONE NUMBER	REPRESENTATIVE CATEGORY	TERM	RACE	SEX
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					

(Add pages as necessary.)

**LOCAL WORKFORCE INVESTMENT BOARD ROSTER**  
Instructions

**I. NAME**

List members in alphabetical order, last name, first name and middle initial.

**II. BUSINESS ADDRESS & TELEPHONE NUMBER**

Give the business mailing address and telephone number.

**III. REPRESENTATIVE GROUP**

Indicate appropriate representative group and subgroup:

- A. Business
- B. Local Education Entities
- C. Labor Organizations
- D. Community-Based Organizations
- E. Economic Development Agencies
- F. Other - Specify

**IV. TERM**

Provide the beginning and ending dates for each member's appointed term.

**V. RACE**

Indicate the race (Black, White or Other) of each member.

**VI. SEX**

Indicate the sex (Male or Female) of each member.

## BUSINESS REPRESENTATIVE APPOINTEE PROFILE

- I. NAME:
- II. BUSINESS REPRESENTED:  
TITLE/POSITION:
- III. BUSINESS ADDRESS AND TELEPHONE NUMBER:
- IV. DESCRIPTION OF BUSINESS (Including product, number of employees, employment opportunities):
- V. TERM:  
BEGINNING DATE:  
ENDING DATE:
- VI. RACE:
- VII. SEX:
- VIII. NOMINATED BY:

PUBLIC SECTOR APPOINTEE PROFILE

I. NAME:

II. ORGANIZATION REPRESENTED:

TITLE/POSITION:

III. BUSINESS ADDRESS AND TELEPHONE NUMBER:

IV. ORGANIZATION DESCRIPTION (Check One):

- A. \_\_\_\_\_ LOCAL EDUCATION ENTITY
- B. \_\_\_\_\_ LABOR ORGANIZATION
- C. \_\_\_\_\_ COMMUNITY-BASED ORGANIZATIONS
- D. \_\_\_\_\_ ONE-STOP PARTNER
- E. \_\_\_\_\_ ECONOMIC DEVELOPMENT
- F. \_\_\_\_\_ OTHER-SPECIFY \_\_\_\_\_

V. TERM:

BEGINNING DATE:

ENDING DATE:

VI. RACE:

VII. SEX:

VIII. NOMINATED BY (If Applicable):

**MISSISSIPPI**  
**State Policy Number 3**  
**WIA BOARD OPERATING REQUIREMENTS**  
**Workforce Investment Act**  
**Employment Training Division**

**I. SCOPE AND PURPOSE**

The purpose of this policy is to provide the local elected official boards, Local Workforce Investment Boards (LWIBs), youth councils and other similar public bodies (hereafter referred to as boards/councils) with requirements for conducting open meetings, maintaining open records and filing statements of economic interest according to the Workforce Investment Act (WIA) and state law. The requirements set forth in this policy shall also apply to the State Workforce Investment Board as appropriate.

**II. REQUIREMENTS**

**A. OPEN MEETINGS**

All meetings of the boards/councils supported wholly or in part by WIA funds shall be conducted according to §25-41-1 through 17 of the Mississippi Code, Annotated, as applicable (Attachment A).

The following standards shall apply to all public bodies supported wholly or in part by WIA funds.

1. Bylaws or Operating Procedures

Each board/council shall adopt bylaws or operating procedures to govern the conduct of meetings. Bylaws/operating procedures should make and provide for the enforcement of reasonable rules and regulations to govern the conduct of persons attending the meetings and regulations by which all meetings are to be held.

2. Notice of Meetings

- a. Each board/council shall have procedures in place to describe the public announcement of all meetings. The procedures shall address public notice of emergency meetings.
- b. Each board/council shall, at its first regular or special meeting of the program year, July 1 through June 30, include in its minutes the times and places and the procedures by which all of its meetings are to be held.
- c. For the purpose of WIA meeting notices, public notice shall mean publication in a generally circulated newspaper. Other methods of public notice may be allowed if described and justified in the board/council bylaws/operating procedures.

- d. Each board/council shall maintain documentation of public notice of all meetings in an official file.
- e. The board/council shall provide prior written notification to the Employment Training Division of the date, time and location of all meetings of the board/council in which WIA-related issues may be discussed or decided.

### 3. Telephone Conference Call Meetings

The board/council may meet using telephone conference calls if the following provisions are made:

- a. The conference call meeting is publicly announced according to the standard procedures required by section 1.b. of this policy, and
- b. Accommodations are made for interested parties to attend and hear meeting proceedings.

### 4. Executive Sessions

A board/council may enter into executive session only according to § 25-41-7 of the Mississippi Code.

### 5. Minutes

The board/council shall maintain copies of the minutes of all meetings in an official file. Minutes shall be prepared according to the bylaws/operating procedures and the Open Meetings Law § 25-41-11 of the Mississippi Code.

Minutes for all meetings, whether open, telephone conference call or executive session, shall include, at a minimum, the following:

- a. The members present and absent;
- b. The date, time and place of the meeting;
- c. An accurate recording of any final actions taken at the meeting;
- d. A record, by individual member, of any votes taken; and
- e. Any other information that the body requests be included or reflected in the minutes.

The minutes shall be recorded within a reasonable time not to exceed 30 days after recess or adjournment and shall be open to public inspection during regular business hours.

## B. PUBLIC ACCESS TO PUBLIC RECORDS

Section 25-61-5 of the Mississippi Code states that all public records are public property; therefore, any person has the right to have access to them. Section 25-62-11 of the Mississippi Code explains that some records may be exempted or privileged by law. Each board/council shall comply with all appropriate sections of 25-61-1 through 15 of the Mississippi Code (Attachment B).

## C. CONFLICT OF INTEREST

In regard to conflict of interest, each board/council shall comply with Mississippi State Law (reference Mississippi Code of 1972 Annotated, Title 25-4-105, Attachment C) regarding conflict of interest and Section 111(f) or 117(g) of the Workforce Investment Act.

Mississippi State Law clearly describes those activities and actions that constitute a conflict of interest. For example, the law states that no public servant shall use his position to obtain pecuniary benefit (benefit in the form of money, property, commercial interest or anything else that results in economic gain) for himself other than compensation provided for by law or to obtain pecuniary benefit for any relative or any business with which he is associated.

The bylaws/operating procedures for a board/council must state that no member or his representative shall vote on an issue in which he has a direct personal or pecuniary interest. It is the responsibility of the member or his representative to notify the presiding officer at a meeting of the conflict of interest and to abstain from voting. Such abstentions are recorded in the Board minutes.

## D. STATEMENTS OF ECONOMIC INTEREST

Each board/council member shall file a statement of economic interest with the Ethics Commission in accordance with Section 25-4-25 through 29 of the Mississippi Code as appropriate. See Attachment D.

## III. EFFECTIVE DATE

This policy is effective immediately.

Jean Denson, Ph.D., Director  
Employment Training Division

Date

Attachments: A- 25-41-1 through 17  
B- 25-61-1 through 15  
C- 25-4-105  
D- 25-4 - 25 through 29

*Policy Number 3 - Attachment A*  
**Open Meetings Law**

**SEC. 25-41-1. Legislative declaration.**

It being essential to the fundamental philosophy of the American constitutional form of representative government and to the maintenance of a democratic society that public business be performed in an open and public manner, and that citizens be advised of and be aware of the performance of public officials and the deliberations and decisions that go into the making of public policy, it is hereby declared to be the policy of the State of Mississippi that the formation and determination of public policy is public business and shall be conducted at open meetings except as otherwise provided herein.

**SOURCES:** Laws, 1975, ch. 481, Sec. 1, eff from and after January 1, 1976.

**SEC. 25-41-3. Definitions.**

For purposes of this chapter, the following words shall have the meaning ascribed herein, to-wit:

(a) "Public body" shall mean: (i) any executive or administrative board, commission, authority, council, department, agency, bureau or any other policymaking entity, or committee thereof, of the State of Mississippi, or any political subdivision or municipal corporation of the state, whether such entity be created by statute or executive order, which is supported wholly or in part by public funds or expends public funds, and (ii) any standing, interim or special committee of the Mississippi Legislature. There shall be exempted from the provisions of this chapter the judiciary, including all jury deliberations, public and private hospital staffs, public and private hospital boards and committees thereof, law enforcement officials, the military, the State Probation and Parole Board, the Workers' Compensation Commission, legislative subcommittees and legislative conference committees, and license revocation, suspension and disciplinary proceedings held by the Mississippi State Board of Dental Examiners.

(b) "Meeting" shall mean an assemblage of members of a public body at which official acts may be taken upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

**SOURCES:** Laws, 1975, ch. 481, Sec. 2; 1991, ch. 483, Sec. 34, eff from and after July 1, 1991.

**SEC. 25-41-5. Official meetings of public bodies to be public and open.**

All official meetings of any public body, unless otherwise provided in this chapter or in the Constitutions of the United States of America or the State of Mississippi, are declared to be public meetings and shall be open to the public at all times unless declared an executive session as provided in section 25-41-7.

**SOURCES:** Laws, 1975, ch. 481, Sec. 3, eff from and after January 1, 1976.

**SEC. 25-41-7. Executive sessions.**

(1) Any public body may enter into executive session for the transaction of public business; provided, however, all meetings of any such public body shall commence as an open meeting, and an affirmative vote of three-fifths (3 / 5 ) of all members present shall be required to declare an executive session.

(2) The procedure to be followed by any public body in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection (1) hereof, has been taken on the issue.

(3) An executive session shall be limited to matters allowed to be exempted from open meetings by subsection (4) of this section. The reason for holding such an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.

(4) A public body may hold an executive session pursuant to this section for one or more of the following reasons:

(a) Transaction of business and discussion of personnel matters relating to the job performance, character, professional competence, or physical or mental health of a person holding a specific position.

(b) Strategy sessions or negotiations with respect to prospective litigation, litigation or issuance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the public body.

(c) Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.

(d) Investigative proceedings by any public body regarding allegations of misconduct or violation of law.

(e) Any body of the Legislature which is meeting on matters within the jurisdiction of such body.

(f) Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of such public body.

(g) Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.

(h) Discussions between a school board and individual students who attend a school within the jurisdiction of such school board or the parents or teachers of such students regarding problems of such students or their parents or teachers.

(i) Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.

(j) Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or an industry.

(k) Transaction of business and discussions regarding employment or job performance of a person in a specific position or termination of an employee holding a specific position. The exemption provided by this paragraph includes the right to enter into executive session concerning a line item in a budget which might affect the termination of an employee or employees. All other budget items shall be considered in open meetings and final budgetary adoption shall not be taken in executive session.

(5) The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes of such public body.

(6) Any such vote whereby an executive session is declared shall be applicable only to that particular meeting on that particular day.

**SOURCES:** Laws, 1975, ch. 481, Sec. 4; 1981, ch. 456, Sec. 1; 1990, ch. 541, Sec. 1, eff from and after July 1, 1990.

#### **SEC. 25-41-9. Conduct of persons attending meetings.**

Any public body may make and enforce reasonable rules and regulations for the conduct of persons attending its meetings.

**SOURCES:** Laws, 1975, ch. 481, Sec. 5, eff from and after January 1, 1976.

#### **SEC. 25-41-11. Minutes.**

Minutes shall be kept of all meetings of a public body, whether in open or executive session, showing the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment

and shall be open to public inspection during regular business hours.

Minutes of legislative committee meetings shall consist of a written record of attendance and final actions taken at such meetings.

**SOURCES:** Laws, 1975, ch. 481, Sec. 6; 1981, ch. 456, Sec. 2, eff from and after July 1, 1981.

**SEC. 25-41-13. Notice of meetings.**

(1) Any public body which holds its meetings at such times and places and by such procedures as are specifically prescribed by statute shall continue to do so and no additional notice of such meetings shall be required except that a notice of the place, date, hour and subject matter of any recess meeting, adjourned meeting, interim meeting or any called special meeting shall be posted within one (1) hour after such meeting is called in a prominent place available to examination and inspection by the general public in the building in which the public body normally meets. A copy of the notice shall be made a part of the minutes or other permanent official records of the public body.

(2) Any public body, other than a legislative committee, which does not have statutory provisions prescribing the times and places and the procedures by which its meetings are to be held shall, at its first regular or special meeting after July 1, 1990 spread upon its minutes the times and places and the procedures by which all of its meetings are to be held.

(3) During a regular or special session of the Mississippi Legislature, notice of meetings of all committees, other than conference committees, shall be given by announcement on the loudspeaker during sessions of the House of Representatives or Senate or by posting on a bulletin board provided for that purpose by each body.

(4) When not in session, the meeting times and places of all committees shall be kept by the Clerk of the House of Representatives as to House committees and by the Secretary of the Senate as to Senate committees, and shall be available at all times during regular working hours to the public and news media.

**SOURCES:** Laws, 1975, ch. 481, Sec. 7; 1990, ch. 541, Sec. 2, eff from and after July 1, 1990.

**SEC. 25-41-15. Enforcement.**

The chancery courts of this state shall have the authority to enforce the provisions of this chapter upon application of any citizen of the state, and shall have the authority to issue injunctions or writs of mandamus to accomplish that purpose.

**SOURCES:** Laws, 1975, ch. 481, Sec. 8, eff from and after January 1, 1976.

**SEC. 25-41-17. Chance meetings and social gatherings excluded.**

The provisions of this chapter shall not apply to chance meetings or social gatherings of members of a public body.

**SOURCES:** Laws, 1981, ch. 456, Sec. 3, eff from and after July 1, 1981.

*Policy Number 3 - Attachment B*  
**Mississippi Public Records Act of 1983**

**SEC. 25-61-1. Short title; legislative policy regarding right of access to records.**

This chapter shall be known and may be cited as the "Mississippi Public Records Act of 1983." It is the policy of the Legislature that public records must be available for inspection by any person unless otherwise provided by this act [Laws, 1996, ch. 453]. Furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic record keeping, each agency must ensure reasonable access to records electronically maintained, subject to the rules of records retention.

**SOURCES:** Laws, 1983, ch. 424, Sec. 1, eff from and after July 1, 1983. Laws, 1996, ch. 453, Sec. 1, eff from and after July 1, 1996

**SEC. 25-61-2. State policy regarding access to public records.**

It is the policy of this state that public records shall be available for inspection by any person unless otherwise provided by this chapter; furthermore, providing access to public records is a duty of each public body and automation of public records must not erode the right of access to those records. As each public body increases its use of, and dependence on, electronic record keeping, each public body must ensure reasonable access to records electronically maintained, subject to records retention.

**SOURCES:** Laws, 1996, ch. 537, Sec. 5, eff from and after July 1, 1996

**SEC. 25-61-3. Definitions.**

The following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Public body" shall mean any department, bureau, division, council, commission, committee, subcommittee, board, agency and any other entity of the state or a political subdivision thereof, and any municipal corporation and any other entity created by the Constitution or by law, executive order, ordinance or resolution. Within the meaning of this chapter, the term "entity" shall not be construed to include individuals employed by a public body or any appointed or elected public official.

(b) "Public records" shall mean all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.

(c) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications and computer networking programs.

(d) "Proprietary software" means data processing software that is obtained under a licensing agreement and is protected by copyright or trade secret laws.

**SOURCES:** Laws, 1983, ch. 424, Sec. 2, eff from and after July 1, 1983. Laws, 1996, ch. 453, Sec. 2, eff from and after July 1, 1996

**SEC. 25-61-5. Public access to records; form and retention of denials.**

(1) Except as otherwise provided by sections 25-61-9 and 25-61-11, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, in the event that a public body has not adopted such written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the public body shall be provided within one (1) working day after a written request for a public record is made. No public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than fourteen (14) working days from the date of request for the production of such record.

(2) Denial by a public body of a request for access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific reasons for the denial. Each public body shall maintain a file of all denials of requests for public records. Public bodies shall be required to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection and/or copying during regular office hours to any person upon written request.

**SOURCES:** Laws, 1983, ch. 424, Sec. 3, eff from and after July 1, 1983.

**SEC. 25-61-7. Fees for costs incident to providing records.**

Each public body may establish and collect fees reasonably calculated to reimburse it for, and in no case to exceed, the actual cost of searching, reviewing and/or duplicating and, if applicable, mailing copies of public records. Such fees shall be collected by the public body in advance of complying with the request.

**SOURCES:** Laws, 1983, ch. 424, Sec. 4, eff from and after July 1, 1983.

**SEC. 25-61-9. Trade secrets and confidential commercial or financial information.**

(1) Records furnished to public bodies by third parties which contain trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction under this chapter until notice to said third parties has been given, but such records shall be released within a reasonable period of time unless the said third parties shall have obtained a court order protecting such records as confidential.

(2) If any public record which is held to be exempt from disclosure pursuant to this chapter contains material which is not exempt pursuant to this chapter, the public body shall separate the exempt material and make the nonexempt material available for examination and/or copying as provided for in this chapter.

(3) Trade secrets and confidential commercial and financial information of a proprietary nature developed by a college or university under contract with a firm, business, partnership, association, corporation, individual or other like entity shall not be subject to inspection, examination, copying or reproduction under this chapter.

(4) Misappropriation of a trade secret shall be governed by the provisions of the Mississippi Uniform Trade Secrets Act, Sections 75-26-1 through 75-26-19.

(5) A waste minimization plan and any updates developed by generators and facility operators under the Mississippi Comprehensive Multimedia Waste Minimization Act of 1990 shall be retained at the facility and shall not be subject to inspection, examination, copying or reproduction under this chapter.

(6) Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in Section 75-26-3, and data processing software produced by a public body which is sensitive must not be subject to inspection, copying or reproduction under this chapter.

As used in this subsection, "sensitive" means only those portions of data processing software, including the specifications and documentation, used to: Collect, process, store, and retrieve information which is exempt under this chapter.

(b) Control and direct access authorizations and security measures for automated systems.

(c) Collect, process, store, and retrieve information, disclosure of which would require a significant intrusion into the business of the public body.

**SOURCES:** Laws, 1983, ch. 424, Sec. 5; 1988, ch. 406, Sec. 1; 1990, ch. 442, Sec. 12; 1990, ch. 507, Sec. 15, eff from and after June 1, 1990. Laws, 1996, ch. 453, Sec. 3, eff from and after July 1, 1996

**SEC. 25-61-10. Access to records stored, manipulated or retrieved by sensitive software; acquisition, modification, etc., of systems, etc., used for creation or maintenance of public records data bases.**

(1) Any public body that uses sensitive software, as defined in Section 25-61-9, or proprietary software must not thereby diminish the right of the public to inspect and copy a public record. A public body that uses sensitive software, as defined in Section 25-61-9, or proprietary software to store, manipulate, or retrieve a public record will not be deemed to have diminished the right of the public if it either: (a) If [if] legally obtainable, makes a copy of the software available to the public for application to the public records stored, manipulated, or retrieved by the software; or (b) ensures that the software has the capacity to create an electronic copy of each public record stored, manipulated, or retrieved by the software in some common format such as, but not limited to, the American Standard Code for Information Interchange.

(2) A public body shall provide a copy of the record in the format requested if the public body maintains the record in that format, and the public body may charge a fee which must be in accordance with Section 25-61-7.

(3) Before a public body acquires or makes a major modification to any information technology system, equipment, or software used to store, retrieve, or manipulate a public record, the public body shall adequately plan for the provision of public access and redaction of exempt or confidential information by the proposed system, equipment or software.

(4) A public body may not enter into a contract for the creation or maintenance of a public records data base if that contract impairs the ability of the public to inspect or copy the public records of that agency, including public records that are on-line or stored in an information technology system used by the public body.

**SOURCES:** Laws, 1996, ch. 453, Sec. 4, eff from and after July 1, 1996

**SEC. 25-61-11. Records exempted or privileged by law.**

The provisions of this chapter shall not be construed to conflict with, amend, repeal or supersede any constitutional or statutory law or decision of a court of this state or the United States which at the time of this chapter is effective or thereafter specifically declares a public record to be confidential or privileged, or provides that a public record shall be exempt from the provisions of this chapter.

**SOURCES:** Laws, 1983, ch. 424, Sec. 6, eff from and after July 1, 1983.

**SEC. 25-61-13. Proceedings to compel public access to records; procedure; remedies.**

(1) Any person denied the right granted by section 25-61-5 to inspect and/or copy public records may institute a suit in the chancery court of the county in which the public body is located, and the court shall determine whether such public record is exempt from the provisions of this chapter, and in making such determination the court shall take into consideration any constitutional or statutory law or decision of any court of this state or the United States or any rule of common law. Process shall be served on the proper officials according to law.

(2) In any suit filed under subsection (1) of this section, the court has the authority to prohibit the public body from withholding the public records, to order the production of any public records improperly withheld from the person seeking disclosure, and to grant such other equitable relief as may be proper. The court, on its own motion, may privately view the public records in controversy before reaching a decision.

(3) Proceedings arising under this section shall take precedence on the docket over all other matters and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way. Such suits may be heard in termtime or in vacation.

(4) Any suit filed under this section shall be subject to all the rights and rules of appeal for other suits arising in chancery court.

**SOURCES:** Laws, 1983, ch. 424, Sec. 7, eff from and after July 1, 1983.

**SEC. 25-61-15. Penalty for wrongful denial of access to record.**

Any person who shall willfully and knowingly deny to any person access to any public record which is not exempt from the provisions of this chapter shall be liable civilly in a sum not to exceed one hundred dollars (\$100.00), plus all reasonable expenses incurred by such person bringing the lawsuit.

**SOURCES:** Laws, 1983, ch. 424, Sec. 8, eff from and after July 1, 1983.

*Policy Number 3 - Attachment C*

**Conflict of Interest**

**SEC. 25-4-105. Certain actions, activities and business relationships prohibited or authorized; contracts in violation of section voidable; penalties.**

(1) No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated.

(2) No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member.

(3) No public servant shall:

(a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.

(b) Be a purchaser, direct or indirect, at any sale made by him in his official capacity or by the governmental entity of which he is an officer or employee, except in respect of the sale of goods or services when provided as public utilities or offered to the general public on a uniform price schedule.

(c) Be a purchaser, direct or indirect, of any claim, certificate, warrant or other security issued by or to be paid out of the treasury of the governmental entity of which he is an officer or employee.

(d) Perform any service for any compensation during his term of office or employment by which he attempts to influence a decision of the authority of the governmental entity of which he is a member.

(e) Perform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

(4) Notwithstanding the provisions of subsection (3) of this section, a public servant or his relative:

(a) May be an officer or stockholder of banks or savings and loan associations or other such financial institutions bidding for bonds, notes or other evidences of debt or for the privilege of keeping as depositories the public funds of a governmental entity thereof or the editor or employee of any newspaper in which legal notices are required to be published in respect to the publication of said legal notices.

(b) May be a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent where such contract is let to the lowest and best bidder after competitive bidding and three (3) or more legitimate bids are received or where the goods, services or property involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.

(c) May be a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent where the primary contract is let to the lowest and best bidder after competitive bidding or where such goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.

(d) May be a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee or agent: (i) where such goods or services

involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws; or (ii) where the contractual relationship involves the further research, development, testing, promotion or merchandising of an intellectual property created by the public servant.

(e) May purchase securities issued by the governmental entity of which he is an officer or employee if such securities are offered to the general public and are purchased at the same price as such securities are offered to the general public.

(f) May have an interest less than a material financial interest in a business which is a contractor, subcontractor or vendor with any governmental entity.

(g) May contract with the Mississippi Veteran's Home Purchase Board, Mississippi Housing Finance Corporation, or any other state loan program, for the purpose of securing a loan; however, public servants shall not receive favored treatment.

(h) May be employed by or receive compensation from an authority of the governmental entity other than the authority of the governmental entity of which the public servant is an officer or employee.

(i) If a member of the Legislature or other public servant employed on less than a full-time basis, may represent a person or organization for compensation before an authority of the governmental entity other than an authority of the governmental entity of which he is an officer or employee.

(j) If a constable, may be employed and receive compensation as a deputy sheriff of the county for which he serves as constable.

(5) No person may intentionally use or disclose information gained in the course of or by reason of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.

(6) Any contract made in violation of this section may be declared void by the governing body of the contracting or selling authority of the governmental subdivision or a court of competent jurisdiction and the contractor or subcontractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services furnished prior to the date of receiving notice that the contract has been voided.

(7) Any person violating the provisions of this section shall be punished as provided for in Sections 25-4-109 and 25-4-111.

**SOURCES:** Laws, 1983, ch. 469, Sec. 3; 1988, ch. 546, Sec. 4, eff from and after December 9, 1988 (the date the United States Attorney General interposed no objection to the amendment of this section). Laws, 1992, ch. 530, Sec. 10 eff from and after July 1, 1992; 1994, ch. 586, Sec. 1, eff from and after July 1, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section); Laws, 1998, Ch. 490, 1, SB 2513, eff March 26, 1998.

**PREVIOUS VERSIONS:** Pre-1998

*Policy Number 3 - Attachment D*  
**Statement of Economic Interest**

**SEC. 25-4-25. Persons required to file statement of economic interest.**

Each of the following individuals shall file a statement of economic interest with the commission in accordance with the provisions of this chapter:

- (a) Persons elected by popular vote, excluding United States Senators and United States Representatives, to any office, whether it be legislative, executive or judicial, and whether it be statewide, district, county, municipal or any other political subdivision, with the exception of members of boards of levee commissioners and election commissioners;
- (b) Members of local school boards that administer public funds, regardless of whether such members are elected or appointed;
- (c) Persons who are candidates for public office or who are appointed to fill a vacancy in an office who, if elected, would be required to file under item (a) of this section;
- (d) Executive directors or heads of state agencies, by whatever name they are designated, who are paid in part or in whole, directly or indirectly, from funds appropriated or authorized to be expended by the Legislature, and the presidents and trustees of all state-supported colleges, universities and junior colleges;
- (e) Members of any state board, commission or agency, including the Mississippi Ethics Commission, charged with the administration or expenditure of public funds, with the exception of advisory boards or commissions; provided, however, in order to fulfill the legislative purposes of this chapter, the commission may require, upon a majority vote, the filing of a statement of economic interest by members of an advisory board or commission.

**SOURCES:** Laws, 1979, ch. 508, Sec. 8; reenacted and amended, 1982, ch. 488, Sec. 14; reenacted, 1986, ch. 348, Sec. 14; reenacted, 1990, ch. 491, Sec. 14, eff from and after June 18, 1990 (the date the United States Attorney General interposed no objection to the reenactment of this section). Laws, 1995, ch. 360, Sec. 14, eff from and after August 25, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section), and shall stand repealed from and after December 31, 1998; reenacted without change, Laws, 1998, Ch. 350, 14, SB 2692, eff from and after the date said ch. 350 is effectuated under Sec. 5 of the Voting Rights Act of 1965, as amended and extended.

**NOTE:** Laws, 1998, ch. 350, 19, 20, provide:

SECTION 19. The Attorney General of the State of Mississippi is hereby directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 20. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

**SEC. 25-4-27. Contents of statement of economic interest.**

Each person specified under Section 25-4-25 shall file a statement in accordance with the provisions of this chapter which shall be signed under oath as to the accuracy and completeness of the information set forth to the best knowledge of the person submitting such statement. The statement shall include the following information:

- (a) The name and residential and business addresses of such person;
- (b) The title, position and offices whereby such person is required to file;
- (c) All other occupations of such person and his spouse during the preceding calendar year and up to the date of filing;
- (d) The positions held by such person or his spouse during the preceding calendar year and up to the date of filing in any business, partnership or corporation organized for profit, listed by name and address;

(e) The names and addresses of all businesses or corporations in which such person or his spouse has or had an interest during the preceding calendar year and up to the date of filing which is equal to ten percent (10%) or more of all interests in any such business;

(f) The types of the gross income sources of such person or his spouse for preceding calendar year in excess of Two Thousand Five Hundred Dollars (\$2,500.00); each entry under this subsection (f) shall contain the name of the general type of such business or enterprise and the nature of the income as to whether it was salary, fees, dividends, interest, profit, commissions, royalty, rent or other;

(g) All retainers listed by type, but not amount, received by each person or his spouse during the preceding calendar year and up to the date of filing; for the purposes of this chapter, "retainer" shall mean a consideration or fee paid on a regular and continuing basis to a person for services, whether or not specific services are performed by such person;

(h) Any representation or intervention by a person specified under Section 25-4-25 (a) and (d) for any person for compensation in the preceding calendar year and up to the date of filing before the Joint Legislative Budget Committee, State Fiscal Management Board, the Public Service Commission, Oil and Gas Board, Commissioner of Banking and Consumer Finance, State Board of Banking Review, the State Personnel Board, the Central Data Processing Authority or the State Tax Commission; provided, however, that this provision shall not apply where such representation involves only uncontested or routine matters. Such statement shall identify the person represented and the nature of the business involved; and

(i) The filing party shall list all public bodies from which he or his spouse received compensation in excess of One Thousand Dollars (\$1,000.00) during the preceding calendar year.

**SOURCES:** Laws, 1979, ch. 508, Sec. 9; reenacted and amended, 1982, ch. 488, Sec. 15; 1984, ch. 488, Sec. 170; reenacted, 1986, ch. 348, Sec. 15; reenacted, 1990, ch. 491, Sec. 15, eff from and after June 18, 1990 (the date the United States Attorney General interposed no objection to the reenactment of this section). Laws, 1995, ch. 360, Sec. 15, eff from and after August 25, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section), and shall stand repealed from and after December 31, 1998; reenacted without change, Laws, 1998, Ch. 350, 15, SB 2692, eff from and after the date said ch. 350 is effectuated under Sec. 5 of the Voting Rights Act of 1965, as amended and extended.

**NOTE:** Laws, 1998, ch. 350, 19, 20, provide:

SECTION 19. The Attorney General of the State of Mississippi is hereby directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 20. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

#### **SEC. 25-4-29. Filing dates for statements.**

Required statements hereunder shall be filed as follows:

(a) Every incumbent public official required by items (a), (b), (d) and (e) of Section 25-4-25 to file a statement of economic interest shall file such statement with the commission on or before May 1 of each year that such official holds office, regardless of duration;

(b) Candidates for office required to file a statement hereunder shall file such statement within fifteen (15) days after the time that such person becomes a candidate for public office;

(c) Persons who are required to file a statement because of appointment to fill a vacancy in an office or required to file under Section 25-4-25 (d) and (e) shall file such statement within thirty (30) days of their appointment;

(d) No person by reason of successful candidacy or assuming additional offices shall be required to file more than one (1)

statement of economic interest in any calendar year, except such official shall notify the commission as soon as practicable of additional offices not previously reported; and

(e) The commission may, on an individual case basis, provide for additional time to file a statement upon a showing that compliance with a filing date set out under item (a), (b), (c) or (d) above would work an unreasonable hardship.

**SOURCES:** Laws, 1979, ch. 508, Sec. 10; reenacted and amended, 1982, ch. 488, Sec. 16; reenacted, 1986, ch. 348, Sec. 16; reenacted, 1990, ch. 491, Sec. 16, eff from and after June 18, 1990 (the date the United States Attorney General interposed no objection to the reenactment of this section). Laws, 1995, ch. 360, Sec. 16, eff from and after August 25, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section), and shall stand repealed from and after December 31, 1998; reenacted without change, Laws, 1998, Ch. 350, 16, SB 2692, eff from and after the date said ch. 350 is effectuated under Sec. 5 of the Voting Rights Act of 1965, as amended and extended.

**NOTE:** Laws, 1998, ch. 350, 19, 20, provide:

SECTION 19. The Attorney General of the State of Mississippi is hereby directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 20. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

#### **SEC. 25-4-31. Fines and penalties.**

(1) Any person who violates the confidentiality of a commission proceeding pursuant to this chapter is guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or be both fined and imprisoned.

(2) Any person who willfully and knowingly files a false complaint with the commission or who willfully affirms, reports or swears falsely in regard to any material matter before a commission proceeding is guilty of a felony, and, upon conviction, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than five (5) years, or by both such fine and imprisonment.

**(3) Any person who shall knowingly and willfully fail to file a disclosure statement as required by this chapter, or who shall, although filing such statement, knowingly and willfully fail to disclose information required by this chapter, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00).**

**SOURCES:** Laws, 1979, ch. 508, Secs. 11, 12; reenacted, 1982, ch. 488, Sec. 17; reenacted, 1986, ch. 348, Sec. 17; reenacted, 1990, ch. 491, Sec. 17, eff from and after June 18, 1990 (the date the United States Attorney General interposed no objection to the reenactment of this section). Laws, 1995, ch. 360, Sec. 17, eff from and after August 25, 1995 (the date the United States Attorney General interposed no objection to the amendment of this section), and shall stand repealed from and after December 31, 1998; reenacted without change, Laws, 1998, Ch. 350, 17, SB 2692, eff from and after the date said ch. 350 is effectuated under Sec. 5 of the Voting Rights Act of 1965, as amended and extended.

**NOTE:** Laws, 1998, ch. 350, 19, 20, provide:

SECTION 19. The Attorney General of the State of Mississippi is hereby directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 20. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

*Policy Number 3 - Attachment C*

**Conflict of Interest**

**SEC. 25-4-105. Certain actions, activities and business relationships prohibited or authorized; contracts in violation of section voidable; penalties.**

(1) No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated.

(2) No public servant shall be interested, directly or indirectly, during the term for which he shall have been chosen, or within one (1) year after the expiration of such term, in any contract with the state, or any district, county, city or town thereof, authorized by any law passed or order made by any board of which he may be or may have been a member.

(3) No public servant shall:

(a) Be a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent, other than in his contract of employment, or have a material financial interest in any business which is a contractor, subcontractor or vendor with the governmental entity of which he is a member, officer, employee or agent.

(b) Be a purchaser, direct or indirect, at any sale made by him in his official capacity or by the governmental entity of which he is an officer or employee, except in respect of the sale of goods or services when provided as public utilities or offered to the general public on a uniform price schedule.

(c) Be a purchaser, direct or indirect, of any claim, certificate, warrant or other security issued by or to be paid out of the treasury of the governmental entity of which he is an officer or employee.

(d) Perform any service for any compensation during his term of office or employment by which he attempts to influence a decision of the authority of the governmental entity of which he is a member.

(e) Perform any service for any compensation for any person or business after termination of his office or employment in relation to any case, decision, proceeding or application with respect to which he was directly concerned or in which he personally participated during the period of his service or employment.

(4) Notwithstanding the provisions of subsection (3) of this section, a public servant or his relative:

(a) May be an officer or stockholder of banks or savings and loan associations or other such financial institutions bidding for bonds, notes or other evidences of debt or for the privilege of keeping as depositories the public funds of a governmental entity thereof or the editor or employee of any newspaper in which legal notices are required to be published in respect to the publication of said legal notices.

(b) May be a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a contractor or vendor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent where such contract is let to the lowest and best bidder after competitive bidding and three (3) or more legitimate bids are received or where the goods, services or property involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.

(c) May be a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a subcontractor with any authority of the governmental entity other than the authority of the governmental entity of which he is a member, officer, employee or agent where the primary contract is let to the lowest and best bidder after competitive bidding or where such goods or services involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws.

(d) May be a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee or agent or have a material financial interest in a business which is a contractor, subcontractor or vendor with any authority of the governmental entity of which he is a member, officer, employee or agent: (i) where such goods or services

involved are reasonably available from two (2) or fewer commercial sources, provided such transactions comply with the public purchases laws; or (ii) where the contractual relationship involves the further research, development, testing, promotion or merchandising of an intellectual property created by the public servant.

(e) May purchase securities issued by the governmental entity of which he is an officer or employee if such securities are offered to the general public and are purchased at the same price as such securities are offered to the general public.

(f) May have an interest less than a material financial interest in a business which is a contractor, subcontractor or vendor with any governmental entity.

(g) May contract with the Mississippi Veteran's Home Purchase Board, Mississippi Housing Finance Corporation, or any other state loan program, for the purpose of securing a loan; however, public servants shall not receive favored treatment.

(h) May be employed by or receive compensation from an authority of the governmental entity other than the authority of the governmental entity of which the public servant is an officer or employee.

(i) If a member of the Legislature or other public servant employed on less than a full-time basis, may represent a person or organization for compensation before an authority of the governmental entity other than an authority of the governmental entity of which he is an officer or employee.

(j) If a constable, may be employed and receive compensation as a deputy sheriff of the county for which he serves as constable.

(5) No person may intentionally use or disclose information gained in the course of or by reason of his official position or employment as a public servant in any way that could result in pecuniary benefit for himself, any relative, or any other person, if the information has not been communicated to the public or is not public information.

(6) Any contract made in violation of this section may be declared void by the governing body of the contracting or selling authority of the governmental subdivision or a court of competent jurisdiction and the contractor or subcontractor shall retain or receive only the reasonable value, with no increment for profit or commission, of the property or the services furnished prior to the date of receiving notice that the contract has been voided.

(7) Any person violating the provisions of this section shall be punished as provided for in Sections 25-4-109 and 25-4-111.

**SOURCES:** Laws, 1983, ch. 469, Sec. 3; 1988, ch. 546, Sec. 4, eff from and after December 9, 1988 (the date the United States Attorney General interposed no objection to the amendment of this section). Laws, 1992, ch. 530, Sec. 10 eff from and after July 1, 1992; 1994, ch. 586, Sec. 1, eff from and after July 1, 1994 (the date the United States Attorney General interposed no objection to the amendment of this section); Laws, 1998, Ch. 490, 1, SB 2513, eff March 26, 1998.

**PREVIOUS VERSIONS:** Pre-1998

**MISSISSIPPI WORKFORCE INVESTMENT SYSTEM  
POLICY NUMBER 4**

**ONE-STOP CERTIFICATION PROCEDURES AND  
MINIMUM CERTIFICATION STANDARDS FOR LOCAL SITES**

**I. SCOPE and PURPOSE**

The purpose of this policy is to restate selected passages from the Workforce Investment Act (WIA) and its implementing regulations that define the one-stop service delivery system. The Local Workforce Investment Boards, the chief elected officials, the WIA fiscal agents, the one-stop operators, the one-stop partners, and any other entities associated with the implementation or administration of the one-stop system are required to comply with all mandates of the WIA, its implementing regulations, subsequent amendments and revisions of the WIA and its implementing regulations, and all other applicable laws and regulations.

**II. REQUIREMENTS**

**A. MISSISSIPPI ONE-STOP SYSTEM PARTNERS**

Section 121(b)(1)(A) of the WIA states that entities that carry out the specified programs and activities shall make those services and activities available through the one-stop system. Also, the section states that those entities shall comply with the memorandum of understanding and with the requirements of the Federal laws authorizing those services and activities.

Section 121(b)(1)(B) of the WIA lists the programs and activities referenced above. These programs and activities consist of the following:

1. Programs authorized under Title I of the WIA;
2. Programs authorized under the Wagner-Peyser Act;
3. Adult Education and literacy activities authorized under Title II;
4. Programs authorized under Title I of the Rehabilitation Act of 1973;
5. Programs authorized under Section 403(a)(5) of the Social Security Act;
6. Activities authorized under Title V of the Older Americans Act of 1965;
7. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act;
8. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974;
9. Activities authorized under Chapter 41 of Title 38, United States Code;
10. Employment and training activities carried out under the Community Services Block Grant Act;
11. Employment and training activities carried out by the Department of Housing and Urban Development; and
12. Programs authorized under State unemployment compensation laws.

**B. LOCAL ONE-STOP SITE DESIGN OPTIONS**

Section 134 (c) (2) of WIA allows various configurations of one-stop service delivery sites. As stated in 20 CFR 662.100(e), the design of the local area's one-stop delivery system, including the number of comprehensive centers and supplementary arrangements, must be described in the local plan and be consistent with the memorandum of understanding executed with the one-stop partners.

In 20 CFR 662.100, the one-stop delivery system is described as a seamless system of service delivery that is created through the collaboration of entities responsible for separate workforce development funding streams. The one-stop system is designed to enhance access to services and improve outcomes for individuals seeking assistance. The regulation specifically defines the system as consisting of one or more comprehensive, physical one-stop center in a local area. In addition to the comprehensive center, the regulation notes that WIA allows for three other arrangements to supplement the comprehensive center. The four arrangements are listed:

### **1. Comprehensive Center**

As defined in WIA Section 134(c)(2), at a minimum, the one-stop delivery system shall make the following programs, services, and activities accessible at not less than one physical center in each local area of the State:

- a. Provision of core services described in WIA Section 134(d)(2);
- b. Access to intensive services and training services as described in WIA Section 134(d)(3) and (4), including access to individual training accounts for training services to participants in accordance with WIA Section 134(d)(4)(G);
- c. Access to activities carried out under WIA Section 134(e), if any;
- d. Access to programs and activities carried out by one-stop partners described in WIA Section 121(b); and
- e. Access to the information described in Section 15 of the Wagner-Peyser Act and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act.

### **2. A Network of Affiliated Sites**

As stated in WIA Section 134(c)(2)(B)(i), an affiliated site can provide one or more of the programs, services, and activities to individuals.

### **3. A Network of One-Stop Partners**

As stated in WIA Section 134(c)(2)(B)(ii), the programs, services, and activities may be available to individuals through a network of eligible one-stop partners--

- a. In which each partner provides one or more of the programs, services, and activities to individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and
- b. That assures individuals that information on the availability of the core services will be available regardless of where the individuals

initially enter the statewide workforce investment system, including information made available through an access point described in Subpart a. above.

#### **4. Specialized Centers**

As stated in WIA Section 134(c)(3), the centers and sites described may have a specialization in addressing special needs, such as the needs of dislocated workers.

### **C. SELECTION or DESIGNATION of ONE-STOP OPERATORS**

#### **1. Eligible Entities**

As stated in WIA Section 121(d)(1), the local board, with agreement of the chief elected official, is authorized to designate or certify the one-stop operator. In Section 121(d)(2)(B), the WIA defines the one-stop operator as a public or private entity, or consortium of entities, of demonstrated effectiveness, located in the local area, which may include:

- a. A postsecondary educational institution;
- b. An employment service agency established under the Wagner-Peyser Act;
- c. A private, nonprofit organization (including a community based organization);
- d. A private for-profit entity;
- e. A government agency; and
- f. Another interested organization or entity, to include a local chamber of commerce or other business organization.

#### **2. Selection Process**

According to WIA Section 121(d)(2)(A), there are two options for designating or certifying an entity or a consortium of entities as the one-stop operator:

- a. Through a competitive process; or
- b. In accordance with an agreement reached between the local board and a consortium of entities that, at a minimum, includes three or more of the one-stop partners described in Section 121(b)(1).

As stated in 20 CFR 662.400(b), one-stop operators may be a single entity or a consortium of entities and may operate one or more one-stop centers. In addition, there may be more than one one-stop operator in a local area.

According to Section 184(b)(1) of WIA, if, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this Title, and corrective action has not been taken, the Governor shall:

- a. Issue a notice of intent to revoke approval of all or part of the local plan affected; or
- b. Impose a reorganization plan, which may include:

- (1) Decertifying the local board involved;
- (2) Prohibiting the use of eligible providers;
- (3) Selecting an alternative entity to administer the program for the local area involved;
- (4) Merging the local area into one or more other local areas;  
or
- (5) Making other changes as the Secretary of Labor or the Governor determines necessary to secure compliance.

### **3. Local Board as a One-Stop Provider**

As stated in WIA Section 117(f) (2) and in 20 CFR 661.310, a local board may provide core services described in WIA Section 134(d)(2) or intensive services described in WIA Section 134(d)(3) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor. A local board is prohibited from providing training services unless the Governor grants a waiver in accordance with the provisions in WIA Section 117(f)(1)(B). Also, Section 117(f)(1)(A) states that except as provided in the waiver provisions, no local board may provide training services described in Section 134(d)(4) of the Act.

## **D. CERTIFICATION PROCESS**

As stated in Section 121(d)(1) of WIA, the local board, with agreement of the chief elected official, is authorized to designate and certify one-stop operators.

## **E. MINIMUM CERTIFICATION STANDARDS**

Based on the WIA and its implementing regulations, minimum standards have been identified:

### **1. Required Partners**

Section 121(b)(1)(B) of WIA lists the programs and activities to be included in the one-stop system. At a minimum, access to the services from the following programs shall be available through the one-stop system:

- a. Programs authorized under Title I of the WIA;
- b. Programs authorized under the Wagner-Peyser Act;
- c. Adult Education and literacy activities authorized under Title II;
- d. Programs authorized under Title I of the Rehabilitation Act of 1973;
- e. Programs authorized under Section 403(a)(5) of the Social Security Act;
- f. Activities authorized under Title V of the Older Americans Act of 1965;
- g. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act;
- h. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974;

- i. Activities authorized under Chapter 41 of Title 38, United States Code;
- j. Employment and training activities carried out under the Community Services Block Grant Act;
- k. Employment and training activities carried out by the Department of Housing and Urban Development; and
- l. Programs authorized under State unemployment compensation laws.

## **2. Additional Partners**

Section 121(b)(2) of WIA lists additional entities that carry out human resource programs that--

- a. May make available to participants, through the one-stop delivery system, the services described in WIA Section 134(d)(2) that are applicable to such programs; and
- b. May participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding and with the requirements of the Federal law in which the program is authorized if the local board and chief elected official involved approve participation.

These programs may include:

- a. Programs authorized under Part A of Title IV of the Social Security Act;
- b. Programs authorized under Section 6(d)(4) of the Food Stamp Act of 1977;
- c. Work programs authorized under Section 6(o) of the Food Stamp Act of 1977;
- d. Programs authorized under the National and Community Service Act of 1990; and
- e. Other appropriate Federal, State, or local programs, including programs in the private sector.

## **3. Decision-Making Process**

As described in 20 CFR 661.300, the local board, in partnership with the chief elected official, sets policy for the portion of the statewide workforce investment system within the local area. The local board and the chief elected official may enter into an agreement that describes the respective roles and responsibilities of the parties. The local board, in partnership with the chief elected official, develops the local workforce investment plan and performs the functions described in WIA Section 117(d).

## **4. Customer Feedback**

As required by WIA Section 118(b)(2)(A), the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that the providers meet the employment needs of local employers and participants. In WIA Section 136, the performance accountability system is described. Section (a) states that the purpose of the section is to describe activities to assess the effectiveness of States and

local areas in achieving continuous improvement of workforce investment activities. Section 136(b)(2)(B) states that customer satisfaction indicators of performance shall consist of customer satisfaction of employers and participants with services received from the workforce investment activities. The section states that customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce activities.

## **5. Reporting**

As stated in WIA Section 185(a)(1), recipients of WIA funds shall keep records that are sufficient to permit the preparation of reports required by WIA and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully. Subsection (2) adds that the Secretary of Labor will designate the form and content of the reports requiring information about the performance of programs and activities carried out. Subsection (3) requires standardized records for all individual participants.

## **6. Core Services**

The core services listed in Section 134(d)(2) of the Workforce Investment Act shall be provided to adults and dislocated workers through the one-stop delivery system. In 20 CFR 662.230, all required partners must make available to participants through the one-stop delivery system the core services that are applicable to the partner's programs. In the *Preamble* to 20 CFR Part 652, under Subpart B - One Stop Partners, there is a statement about avoiding duplication of services traditionally provided under the Wagner-Peyser Act. The *Preamble* explains that the requirement to provide core services at a minimum of one comprehensive center is limited to those applicable core services that are in addition to the basic labor exchange services traditionally provided in the local area under the Wagner-Peyser program. While a partner would not, for example, be required to duplicate an assessment provided under the Wagner-Peyser Act, the partner would be expected to be responsible for any needed assessment that includes additional elements specifically tailored to participants under the partner's program. However, the adult and dislocated worker program partners are required to make all of the core services available at the comprehensive center.

As stated in 20 CFR 662.250(b), the applicable core services may be made available by the provision of appropriate technology at the comprehensive one-stop center, by co-locating personnel at the center, cross-training of staff, or through a cost reimbursement or other agreement between service providers at the comprehensive one-stop center and the partner, as described in the memorandum of understanding.

The core services as listed in WIA Section 134(d)(2) , at a minimum, include:

- a. Determinations of whether individuals are eligible to receive assistance from WIA Title I Adult or Dislocated Worker funding;

- b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop system;
- c. Initial assessment of skill levels, aptitudes, abilities and supportive service needs;
- d. Job search and placement assistance, and where appropriate, career counseling;
- e. Employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including (i) job vacancy listings in such labor market areas; (ii) information on job skills necessary to obtain the vacant jobs; and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations;
- f. Performance information and program cost information on eligible providers of training services as described in WIA Title I Section 122, provided by program, and eligible providers of youth activities described in WIA Title I Section 123, providers of adult education described in WIA Title II, providers of post secondary vocational education activities and vocational education activities available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);
- g. Information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area.
- h. Information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;
- i. Information regarding filing claims for unemployment compensation;
- j. Assistance in establishing eligibility for Welfare-to-Work activities authorized under Section 403(a)(5) of the Social Security Act (as added by Section 50001 of the Balanced Budget Act of 1997) available in the local area and for programs of financial aid assistance for training and education programs that are not funded under the Workforce Investment Act that are available in the local area;
- k. Follow up services for customers registered for intensive and/or training services, including counseling regarding the workplace, for customers in WIA Title I activities who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

## **7. Intensive Services**

Intensive services listed in WIA Section 134(d)(3)(C) shall be provided through the one-stop delivery system.

As stated in WIA Section 134(d)(3)(A), minimally, the following customer groups may be afforded access to intensive services available within funding constraints and based on eligibility:

- a. Adults and dislocated workers who are unemployed and are unable to obtain employment through core services and who have been determined by a one-stop operator to be in need of intensive services to obtain employment; or
- b. Adults and dislocated workers who are employed, but who are determined by a one-stop operator to be in need of intensive services to obtain or retain employment that allows for self-sufficiency.

Section 134(d)(4)(E) of WIA states that in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to priority.

As stated in WIA Section 134(d)(3)(C), intensive services may include the following:

- a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include (1) diagnostic testing and use of other assessment tools and (2) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- b. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
- c. Group counseling;
- d. Individual counseling and career planning;
- e. Case management for participants seeking training services; and
- f. Short-term prevocational 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.
- g. According to 20 CFR 663.200, out-of area job search assistance, literacy activities related to basic workforce readiness, relocation assistance, internships, and work experience based on an assessment or individual employment plan are allowable.

## **8. Training Services**

As described in WIA Section 134(d)(4)(A), WIA funds shall be used to provide training services to adults and dislocated workers. Minimally, the following customer groups may be afforded access to training services available within funding constraints and based on eligibility:

- a. Adults and dislocated workers who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment which provides for self-sufficiency through such services; and
- b. Adults and dislocated workers who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services; and
- c. Adults and dislocated workers who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving services are willing to relocate;
- d. Adults and dislocated workers who are unable to obtain grant assistance for services, including federal Pell Grants or who require assistance beyond the assistance made available under other grant assistance programs, including federal Pell Grants; and
- e. Adults and dislocated workers who are determined to be eligible in accordance with the priority system, if any, established under WIA Section 134(d)(4)(E).

To customers who are included in one of the above-mentioned customer groups, the following training services listed WIA Section 134(d)(4)(D) may be available:

- a. Occupational skills training, including training for nontraditional employment;
- b. On-the-job training;
- c. Programs that combine workplace training with related instruction, which may include cooperative education programs;
- d. Training programs operated by the private sector;
- e. Skill upgrading and retraining;
- f. Entrepreneurial training;
- g. Job readiness training;
- h. Adult education and literacy activities provided in combination with the services described above; and
- i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

## **9. Follow Up Services**

As required by 20 CFR 663.150(b), follow up services must be made available, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. Follow up is also a core service described in WIA Section 134(d)(2)(K).

## **10. Self-Service, Facilitated Self-Help, and Staff-Assisted Services**

According to 20 CFR 652.207, labor exchange services must be available to all employers and job seekers, including unemployment insurance (UI)

claimants, veterans, migrant and seasonal farm workers, and individuals with disabilities. In each Workforce Investment Area, in at least one physical center, staff funded under the Wagner-Peyser Act must provide core and applicable intensive services including staff-assisted labor exchange services. According to 20 CFR 652.208, core and intensive services may be delivered through any of the three methods of service delivery:

- a. Self-service,
- b. Facilitated self-help services, and
- c. Staff-assisted service.

According to 20 CFR 663.105(b), adults and dislocated workers who receive services funded under Title I other than self-service or informational activities must be registered and determined eligible. Also, 20 CFR 666.140(a) states that the core indicators of performance apply to all individuals who are registered under 20 CFR 663.105 and 664.215 for the adult, dislocated worker and youth programs, except for those adults and dislocated workers who participate exclusively in self-service or informational activities.

#### **11. Rapid Response Activities**

As indicated in WIA Section 118(e)(5) in the list of elements for the local plan, the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate.

#### **12. Americans with Disabilities Act (ADA) Compliance**

As stated in 20 CFR 667.275(a)(1), recipients, States, Local Workforce Investment Boards, one-stop operators, service providers, vendors, and subrecipients must comply with the nondiscrimination and equal opportunity provisions of WIA Section 188 and its implementing regulations. As described in 20 CFR 667.275(a)(3), WIA funds may be used to meet a recipient's obligation to provide physical and programmatic accessibility and reasonable accommodation in regard to the WIA program as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended.

#### **13. Child Care**

One of the core services listed in WIA Section 134(d)(2)(H) is the provision of information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate.

### **F. DECERTIFICATION PROCESS**

As stated in WIA §117(d)(2)(ii), a Local Workforce Investment Board may terminate a one-stop site for cause.

**G. OVERSIGHT by the STATE LEVEL**

As stated in WIA Section 184(a)(4), on an annual basis, the Governor of a State shall conduct on-site monitoring of each local area within the State to ensure compliance with the uniform administrative requirements for grants and agreements applicable for the type of entity receiving the WIA funds. If the Governor determines that a local area is not in compliance, in accordance with WIA Section 184(a)(5), the Governor shall:

1. Require corrective action to secure prompt compliance; and
2. In the event of failure to take the required corrective action, impose sanctions described in Section 184(b)(1) of WIA:
  - a. Issue a notice of intent to revoke approval of all or part of the local plan affected; or
  - b. Impose a reorganization plan, which may include
    - (1) Decertifying the local board involved;
    - (2) Prohibiting the use of eligible providers;
    - (3) Selecting an alternative entity to administer the program for the local area involved;
    - (4) Merging the local area into one or more other local areas;  
or
    - (5) Making other changes as the Secretary of Labor or Governor determines necessary to secure compliance.

**III. EFFECTIVE DATE**

This policy shall be effective immediately.

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**LOCAL ONE-STOP SITE  
APPLICATION for CERTIFICATION**

**Date of Application:**

**I. Identification of One-Stop Operator:**

- A. Name of One-Stop Operator(s):
- B. Type of Entity:
- C. Name of Contact Person:
- D. Address of Contact Person:
- E. Phone Number of Contact Person:

**II. Identification of Site:**

- A. Type of Site: (Circle one.)
  - 1. Comprehensive
  - 2. Affiliated Network
  - 3. Speciality
  - 4. Partner Network
- B. Address of One-Stop Site:
- C. Name of Local Workforce Area:
- D. Geographic Area to be Served:

**III. Statement of Readiness:**

- A. Starting Date for Serving Customers:
- B. Brief Statement of Current Status of Site in regard to Service Delivery:

**IV. Standard Descriptions for Speciality Site Applicants Only:**

- A. Target Group
- B. Characteristics of Site to Enhance Services to Target Group
- C. Follow-Up Procedures for Customers Receiving Intensive or Training Services
- D. Compliance with the Americans with Disabilities Act
- E. Information on Child Care Services for Customers
- F. Comprehensive Description of Services to be Offered and the Delivery Approaches

**V. Standard Descriptions for Network of One-Stop Partners:**

- A. Program, Service, or Activity Provided:
- B. Target Group:
- C. Site or Access Point:
- D. Method of Providing Information on Core Services:

**VI. Self-Evaluation to be Completed and Submitted by Comprehensive and Affiliated Network Sites**

**LOCAL ONE-STOP COMPREHENSIVE or AFFILIATE SITE  
 CERTIFICATION / SELF- EVALUATION**

**NAME of OPERATOR:**

**ADDRESS of SITE:**

**DATE of SELF-EVALUATION:**

**TYPE of SITE (Circle One.):    COMPREHENSIVE or AFFILIATE**

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		<b>I. Leadership</b>		
✓	✓	A. Demonstrated concern for best interest of all partners		
✓	✓	B. Public/private collaboration		
✓	✓	C. Local input into the development of the system		
✓	✓	D. Strategic goals supporting the achievement of the Mississippi Workforce Investment System vision		
		<b>II. Management</b>		
		<b>A. Required Partners</b>		(Provide name and phone number for for each partner.)
		1.       WIA Title I Adult, Dislocated		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
✓	✓	Worker and Youth;		
✓		2. WIA Title I Job Corps, if available;		
✓		3. WIA Title I Veterans;		
✓		4. WIA Title I Native American, if available;		
✓		5. WIA Title I Youth Opportunity Grants, if available;		
✓		6. WIA Title I funded Migrant Seasonal Farm Workers, if available;		
✓		7. Welfare-to-Work, if available;		
✓	✓	8. Employment Service;		
✓		9. Veterans Employment Service, Chapter 41 of Title 38 US Code;		
✓		10. Adult Education and Literacy under WIA Title II;		
✓		11. Vocational Rehabilitation;		
✓		12. Senior Community Service		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		Employment Program, Older Americans Act;		
✓		13. Vocational Education;		
✓		14. North American Free Trade Agreement / Transitional Adjustment Assistance;		
✓		15. Trade Adjustment Assistance;		
✓		16. Community Services Block Grant Employment and Training, if available; and,		
✓		17. Housing and Urban Development Employment and Training, if available; and		
✓	✓	18. Unemployment Insurance.		
		<b>B. Additional Partners</b>		(Provide name and phone number for for each partner, as applicable.)
		1. Community college and secondary vocational education placement services, job search classes, pre-employment, financial aid, and related services;		
		2. Community mental health programs, particularly those related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		to job training/placement;		
		3. Substance abuse services;		
		4. Economic development services;		
		5. Homeless programs;		
		6. AmeriCorps program;		
		7. Child Care;		
		8. Housing Assistance;		
		9. Temporary Assistance for Needy Families (TANF);		
		10. Transportation systems and service providers; and		
		11. All local employment and training programs and sources of funds.		
✓	✓	<b>C. Decision Making Process</b> Written decision making process		
		<b>D. Customer Feedback</b>		
✓	✓	1. System for collecting feedback from		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		customers, reviewing feedback, responding to comments, and incorporating feedback into the operation of the site		
✓	✓	2. Plan for continuous improvement, performance evaluation, and staff training		
		<b>E. Organization / Staffing</b>		
✓	✓	1. Organizational Chart designed by function or service activities		
✓	✓	2. Job descriptions for staff including credentials		
✓	✓	<b>F. Reporting:</b> (State to release instructions later.)		
		<b>G. Self-Service, Facilitated Self-Help, and Staff-Assisted Services</b>		
✓		1. Labor exchange services available to all employers and job seekers		
✓		2. Self-service for employers to labor force data, job descriptions, data on people looking for jobs, skills infl, resume' service, and related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		information		
		<b>III. Job Seeker Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Job search materials, labor market information, newspapers, resume' examples, and other print and/or electronic information available		
✓	✓	3. Greeter providing directions		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Customer Flow</b>		
✓	✓	1. Menu of Services available to customers		
✓	✓	2. Procedure for customer registration		
✓	✓	3. Procedure for providing core services		

<b>MINIMUM CERTIFICATION STANDARDS</b>					
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>	
<b>Comp</b>	<b>Aff</b>				
✓	✓	4. Flowchart showing customer flow through core, intensive, and training services			
✓	✓	5. Referral process			
✓	✓	6. Confidentiality policy for customer information			
✓	✓	7. Customer grievance procedures			
✓	✓	8. Reasonable accommodations for special needs			
		<b>C. Levels of Service</b>			
		<b>1. Job Seeker Core Services</b>			
✓	✓	a. Determinations of whether individuals are eligible to receive assistance from WIA Title I Adult or Dislocated Worker funding;			
✓	✓	b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop System;			
✓	✓	c. Initial assessment of skill levels, aptitudes, abilities and supportive			

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		service needs;		
✓	✓	d. Job search and placement assistance, and where appropriate, career counseling;		
✓	✓	e. Employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including (i) job vacancy listings in such labor market areas; (ii) information on job skills necessary to obtain the vacant jobs; and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations;		
✓	✓	f. When made available by the State, performance information and program cost information on eligible providers of training services as described in WIA Title I Section 122, provided by program, and eligible providers of youth activities described in WIA Title I Section 123, providers of adult education described in WIA Title II, providers of post secondary vocational education activities and vocational		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		education activities available to school dropouts under the Carl D. Perkins Vocational and Applied technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);		
✓	✓	g. Information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area.		
✓	✓	h. Information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;		
✓	✓	i. Information regarding filing claims for unemployment compensation;		
✓	✓	j. Assistance in establishing eligibility for Welfare-to-Work activities authorized under Section 403(a)(5) of		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		the Social Security Act (as added by Section 50001 of the Balanced Budget Act of 1997) available in the local area and for programs of financial aid assistance for training and education programs that are not funded under the Workforce Investment Act that are available in the local area;		
✓	✓	k. Follow up services for customers registered for intensive and/or training services, including counseling regarding the workplace, for customers in WIA Title I activities who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;		
✓	✓	1. Rapid response services		
		<b>2. Job Seeker Intensive Services</b>		
✓	✓	a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include (i) diagnostic testing and use of other assessment tools and (ii) in-depth interviewing and evaluation to identify employment barriers and appropriate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		employment goals;		
✓	✓	b. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;		
✓	✓	c. Group counseling;		
✓	✓	d. Individual counseling and career planning;		
✓	✓	e. Case management for participants seeking training services;		
✓	✓	f. Short-term prevocational 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; and		
✓	✓	g. Section 663.200 of 20 CFR Part 652 allows out-of area job search assistance, literacy activities related to		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		basic workforce readiness, relocation assistance, internships, and work experience based on an assessment or individual employment plan.		
		<b>3. Job Seeker Training Services</b>		
✓	✓	a. Occupational skills training, including training for nontraditional employment;		
✓	✓	b. On-the-job training;		
✓	✓	c. Programs that combine workplace training with related instruction, which may include cooperative education programs;		
✓	✓	d. Training programs operated by the private sector;		
✓	✓	e. Skill upgrading and retraining;		
✓	✓	f. Entrepreneurial training;		
✓	✓	g. Job readiness training;		
✓	✓	h. Adult education and literacy activities provided in combination with the services described above; and		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
✓	✓	i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.		
✓	✓	<b>D. Follow Up:</b> Written follow up plan for all registered customers who received intensive or training services		
		<b>IV. Employer Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Labor market information and other print and/or electronic information		
✓	✓	3. Greeter to provide directions or make appointments		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Employer Contact / Reporting</b>		
✓	✓	1. Written procedures to coordinate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		employer contacts and to share information		
✓	✓	2. Marketing package for the site/system		
		<b>C. WIA Supported Services / Employer Core Services</b>		
✓	✓	1. Assistance in finding qualified workers;		
✓	✓	2. Labor exchange information;		
✓	✓	3. Interview facilities at service centers;		
✓	✓	4. State and/or federally generated Labor Market Information (LMI);		
✓	✓	5. State and/or federally generated information on Americans with Disabilities Act;		
✓	✓	6. Information regarding consultations on workplace accommodations for persons with disabilities;		
✓	✓	7. Information on and referral to sources for developing customized		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		training programs;		
✓	✓	8. Rapid response to mass layoffs and plant closings; (Refer to Section II.F.3.c.(1)l. in policy.)		
✓	✓	9. Information about training incentives such as on-the-job training programs (based on worker eligibility); and,		
✓	✓	10. State and/or federally generated information on tax credits for new hires.		
		<b>V. Facility Standards</b>		
✓	✓	<b>A. American with Disabilities Act compliance</b>		
✓	✓	<b>B. Signage:</b> Site displays the Mississippi Workforce Investment System name and logo		(Not part of initial certification process)
✓	✓	<b>C. Equipment:</b> Adequate equipment and furnishings to ensure staff and customers can perform		
		<b>D. Layout</b>		
		1. Areas to serve and counsel		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
✓		individual customers		
✓		2. Area to serve groups of customers		
✓		3. Common reception area		
✓		4. Self-serve resource room		
✓		5. Space for itinerant staff		
✓		6. Office for employer interviews		
✓		7. Resource room equipped for public access:		
		a. Telephones		
		b. Fax machine		
		c. Photocopier		
		d. TV / VCR		
		e. TDD		
		f. Internet linked computers		
		g. Software for career search, aptitude testing, and employability skills		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		h. Printer		
		i. Typewriter		
		j. Tables and/or desks for customers		
		k. Reference materials on jobs, training, and related information.		
✓	✓	<b>E. Parking:</b> Adequate, free, safe, and in the proximity of the site		
✓	✓	<b>F. Population Centers:</b> Location based on customer population density		
✓	✓	<b>G. Geographic Access:</b> Location based on travel time of customers and networking of services		
		<b>H. Child Care:</b> Services available onsite or by referral		
✓	✓	<b>I. Hours of Operation:</b> Flexible to facilitate easy access of customers		

Attach documentation as referenced.

**LOCAL ONE-STOP COMPREHENSIVE or AFFILIATE SITE  
 CERTIFICATION / PEER REVIEW**

**NAME of OPERATOR:**

**ADDRESS of SITE:**

**DATE of SELF-EVALUATION:**

**TYPE of SITE (Circle One.):    COMPREHENSIVE or AFFILIATE**

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		<b>I. Leadership</b>		
✓	✓	A. Demonstrated concern for best interest of all partners		
✓	✓	B. Public/private collaboration		
✓	✓	C. Local input into the development of the system		
✓	✓	D. Strategic goals supporting the achievement of the Mississippi Workforce Investment System vision		
		<b>II. Management</b>		
		<b>A. Required Partners</b>		(Provide name and phone number for for each partner.)
		1.       WIA Title I Adult, Dislocated		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
✓	✓	Worker and Youth;		
✓		2. WIA Title I Job Corps, if available;		
✓		3. WIA Title I Veterans;		
✓		4. WIA Title I Native American, if available;		
✓		5. WIA Title I Youth Opportunity Grants, if available;		
✓		6. WIA Title I funded Migrant Seasonal Farm Workers, if available;		
✓		7. Welfare-to-Work, if available;		
✓	✓	8. Employment Service;		
✓		9. Veterans Employment Service, Chapter 41 of Title 38 US Code;		
✓		10. Adult Education and Literacy under WIA Title II;		
✓		11. Vocational Rehabilitation;		
✓		12. Senior Community Service		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		Employment Program, Older Americans Act;		
✓		13. Vocational Education;		
✓		14. North American Free Trade Agreement / Transitional Adjustment Assistance;		
✓		15. Trade Adjustment Assistance;		
✓		16. Community Services Block Grant Employment and Training, if available; and,		
✓		17. Housing and Urban Development Employment and Training, if available; and		
✓	✓	18. Unemployment Insurance.		
		<b>B. Additional Partners</b>		(Provide name and phone number for for each partner, as applicable.)
		1. Community college and secondary vocational education placement services, job search classes, pre-employment, financial aid, and related services;		
		2. Community mental health programs, particularly those related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		to job training/placement;		
		3. Substance abuse services;		
		4. Economic development services;		
		5. Homeless programs;		
		6. AmeriCorps program;		
		7. Child Care;		
		8. Housing Assistance;		
		9. Temporary Assistance for Needy Families (TANF);		
		10. Transportation systems and service providers; and		
		11. All local employment and training programs and sources of funds.		
✓	✓	<b>C. Decision Making Process</b> Written decision making process		
		<b>D. Customer Feedback</b>		
✓	✓	1. System for collecting feedback from		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		customers, reviewing feedback, responding to comments, and incorporating feedback into the operation of the site		
✓	✓	2. Plan for continuous improvement, performance evaluation, and staff training		
		<b>E. Organization / Staffing</b>		
✓	✓	1. Organizational Chart designed by function or service activities		
✓	✓	2. Job descriptions for staff including credentials		
✓	✓	<b>F. Reporting:</b> (State to release instructions later.)		
		<b>G. Self-Service, Facilitated Self-Help, and Staff-Assisted Services</b>		
✓		1. Labor exchange services available to all employers and job seekers		
✓		2. Self-service for employers to labor force data, job descriptions, data on people looking for jobs, skills infl, resume' service, and related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		information		
		<b>III. Job Seeker Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Job search materials, labor market information, newspapers, resume' examples, and other print and/or electronic information available		
✓	✓	3. Greeter providing directions		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Customer Flow</b>		
✓	✓	1. Menu of Services available to customers		
✓	✓	2. Procedure for customer registration		
✓	✓	3. Procedure for providing core services		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
✓	✓	4. Flowchart showing customer flow through core, intensive, and training services		
✓	✓	5. Referral process		
✓	✓	6. Confidentiality policy for customer information		
✓	✓	7. Customer grievance procedures		
✓	✓	8. Reasonable accommodations for special needs		
		<b>C. Levels of Service</b>		
		<b>1. Job Seeker Core Services</b>		
✓	✓	a. Determinations of whether individuals are eligible to receive assistance from WIA Title I Adult or Dislocated Worker funding;		
✓	✓	b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop System;		
✓	✓	c. Initial assessment of skill levels, aptitudes, abilities and supportive		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		service needs;		
✓	✓	d. Job search and placement assistance, and where appropriate, career counseling;		
✓	✓	e. Employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including (i) job vacancy listings in such labor market areas; (ii) information on job skills necessary to obtain the vacant jobs; and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations;		
✓	✓	f. When made available by the State, performance information and program cost information on eligible providers of training services as described in WIA Title I Section 122, provided by program, and eligible providers of youth activities described in WIA Title I Section 123, providers of adult education described in WIA Title II, providers of post secondary vocational education activities and vocational		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		education activities available to school dropouts under the Carl D. Perkins Vocational and Applied technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);		
✓	✓	g. Information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area.		
✓	✓	h. Information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;		
✓	✓	i. Information regarding filing claims for unemployment compensation;		
✓	✓	j. Assistance in establishing eligibility for Welfare-to-Work activities authorized under Section 403(a)(5) of		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		the Social Security Act (as added by Section 50001 of the Balanced Budget Act of 1997) available in the local area and for programs of financial aid assistance for training and education programs that are not funded under the Workforce Investment Act that are available in the local area;		
✓	✓	k. Follow up services for customers registered for intensive and/or training services, including counseling regarding the workplace, for customers in WIA Title I activities who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;		
✓	✓	1. Rapid response services		
		<b>2. Job Seeker Intensive Services</b>		
✓	✓	a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include (i) diagnostic testing and use of other assessment tools and (ii) in-depth interviewing and evaluation to identify employment barriers and appropriate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		employment goals;		
✓	✓	b. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;		
✓	✓	c. Group counseling;		
✓	✓	d. Individual counseling and career planning;		
✓	✓	e. Case management for participants seeking training services;		
✓	✓	f. Short-term prevocational 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; and		
✓	✓	g. Section 663.200 of 20 CFR Part 652 allows out-of area job search assistance, literacy activities related to		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		basic workforce readiness, relocation assistance, internships, and work experience based on an assessment or individual employment plan.		
		<b>3. Job Seeker Training Services</b>		
✓	✓	a. Occupational skills training, including training for nontraditional employment;		
✓	✓	b. On-the-job training;		
✓	✓	c. Programs that combine workplace training with related instruction, which may include cooperative education programs;		
✓	✓	d. Training programs operated by the private sector;		
✓	✓	e. Skill upgrading and retraining;		
✓	✓	f. Entrepreneurial training;		
✓	✓	g. Job readiness training;		
✓	✓	h. Adult education and literacy activities provided in combination with the services described above; and		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
✓	✓	i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.		
✓	✓	<b>D. Follow Up:</b> Written follow up plan for all registered customers who received intensive or training services		
		<b>IV. Employer Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Labor market information and other print and/or electronic information		
✓	✓	3. Greeter to provide directions or make appointments		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Employer Contact / Reporting</b>		
✓	✓	1. Written procedures to coordinate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		employer contacts and to share information		
✓	✓	2. Marketing package for the site/system		
		<b>C. WIA Supported Services / Employer Core Services</b>		
✓	✓	1. Assistance in finding qualified workers;		
✓	✓	2. Labor exchange information;		
✓	✓	3. Interview facilities at service centers;		
✓	✓	4. State and/or federally generated Labor Market Information (LMI);		
✓	✓	5. State and/or federally generated information on Americans with Disabilities Act;		
✓	✓	6. Information regarding consultations on workplace accommodations for persons with disabilities;		
✓	✓	7. Information on and referral to sources for developing customized		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		training programs;		
✓	✓	8. Rapid response to mass layoffs and plant closings; (Refer to Section II.F.3.c.(1)l. in policy.)		
✓	✓	9. Information about training incentives such as on-the-job training programs (based on worker eligibility); and,		
✓	✓	10. State and/or federally generated information on tax credits for new hires.		
		<b>V. Facility Standards</b>		
✓	✓	<b>A. American with Disabilities Act compliance</b>		
✓	✓	<b>B. Signage:</b> Site displays the Mississippi Workforce Investment System name and logo		(Not part of initial certification process)
✓	✓	<b>C. Equipment:</b> Adequate equipment and furnishings to ensure staff and customers can perform		
		<b>D. Layout</b>		
		1. Areas to serve and counsel		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
✓		individual customers		
✓		2. Area to serve groups of customers		
✓		3. Common reception area		
✓		4. Self-serve resource room		
✓		5. Space for itinerant staff		
✓		6. Office for employer interviews		
✓		7. Resource room equipped for public access:		
		a. Telephones		
		b. Fax machine		
		c. Photocopier		
		d. TV / VCR		
		e. TDD		
		f. Internet linked computers		
		g. Software for career search, aptitude testing, and employability skills		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		h. Printer		
		i. Typewriter		
		j. Tables and/or desks for customers		
		k. Reference materials on jobs, training, and related information.		
✓	✓	<b>E. Parking:</b> Adequate, free, safe, and in the proximity of the site		
✓	✓	<b>F. Population Centers:</b> Location based on customer population density		
✓	✓	<b>G. Geographic Access:</b> Location based on travel time of customers and networking of services		
		<b>H. Child Care:</b> Services available onsite or by referral		
✓	✓	<b>I. Hours of Operation:</b> Flexible to facilitate easy access of customers		

Attach a brief overview of the potential of the site to deliver quality services through the Mississippi Workforce Investment System. Include descriptions of the strengths and weaknesses of the site.

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**Signature of Review Team**

Name: _____ Date: _____ Agency: _____	Name: _____ Date: _____ Agency: _____
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MISSISSIPPI WORKFORCE INVESTMENT SYSTEM  
TECHNICAL ASSISTANCE AND GUIDANCE  
FOR POLICY NUMBER 4  
ONE-STOP CERTIFICATION PROCEDURES AND  
MINIMUM CERTIFICATION STANDARDS FOR LOCAL SITES

I. SCOPE and PURPOSE

The purpose of this technical assistance and guidance (TAG) is to provide additional comments and suggestions for certifying the one-stop sites. This TAG does not have the force of law or of a State policy. It is based on the Workforce Investment Act (WIA), its implementing regulations, recommendations of the One-Stop Task Force, and a survey of best practices.

Policy Number 4 restates selected passages from the WIA and its implementing regulations that define the one-stop service delivery system. The sections from the policy are shown in bold type. Thus, the sections in bold are mandated requirements. The Local Workforce Investment Boards, the chief elected officials, the WIA fiscal agents, the one-stop operators, the one-stop partners, and any other entities associated with the implementation or administration of the one-stop system are required to comply with all mandates of the WIA, its implementing regulations, subsequent amendments and revisions of the WIA and its implementing regulations, and all other applicable laws and regulations. All mandates and regulations are not repeated in the policy or in this TAG.

The goal of the Mississippi Workforce Investment System is to provide easy access to quality services for all customers. To achieve this goal, co-location of service providers and the integration of services to the fullest extent possible are the priorities of this system. The State recommends that every element of the Mississippi Workforce Investment System be designed to enable our customers, both job seekers and employers, to compete successfully and achieve economic security. The comprehensive strategy should break down barriers, respond to the needs of our customers, and integrate services from the State's major workforce development programs into a seamless package for the customer.

The Mississippi Workforce Investment System should provide services to all employers and all job seekers. Employers, students, persons with disabilities, veterans, welfare recipients, unemployed, underemployed and employed individuals will all have equal access to services. A core set of services will be available, free of charge, to all who seek them.

The purpose of this TAG is to recommend a framework for the certification process and the minimum standards for the one-stop sites. Within the mandates of the WIA and its

implementing regulations, the Local Workforce Investment Board has discretion to determine the local service delivery structure. This guidance is intended to assist each local board to meet the challenge and the opportunity to establish the appropriate network of service delivery to every community and to every customer.

## II. REQUIREMENTS

### A. VALUES and GUIDING PRINCIPLES

The Mississippi Workforce Investment System will be built and operated at the State and local levels on the following values and guiding principles. These values and guiding principles have been recommended by the Strategic Planning Task Force and approved by the State Workforce Investment Board:

1. Provide results-oriented services;
2. Provide value-added services for employers and job seekers;
3. Maximize synergism and teamwork among all partners to reduce duplication of effort;
4. Provide customer-driven, comprehensive, fair and honest service throughout the State;
5. Be simple and user-friendly;
6. Be flexible and responsive to all customers and their needs in a timely manner;
7. Be innovative;
8. Continuously improve the quality of the system;
9. Collaborate and bring all possible resources to bear on workforce development;
10. Provide services to promote individual self-worth, to prepare workers for jobs statewide, and to result in an empowered workforce;
11. Ensure accessibility for persons with disabilities;
12. Ensure universal acceptance by the customers and the communities within the state; and
13. Encourage a work-first approach understanding that additional services and/or training may be required to promote individual self-worth, employability and career potential and/or to fulfill employer hiring needs.

### B. MISSISSIPPI ONE-STOP SYSTEM PARTNERS

Section 121(b)(1)(A) of the WIA states that entities that carry out the specified programs and activities shall make those services and activities available through the one-stop system. Also, the section states that those entities shall comply with the memorandum of understanding and with the requirements of the Federal laws authorizing those services and activities.

Section 121(b)(1)(B) of the WIA lists the programs and activities referenced above. These programs and activities consist of the following:

1. Programs authorized under Title I of the WIA;

2. Programs authorized under the Wagner-Peyser Act;
3. Adult Education and literacy activities authorized under Title II;
4. Programs authorized under Title I of the Rehabilitation Act of 1973;
5. Programs authorized under Section 403(a)(5) of the Social Security Act;
6. Activities authorized under Title V of the Older Americans Act of 1965;
7. Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act;
8. Activities authorized under Chapter 2 of Title II of the Trade Act of 1974;
9. Activities authorized under Chapter 41 of Title 38, United States Code;
10. Employment and training activities carried out under the Community Services Block Grant Act;
11. Employment and training activities carried out by the Department of Housing and Urban Development; and
12. Programs authorized under State unemployment compensation laws.

The following agencies are program partners in the Mississippi Workforce Investment System:

1. Mississippi Development Authority,
2. Mississippi Employment Security Commission,
3. Mississippi Board for Community and Junior Colleges,
- 4.. Mississippi Department of Education,
5. Mississippi Department of Rehabilitation Services, and
6. Mississippi Department of Human Services.

#### C. LOCAL ONE-STOP SITE DESIGN OPTIONS

Section 134 (c) (2) of WIA allows various configurations of one-stop service delivery sites. As stated in 20 CFR 662.100(e), the design of the local area's one-stop delivery system, including the number of comprehensive centers and supplementary arrangements, must be described in the local plan and be consistent with the memorandum of understanding executed with the one-stop partners.

In 20 CFR 662.100, the one-stop delivery system is described as a seamless system of service delivery that is created through the collaboration of entities responsible for separate workforce development funding streams. The one-stop system is designed to enhance access to services and improve outcomes for individuals seeking assistance. The regulation specifically defines the system as consisting of one or more comprehensive, physical one-stop center in a local area. In addition to the comprehensive centers, the regulation notes that WIA allows for three other arrangements to supplement the comprehensive center. The four arrangements are listed:

1. Comprehensive Center

As defined in WIA Section 134(c)(2), at a minimum, the one-stop delivery system shall make the following programs, services, and activities

accessible at not less than one physical center in each local area of the State:

- a. Provision of core services described in WIA Section 134(d)(2);
- b. Access to intensive services and training services as described in WIA Section 134(d)(3) and (4), including access to individual training accounts for training services to participants in accordance with WIA Section 134(d)(4)(G);
- c. Access to activities carried out under WIA Section 134(e), if any;
- d. Access to programs and activities carried out by one-stop partners described in WIA Section 121(b); and
- e. Access to the information described in Section 15 of the Wagner-Peyser Act and all job search, placement, recruitment, and other labor exchange services authorized under the Wagner-Peyser Act.

The State recommends that "access" be defined as the ability to obtain and make use of. For example, "access" to individual training accounts will mean more than having information available. To meet the definition, the site will assist the customer with the application process and ensure that the customer follows through with the process and enters training, as appropriate.

2. A Network of Affiliated Sites

As stated in WIA Section 134(c)(2)(B)(i), an affiliated site can provide one or more of the programs, services, and activities to individuals.

The State suggests that each affiliated site be required to provide all the WIA core services and all the Wagner-Peyser services, to provide information about unemployment insurance, to file unemployment insurance claims, and to ensure access to all the WIA Title I services for adults and dislocated workers. Any program services beyond these services should be determined by local need.

The State suggests that the distinguishing characteristic between the comprehensive and the affiliate site is the scope of services being provided or facilitated. The State suggests that the affiliate site be linked with the full-service site electronically or technologically. And, most importantly, the State recommends that the services of the affiliate site be integrated with a full-service site.

3. A Network of One-Stop Partners

As stated in WIA Section 134(c)(2)(B)(ii), the programs, services, and activities may be available to individuals through a network of eligible one-stop partners--

- a. In which each partner provides one or more of the programs, services, and activities to individuals and is accessible at an affiliated site that consists of a physical location or an electronically or technologically linked access point; and
- b. That assures individuals that information on the availability of the core services will be available regardless of where the individuals initially enter the statewide workforce investment system, including information make available through an access point described in a. above.

The State emphasizes that this option is open to all eligible one-stop partners. The required partners are listed in WIA Section 121(b)(1)(B) and the additional partners are listed in WIA Section 121(b)(2).

The State suggests that the comprehensive, affiliate, and speciality sites be the foundation for the one-stop system. However, there may be many other links to the system. The local boards may designate access points to increase universal access and to streamline service delivery. The State recommends that an access point have internet capability and meet the minimum requirements to interface with the State's electronic network. An access point may be a public library or any of the eligible entities.

#### 4. Specialized Centers

As stated in WIA Section 134(c)(3), the centers and sites described may have a specialization in addressing special needs, such as the needs of dislocated workers.

The State recommends that the speciality site provide specific services in a specific geographic location for a target group designated by the Local Workforce Investment Board. For examples, dislocated workers, parolees, or individuals with disabilities may be provided specialized services designed for their needs. In addition, the speciality site may provide a temporary office facility for itinerant staff from other partner agencies or meet other special needs deemed necessary by the Local Workforce Investment Board.

### D. SELECTION or DESIGNATION of ONE-STOP OPERATORS

#### 1. Eligible Entities

As stated in WIA Section 121(d)(1), the local board, with agreement of the chief elected official, is authorized to designate or certify the one-stop operator. In Section 121(d)(2)(B), the WIA defines the one-stop operator as a public or private entity, or consortium of entities, of demonstrated effectiveness, located in the local area, which may include:

- a. A postsecondary educational institution;

- b. An employment service agency established under the Wagner-Peyser Act;
- c. A private, nonprofit organization (including a community based organization);
- d. A private for-profit entity;
- e. A government agency; and
- f. Another interested organization or entity, to include a local chamber of commerce or other business organization.

## 2. Selection Process

According to WIA Section 121(d)(2)(A), there are two options for designating or certifying an entity or a consortium of entities as the one-stop operator:

- a. Through a competitive process; or
- b. In accordance with an agreement reached between the local board and a consortium of entities that, at a minimum, includes three or more of the one-stop partners described in Section 121(b)(1).

As stated in 20 CFR 662.400(b), one-stop operators may be a single entity or a consortium of entities and may operate one or more one-stop centers. In addition, there may be more than one one-stop operator in a local area.

As a reminder, the State emphasizes that the competitive process will reflect the applicable State and local laws, regulations, and Office of Budget and Management (OMB) circulars regarding competitive procurement.

In addition, the State suggests that the selection of the one-stop operator should demonstrate a good faith effort to view the one-stop system holistically and to respect the partner agencies. The governing guidelines require the process to be impartial.

According to Section 184(b)(1) of WIA, if, as a result of financial and compliance audits or otherwise, the Governor determines that there is a substantial violation of a specific provision of this Title, and corrective action has not been taken, the Governor shall:

- a. Issue a notice of intent to revoke approval of all or part of the local plan affected; or
- b. Impose a reorganization plan, which may include:
  - (1) Decertifying the local board involved;
  - (2) Prohibiting the use of eligible providers;
  - (3) Selecting an alternative entity to administer the program for the local area involved;
  - (4) Merging the local area into one or more other local areas;  
or
  - (5) Making other changes as the Secretary of Labor or the Governor determines necessary to secure compliance.

3. Local Board as a One-Stop Provider

As stated in WIA Section 117(f) (2) and in 20 CFR 661.310, a local board may provide core services described in WIA Section 134(d)(2) or intensive services described in WIA Section 134(d)(3) through a one-stop delivery system or be designated or certified as a one-stop operator only with the agreement of the chief elected official and the Governor. A local board is prohibited from providing training services unless the Governor grants a waiver in accordance with the provisions in WIA Section 117(f)(1)(B). Also, Section 117(f)(1)(A) states that except as provided in the waiver provisions, no local board may provide training services described in Section 134(d)(4) of the Act.

E. CERTIFICATION PROCESS

As stated in Section 121(d)(1) of WIA, the local board, with agreement of the chief elected official, is authorized to designate and certify one-stop operators.

The State recommends that the Local Workforce Investment Board develop a written certification process. Also, the State recommends that the certification process for the comprehensive center and the affiliate sites be more detailed than the process for the other sites. Because the mandated criteria for the comprehensive site are extensive, the State believes a thorough review of this type site is prudent. Considering that the number of programs available at an affiliated site may vary, the State suggests that a separate application be submitted for each physical location.

Based on a review of best practices, the State offers the following certification process as a recommendation for comprehensive and affiliate sites:

1. Step 1

The operator of the site will prepare an application request and a self-evaluation to compare the current site functions or functions to be implemented by July 1, 2000, with the standards outlined. These documents will be submitted to the appropriate Local Workforce Investment Board. Documentation will be provided to illustrate the standards that are being met. Comments and explanations will be included for standards that need improvement. (A suggested application request form and a self-evaluation tool are attached.)

2. Step 2

Phase one of the evaluation will be the responsibility of the Local Workforce Investment Board, with agreement of the chief elected official. Using the standards as an evaluation guide, the board will consider the application and the self-evaluation submitted by the one-stop operator. A representative of the board may make a site visit or conduct a telephone

interview to clarify any elements of the application or self-evaluation. The certifying body will have the authority to issue any one of the following decisions:

- a. Certify the site pending peer review.
- b. Conditionally certify the site contingent upon enhancements or corrections by a specified date, not to exceed 90 days following the date of the local board's decision.
- c. Deny certification.

3. Step 3

If the Local Workforce Investment Board issues the decision to certify pending peer review, the site may proceed to operate using WIA funds. Also, the peer review will be conducted within three months of the submission of the application request. A team of a minimum of two individuals will conduct a peer review on-site. The two members will represent different workforce investment areas and the two areas will be outside the workforce investment area being reviewed. No more than one of the peer review team members will be from the same type agency as the one-stop operator. The one-stop operator of the site being reviewed will select the members of the review team and make the logistical arrangements.

The peer review team will present its findings to the appropriate Local Workforce Investment Board within two weeks of the site visit. (A suggested peer review instrument is attached.) Records of the peer review will be maintained by the Local Workforce Investment Board for State review.

If the Local Workforce Investment Board issues the decisions to conditionally certify, the site may proceed to operate using WIA funds. The site that is conditionally certified will repeat the application request and self-evaluation steps by the specified date, not to exceed 90 days following the board's decision. A site is limited to only two consecutive conditional certifications. At the end of the second conditional certification, the Local Workforce Investment Board will either certify the site pending peer review or deny certification.

If a site is denied certification, then the site can receive no WIA funds. The decision of the Local Workforce Investment Board is final. If a site is denied certification, the one-stop operator will not be allowed to reapply for that site for a period of twelve months following the date of the decision.

4. Step 4

Phase two of the evaluation will be the responsibility of the Local Workforce Investment Board, with agreement of the chief elected official,

after the peer review is conducted and submitted. Using the standards as an evaluation guide, the board will consider the information provided by the peer review team. The certifying body will have the authority to issue any one of the following decisions:

- a. Certify the site for two years.
- b. Conditionally certify the site contingent upon enhancements or corrections by a specified date, not to exceed 90 days following the date of the local board's decision.
- c. Deny certification.

5. Step 5

If the Local Workforce Investment Board issues the decision to certify, the site may proceed to operate using WIA funds for a period of two years.

If the Local Workforce Investment Board issues the decision to conditionally certify after the peer review, the site may continue to operate using WIA funds. The site that is conditionally certified will provide additional information as requested by the local board by the specified date, not to exceed 90 days following the board's decision. A site is limited to only one conditional certification following the peer review. At the end of the conditional certification, the Local Workforce Investment Board will either certify or deny certification.

If a site is denied certification after the peer review, then the site can receive no WIA funds. The decision of the Local Workforce Investment Board is final. If a site is denied certification, the one-stop operator will not be allowed to reapply for that site for a period of twelve months following the date of the decision.

6. Step 6

A certified site will repeat the certification process during the last quarter of the certification period to be recertified and to continue WIA operations. However, a new application and new self-evaluation are not required when the following conditions are met:

- a. The one-stop site is meeting its performance standards, and
- b. The one-stop site has no unresolved monitoring or audit findings.

F. MINIMUM CERTIFICATION STANDARDS

To ensure the delivery of quality services, the State has developed recommended minimum standards for one-stop sites based on recommendations of the One-Stop Task Force. Unless otherwise stated within the description of the standard, the State recommends applying all standards to the comprehensive and affiliate sites. Local Workforce Investment Boards are encouraged to add to these minimum standards:

1. Leadership

The Mississippi vision for workforce development is a competitive, robust, fully employed workforce that adds value for existing employers and for potential employers competing to come to Mississippi and that improves the quality of life for all Mississippians. This vision will be accomplished through the Mississippi Workforce Investment System, cohesive public/private collaboration with strong local input built on the effective and efficient interaction of Workforce Investment System Partners and the employers of the State's workforce.

The Mississippi Workforce Investment System should be modeled and shaped by strong public and private leadership and supported by the integration and co-location principles. Local communities are encouraged to demonstrate effective private sector-led governance conducted by the Local Workforce Investment Board. As a result, professional and customer-friendly service will be in place.

The vision of the Mississippi Workforce Investment System will guide the development of the local one-stop system. The one-stop operator will provide examples of the following initiatives:

- a. Demonstrated concern for best interests of all partners,
- b. Public/private collaboration,
- c. Local input into the development of the system, and
- d. Strategic goals supporting the achievement of the Mississippi vision.

2. Management

It is recommended that each comprehensive and affiliated site one-stop operator establish and maintain sound management practices. The State suggests that the site management employ a collaborative decision-making process that is documented in writing.

a. Required Partners

Section 121(b)(1)(B) of WIA lists the programs and activities to be included in the one-stop system. At a minimum, access to the services from the following programs shall be available through the one-stop system:

- (1) At a minimum, access to the services from the following programs shall be available at the comprehensive site:
  - (a) Programs authorized under Title I of the WIA;
  - (b) Programs authorized under the Wagner-Peyser Act;

- (c) Adult Education and literacy activities authorized under Title II;
- (d) Programs authorized under Title I of the Rehabilitation Act of 1973;
- (e) Programs authorized under Section 403(a)(5) of the Social Security Act;
- (f) Activities authorized under Title V of the Older Americans Act of 1965;
- (g) Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act;
- (h) Activities authorized under Chapter 2 of Title II of the Trade Act of 1974;
- (i) Activities authorized under Chapter 41 of Title 38, United States Code;
- (j) Employment and training activities carried out under the Community Services Block Grant Act;
- (k) Employment and training activities carried out by the Department of Housing and Urban Development; and
- (l) Programs authorized under State unemployment compensation laws.

The State provides the following specific examples of the programs listed in the WIA as services to be accessed at the comprehensive site:

- (a) WIA Title I Adult and Dislocated Worker;
- (b) WIA Title I Job Corps, if available;
- (c) WIA Title I Veterans, if available;
- (d) WIA Title I Native American, if available;
- (e) WIA Title I Youth Opportunity Grants, if available;
- (f) WIA Title I funded Migrant Seasonal Farm Workers, if available;
- (g) Welfare-to-Work, if available;
- (h) Employment Service;
- (i) Veterans Employment Service, Chapter 41 of Title 38 US Code;
- (j) Adult Education and Literacy under WIA Title II;
- (k) Vocational Rehabilitation;
- (l) Senior Community Service Employment Program, Older Americans Act;
- (m) Vocational Education;
- (n) North American Free Trade Agreement / Transitional Adjustment Assistance;
- (o) Trade Adjustment Assistance;
- (p) Community Services Block Grant Employment and Training, if available; and,

- (q) Housing and Urban Development Employment and Training, if available; and
  - (r) Unemployment Insurance.
- (2) At a minimum, the State recommends that access to the services from the following programs be available at the affiliate sites:
- (a) WIA Title I Adult and Dislocated Worker;
  - (b) Employment Service;
  - (c) Unemployment Insurance.

b. Additional Partners

Section 121(b)(2) of WIA lists additional entities that carry out human resource programs that--

- (1) May make available to participants, through the one-stop delivery system, the services described in WIA Section 134(d)(2) that are applicable to such programs; and
- (2) May participate in the operation of the one-stop system consistent with the terms of the memorandum of understanding and with the requirements of the Federal law in which the program is authorized if the local board and chief elected official involved approve participation.

These programs may include:

- (1) Programs authorized under Part A of Title IV of the Social Security Act;
- (2) Programs authorized under Section 6(d)(4) of the Food Stamp Act of 1977;
- (3) Work programs authorized under Section 6(o) of the Food Stamp Act of 1977;
- (4) Programs authorized under the National and Community Service Act of 1990; and
- (5) Other appropriate Federal, State, or local programs, including programs in the private sector.

At the comprehensive and affiliate sites, the State encourages access to the services from the following services/programs:

- (1) Community college and secondary vocational education placement services, job search classes, pre-employment, financial aid, and related services;
- (2) Community mental health programs, particularly those related to job training/placement;
- (3) Substance abuse services;
- (4) Economic development services;
- (5) Homeless programs;
- (6) AmeriCorps program;

- (7) Child Care;
- (8) Housing Assistance;
- (9) Temporary Assistance for Needy Families (TANF);
- (10) Transportation systems and service providers; and
- (11) All local employment and training programs and sources of funds.

c. Decision-Making Process

As described in 20 CFR 661.300, the local board, in partnership with the chief elected official, sets policy for the portion of the statewide workforce investment system within the local area. The local board and the chief elected official may enter into an agreement that describes the respective roles and responsibilities of the parties. The local board, in partnership with the chief elected official, develops the local workforce investment plan and performs the functions described in WIA Section 117(d).

The State recommends that the staff at the comprehensive and affiliate sites be responsible for implementing the policies and serving the customers. Thus, day-to-day administrative and operational decisions need to be made at the one-stop sites to ensure that quality services are delivered expediently. In fact, much authority will be delegated to the front line staff to empower them to make decisions that impact the quality and timely delivery of services to customers.

It is recommended that each comprehensive and affiliate site have a written decision-making process.

d. Customer Feedback

As required by WIA Section 118(b)(2)(A), the local board will ensure the continuous improvement of eligible providers of services through the system and ensure that the providers meet the employment needs of local employers and participants. In WIA Section 136, the performance accountability system is described. Section (a) states that the purpose of the section is to describe activities to assess the effectiveness of States and local areas in achieving continuous improvement of workforce investment activities. Section 136(b)(2)(B) states that customer satisfaction indicators of performance shall consist of customer satisfaction of employers and participants with services received from the workforce investment activities. The section states that customer satisfaction may be measured through surveys conducted after the conclusion of participation in the workforce activities.

The State suggests that information and data collection related to customer satisfaction be key elements of continuous improvement

and management decisions in a customer-driven system. It is recommended that the comprehensive and affiliate sites have a system of collecting feedback from customers, reviewing feedback, responding to comments, as appropriate, and incorporating feedback into the operation of the site.

It is recommended that each comprehensive and affiliate site have a plan for continuous improvement, performance evaluation, and staff training. The State plans to put more emphasis on continuous improvement after the initial round of certifications.

e. Organization / Staffing

The State recommends that efforts to streamline services and to focus on the needs of the customer be reflected by the comprehensive, affiliate, and speciality site's organizational chart.

- (1) It is recommended that each comprehensive, affiliate, and speciality site have an organizational chart designed by functions or service activities. The titles of positions should be shown, not the names of individuals or agencies.
- (2) It is recommended that each comprehensive, affiliate, and speciality site have written job descriptions to identify the required credentials for each staff person.

f. Reporting

As stated in WIA Section 185(a)(1), recipients of WIA funds shall keep records that are sufficient to permit the preparation of reports required by WIA and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully. Subsection (2) adds that the Secretary of Labor will designate the form and content of the reports requiring information about the performance of programs and activities carried out. Subsection (3) requires standardized records for all individual participants.

The State will issue instructions and formats for financial, participant, and performance reporting with due dates. It is anticipated that these reports will be done electronically.

g. Self-Service, Facilitated Self-Help, and Staff-Assisted Services

According to 20 CFR 652.207, labor exchange services must be available to all employers and job seekers, including unemployment insurance (UI) claimants, veterans, migrant and seasonal farm workers, and individuals with disabilities. In each Workforce Investment Area, in at least one physical center, staff funded under the Wagner-Peyser Act must provide core and applicable intensive services including staff-assisted labor

exchange services. According to 20 CFR 652.208, core and intensive services may be delivered through any of the three methods of service delivery:

- (1) Self-service,
- (2) Facilitated self-help services, and
- (3) Staff-assisted service.

According to 20 CFR 663.105(b), adults and dislocated workers who receive services funded under Title I other than self-service or informational activities must be registered and determined eligible.

Also, 20 CFR 666.140(a) states that the core indicators of performance apply to all individuals who are registered under 20 CFR 663.105 and 664.215 for the adult, dislocated worker and youth programs, except for those adults and dislocated workers who participate exclusively in self-service or informational activities.

The State suggests that the employers have self-service access to labor force data, job descriptions, data on people looking for jobs, information on skills, resume' service, and related information. This service may be part of the reception area or the resource room. It is recommended that self-service be required at the comprehensive sites. Affiliate sites may have self-service features if this standard supports the purpose and function of the site. Also, it is suggested that any customer using the self-service option be able to request facilitated self-help.

Furthermore, the State recommends that the comprehensive and affiliate sites have staff to assist employers with all of the services listed in Section II.F.4.c, WIA Supported Services / Employer Core Services.

### 3. Job Seeker Processes

#### a. Reception

The State recommends that the reception area for the comprehensive and affiliate sites set the stage for universal access and integration of services. It is suggested that the use of technology be maximized to enhance service delivery.

- (1) The State suggests that each comprehensive and affiliate site have a common entry that is welcoming and friendly. In addition, the reception area should provide access to job search activities that can begin immediately either by self-service or by minimal assistance. Efforts may be made to facilitate easy and quick initiation of services.

- (2) Job search materials, labor market information, newspapers, resume' examples, and other printed and/or electronic information may be available.
- (3) Each site may have a greeter to evaluate needs and to direct customers appropriately and immediately upon entry.
- (4) Telephone greetings may incorporate the identity of the local workforce investment system, not the name of any specific agency.
- (5) The certification certificate or seal for the site may be displayed in the reception area.

b. Customer-Flow

At the individual sites, procedures may be developed to ensure timely services for all customers. At the comprehensive and affiliated network sites, the following elements may be developed to ensure efficient customer flow:

- (1) A menu of services may be available for the customers' information and inspection,
- (2) Procedure for customer registration;
- (3) Procedure for providing core services;
- (4) A flowchart showing the steps the customers follow from entry through core, intensive, and training services;
- (5) Description of the referral process;
- (6) Confidentiality policy for customer information;
- (7) Description of the grievance procedures; and
- (8) Reasonable accommodations to meet special needs of customers.

c. Levels of Service

(1) Job Seeker Core Services

The core services listed in Section 134(d)(2) of the Workforce Investment Act shall be provided to adults and dislocated workers through the one-stop delivery system. In 20 CFR 662.230, all required partners must make available to participants through the one-stop delivery system the core services that are applicable to the partner's programs. In the *Preamble* to 20 CFR Part 652, under Subpart B - One Stop Partners, there is a statement about avoiding duplication of services traditionally provided under the Wagner-Peyser Act. The *Preamble* explains that the requirement to provide core services at a minimum of one comprehensive center is limited to those applicable core services that are in addition to the basic labor exchange services traditionally provided in the local area under the Wagner-Peyser program. While a partner would

not, for example, be required to duplicate an assessment provided under the Wagner-Peyser Act, the partner would be expected to be responsible for any needed assessment that includes additional elements specifically tailored to participants under the partner's program. However, the adult and dislocated worker program partners are required to make all of the core services available at the comprehensive center.

As stated in 20 CFR 662.250(b), the applicable core services may be made available by the provision of appropriate technology at the comprehensive one-stop center, by co-locating personnel at the center, cross-training of staff, or through a cost reimbursement or other agreement between service providers at the comprehensive one-stop center and the partner, as described in the memorandum of understanding.

The core services as listed in WIA Section 134(d)(2), at a minimum, include:

- (a) Determinations of whether individuals are eligible to receive assistance from WIA Title I Adult or Dislocated Worker funding;
- (b) Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the one-stop system;
- (c) Initial assessment of skill levels, aptitudes, abilities and supportive service needs;
- (d) Job search and placement assistance, and where appropriate, career counseling;
- (e) Employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including (i) job vacancy listings in such labor market areas; (ii) information on job skills necessary to obtain the vacant jobs; and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations;
- (f) Performance information and program cost information on eligible providers of training services as described in WIA Title I Section 122, provided by program, and eligible providers of youth activities described in WIA Title I Section 123, providers of adult education described in WIA Title II, providers of post secondary vocational education activities and vocational education activities available to school dropouts under the

Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

- (g) Information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area.
- (h) Information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;
- (i) Information regarding filing claims for unemployment compensation;
- (j) Assistance in establishing eligibility for Welfare-to-Work activities authorized under Section 403(a)(5) of the Social Security Act (as added by Section 50001 of the Balanced Budget Act of 1997) available in the local area and for programs of financial aid assistance for training and education programs that are not funded under the Workforce Investment Act that are available in the local area;
- (k) Follow up services for customers registered for intensive and/or training services, including counseling regarding the workplace, for customers in WIN Title I activities who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

(2) Job Seeker Intensive Services

Intensive services listed in WIA Section 134(d)(3)(C) shall be provided through the one-stop delivery system.

As stated in WIA Section 134(d)(3)(A), minimally, the following customer groups may be afforded access to intensive services available within funding constraints and based on eligibility:

- (a) Adults and dislocated workers who are unemployed and are unable to obtain employment through core services and who have been determined by a one-stop operator to be in need of intensive services to obtain employment; or

- (b) Adults and dislocated workers who are employed, but who are determined by a one-stop operator to be in need of intensive services to obtain or retain employment that allows for self-sufficiency.

Section 134(d)(4)(E) of WIA states that in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services. The appropriate local board and the Governor shall direct the one-stop operators in the local area with regard to making determinations related to priority.

As stated in WIA Section 134(d)(3)(C), intensive services may include the following:

- (a) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include (1) diagnostic testing and use of other assessment tools and (2) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- (b) Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;
- (c) Group counseling;
- (d) Individual counseling and career planning;
- (e) Case management for participants seeking training services; and
- (f) Short-term prevocational 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.
- (g) According to 20 CFR 663.200, out-of area job search assistance, literacy activities related to basic workforce readiness, relocation assistance, internships, and work experience are allowable based on an assessment or individual employment plan.

(3) Job Seeker Training Services

As described in WIA Section 134(d)(4)(A), WIA funds shall be used to provide training services to adults and dislocated workers. Minimally, the following customer groups may be afforded access to training services available within funding constraints and based on eligibility:

- (a) Adults and dislocated workers who have met the eligibility requirements for intensive services and who are unable to obtain or retain employment which provides for self-sufficiency through such services; and
- (b) Adults and dislocated workers who after an interview, evaluation, or assessment, and case management, have been determined by a one-stop operator or one-stop partner, as appropriate, to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services; and
- (c) Adults and dislocated workers who select programs of training services that are directly linked to the employment opportunities in the local area involved or in another area in which the adults or dislocated workers receiving services are willing to relocate;
- (d) Adults and dislocated workers who are unable to obtain grant assistance for services, including federal Pell Grants or who require assistance beyond the assistance made available under other grant assistance programs, including federal Pell Grants; and
- (e) Adults and dislocated workers who are determined to be eligible in accordance with the priority system, if any, established under WIA Section 134(d)(4)(E).

To customers who are included in one of the above-mentioned customer groups, the following training services listed WIA Section 134(d)(4)(D) may be available:

- (a) Occupational skills training, including training for nontraditional employment;
- (b) On-the-job training;
- (c) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (d) Training programs operated by the private sector;
- (e) Skill upgrading and retraining;
- (f) Entrepreneurial training;
- (g) Job readiness training;

- (h) Adult education and literacy activities provided in combination with the services described above; and

- (i) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

d. Follow Up Services

As required by 20 CFR 663.150(b), follow up services must be made available, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. Followup is also a core service described in WIA Section 134(d)(2)(K).

e. Rapid Response Activities

As indicated in WIA Section 118(e)(5) in the list of elements for the local plan, the local board will coordinate workforce investment activities carried out in the local area with statewide rapid response activities, as appropriate.

The state suggests that each comprehensive site develop a rapid response system to address needs of dislocated workers in the local area. At the affiliate site, the rapid response system may be either available or accessible. The State is responsible for providing rapid response activities. However, these activities are carried out in the local areas in conjunction with the local boards and the chief elected officials. The State recommends a comprehensive and systematic plan to allow core services to be an integral part of rapid response assistance, preferably on-site, if the size of the dislocation or other factors warrant it. Also, the State suggests that a timely system be established to determine the use of intensive and training services for dislocated workers.

4. Employer Processes

a. Reception

The State recommends that the reception area at the comprehensive and affiliate sites set the stage for universal access and integration of services.

- (1) Each site may have a common entry that is welcoming and friendly. In addition, the reception area may provide access to job search activities that can begin immediately either by self-service or by minimal assistance.
- (2) Labor market information and other printed and/or electronic information may be available.
- (3) Each site may have a greeter to respond to employers appropriately and immediately upon contact. The greeter

- may be able to direct the employer to the appropriate staff member or set an appointment.
- (4) Telephone greetings may incorporate the identity of the local workforce investment system, not the name of any specific agency.
  - (5) The certification certificate or seal for the site may be displayed in the reception area.

b. Employer Contact / Reporting

The State suggests that employers who contact or who are contacted by any of the partner agencies may be provided a common menu of employer services.

Each comprehensive and affiliate site may develop written procedures to ensure that employer contacts are coordinated and nonduplicative and to ensure that information about employer contacts is shared among the partners. The sites are encouraged to assign a single point of contact to each employer and to develop a format for recording contacts with employers.

Marketing efforts for the comprehensive and affiliate sites may be joint efforts of the participating local programs and agencies to employers. The State suggests that the marketing package be a combined concept of the employment, education, and training services offered by the site.

c. WIA Supported Services / Employer Core Services

The State recommends that the comprehensive and affiliate sites provide the following integrated services to all employers, at their request, at no cost, through a single point of contact, or other method, to support workforce development efforts. These services, at a minimum, include:

- (1) Assistance in finding qualified workers;
- (2) Labor exchange information;
- (3) Interview facilities at service centers;
- (4) State and/or federally generated Labor Market Information (LMI);
- (5) State and/or federally generated information on Americans with Disabilities Act;
- (6) Information regarding consultations on workplace accommodations for persons with disabilities;
- (7) Information on and referral to sources for developing customized training programs;
- (8) Rapid response to mass layoffs and plant closings;
- (9) Information about training incentives such as on-the-job training programs (based on worker eligibility); and,

- (10) State and/or federally generated information on tax credits for new hires.

5. Facility Standards

The State suggests that the facility for the one-stop site be designed to support the delivery of services. The design may address the needs of both the job seeker and the employer and may provide a safe, functional, accessible, and flexible work environment. As required for any public facility, all sites will comply with applicable codes for health and safety. Some examples of considerations in the facility design process are the number of staff; customer-flow, storage space; file areas; equipment; reception area; child care facilities; special activities such as group intake, classrooms, and resource rooms; restrooms, breakroom, and signs. In general, the floor space may be designated as three types:

- C Customer space used by job seekers and employers,
- C Common space used by all partners, and
- C Dedicated space used by specific agencies or programs.

Both comprehensive and affiliated sites may incorporate the following elements into the site selection and design of the facility. All public sites are required to comply with the Americans with Disabilities Act. The State recommends that the sites comply with any of the other elements appropriate for the target group:

a. Americans with Disabilities Act (ADA) Compliance

As stated in 20 CFR 667.275(a)(1), recipients, States, Local Workforce Investment Boards, one-stop operators, service providers, vendors, and subrecipients must comply with the nondiscrimination and equal opportunity provisions of WIA Section 188 and its implementing regulations. As described in 20 CFR 667.275(a)(3), WIA funds may be used to meet a recipient's obligation to provide physical and programmatic accessibility and reasonable accommodation in regard to the WIA program as required by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended.

The State recommends that all sites give priority to assuring that persons with disabilities are provided with assistive devices to ensure easy access to all services. The State recommends that an accessibility assessment be performed at each comprehensive, affiliated network, and speciality site. An appropriate, qualified ADA specialist may be contacted to make the assessment. The Mississippi Department of Rehabilitation Services will provide technical assistance and consultation for ADA compliance. The

State suggests that the one-stop operator attach a statement of compliance or a corrective action plan to the application.

b. Signage

The State suggests that each comprehensive and affiliate site display the Mississippi Workforce Investment System name and logo as a common statewide identifier for all locations that meet the standards established by the State policy entitled "One-Stop Certification Procedures and Minimum Certification Standards for Local Sites." The State suggests that this signage be sufficiently prominent to assure customer recognition of the location. Also, the State suggests that the sign be larger than the signage of any of the partner programs. The State also recommends that the name and logo be included on various forms, communications, and publicity media to ensure consistent identification.

The State suggests that the Mississippi Workforce Investment System name and logo be displayed at the speciality sites, but need not be the predominant signage.

c. Equipment

The State recommends that comprehensive and affiliate sites have adequate equipment and furnishings on site to ensure that the staff can perform and that the customers can fully benefit from the services and activities offered. The State suggests the facility be attractive and comfortable. In addition, the items shown in Paragraph d, Layout, should be available, to the extent possible to assist customers with job search activities. To meet the requirements of the WIA regarding provision of information and reporting, each site needs adequate hardware and software to participate in the electronic network.

Equipment resources may currently exist in one or more of the partner agencies. Under the State's One-Stop Implementation grant, the Mississippi Employment Security Commission (MESC) is implementing a project to improve the electronic connectivity among the one-stop partners. Phase I of this project includes updating MESC's data network and linking it with the state's frame relay backbone. Phase II is the staged installation of the local area networks.

d. Layout

The State recommends that the layout be designed to facilitate ease of access to customers and to reflect the integration of services.

The State recommends that the comprehensive sites have all the following areas and that affiliate sites have the areas, as appropriate, to meet their objectives:

- (1) Areas to serve and counsel individual customers,
- (2) Area to serve groups of customers,
- (3) Common reception area,
- (4) Self-serve resource room,
- (5) Space for itinerant staff, and
- (6) Office for employer interviews.

The State recommends that the resource rooms feature a variety of tools for job seekers and employers. To the extent possible, the following resources are suggested for public access:

- (1) Telephones,
- (2) Fax machine,
- (3) Photocopier,
- (4) TV/VCR,
- (5) Telecommunications Device for the Deaf (TDD),
- (6) Internet linked computers,
- (7) Appropriate software for career search, aptitude tests, and employability skills,
- (8) Printer,
- (9) Typewriter,
- (10) Tables and/or desks for customers,
- (11) Reference materials on jobs, training, and related information.

Other special features are encouraged to support a customer-friendly system.

e. Parking

The State recommends that comprehensive and affiliate sites have adequate parking space to facilitate access by the job seeker and the employer. First, the Americans with Disabilities Act applies to the parking area. Second, the State suggests that efforts be made to provide ample, free parking space available in the proximity of the facility. Safety is an important factor to consider.

f. Population Centers

The State recommends that the comprehensive and affiliate site locations be based on factors that make locations convenient for customers to access. The primary factor in determining site locations may be population density. In short, the site may be located where the most customers are. Special consideration may be given to the needs of the individuals needing the one-stop

services. Some factors to consider are public transit routes, commuting patterns for jobs, acceptable travel distance for services, proximity of ancillary services, safety, parking, unemployment level, poverty level, and others.

g. Geographic Access

The State recommends that comprehensive and affiliated network site locations be based on factors that make locations convenient for customers to access. After consideration is given to population centers, geographic access by the customers may be analyzed. Commuting patterns and reasonable travel time may be considered in developing a network of sites to serve the entire workforce investment area.

h. Child Care

One of the core services listed in WIA Section 134(d)(2)(H) is the provision of information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate.

The State suggests that child care service may be implemented to facilitate access by the job seeker to services. Each comprehensive and affiliate site is encouraged to have a designated area within the facility for children of job seekers. If the area is designated, it should be safe, should include materials and activities to entertain the children, and should meet applicable child care certifications and regulations.

i. Hours of Operation

The State recommends that the hours of operation of comprehensive and affiliated network sites facilitate access by the job seeker and the employer. Flexible schedules may be considered to make allowances for customers who need to access services before or after the traditional workday. In addition, the State strongly encourages the staff to be available during the lunch hour.

G. DECERTIFICATION PROCESS

As stated in WIA §117(d)(2)(ii), a Local Workforce Investment Board may terminate a one-stop site for cause.

The State recommends that the Local Workforce Investment Board develop written decertification procedures. The State suggests that the following reasons for decertification be included in the procedures:

1. Failure to meet performance measures for two consecutive years,
2. Failure to collect customer satisfaction information and to demonstrate a positive response to customer needs, feedback, and ratings, or
3. Failure to comply with any other term of the memorandum of understanding.

Also the State suggests that the following terms be included in the procedures:

1. If a site is decertified, the one-stop operator will not be allowed to reapply for that site for a period of twelve months.
2. When a site is decertified, the WIA funds to that site are stopped.

#### H. OVERSIGHT by the STATE LEVEL

As stated in WIA Section 184(a)(4), on an annual basis, the Governor of a State shall conduct onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements for grants and agreements applicable for the type of entity receiving the WIA funds. If the Governor determines that a local area is not in compliance, in accordance with Section 184(a)(5) of WIA, the Governor shall:

1. Require corrective action to secure prompt compliance; and
2. In the event of failure to take the required corrective action, impose sanctions described in Section 184(b)(1) of WIA:
  - a. Issue a notice of intent to revoke approval of all or part of the local plan affected; or
  - b. Impose a reorganization plan, which may include
    - (1) Decertifying the local board involved;
    - (2) Prohibiting the use of eligible providers;
    - (3) Selecting an alternative entity to administer the program for the local area involved;
    - (4) Merging the local area into one or more other local areas; or
    - (5) Making other changes as the Secretary of Labor or Governor determines necessary to secure compliance.

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**LOCAL ONE-STOP SITE  
APPLICATION for CERTIFICATION**

**Date of Application:**

**I. Identification of One-Stop Operator:**

- A. Name of One-Stop Operator(s):
- B. Type of Entity:
- C. Name of Contact Person:
- D. Address of Contact Person:
- E. Phone Number of Contact Person:

**II. Identification of Site:**

- A. Type of Site: (Circle one.)
  - 1. Comprehensive
  - 2. Affiliated Network
  - 3. Speciality
  - 4. Partner Network
- B. Address of One-Stop Site:
- C. Name of Local Workforce Area:
- D. Geographic Area to be Served:

**III. Statement of Readiness:**

- A. Starting Date for Serving Customers:
- B. Brief Statement of Current Status of Site in regard to Service Delivery:

**IV. Standard Descriptions for Speciality Site Applicants Only:**

- A. Target Group
- B. Characteristics of Site to Enhance Services to Target Group
- C. Follow-Up Procedures for Customers Receiving Intensive or Training Services
- D. Compliance with the Americans with Disabilities Act
- E. Information on Child Care Services for Customers
- F. Comprehensive Description of Services to be Offered and the Delivery Approaches

**V. Standard Descriptions for Network of One-Stop Partners:**

- A. Program, Service, or Activity Provided:
- B. Target Group:
- C. Site or Access Point:
- D. Method of Providing Information on Core Services:

**VI. Self-Evaluation to be Completed and Submitted by Comprehensive and Affiliated Network Sites**

**LOCAL ONE-STOP COMPREHENSIVE or AFFILIATE SITE  
 CERTIFICATION / SELF- EVALUATION**

**NAME of OPERATOR:**

**ADDRESS of SITE:**

**DATE of SELF-EVALUATION:**

**TYPE of SITE (Circle One.):    COMPREHENSIVE or AFFILIATE**

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		<b>I. Leadership</b>		
✓	✓	A. Demonstrated concern for best interest of all partners		
✓	✓	B. Public/private collaboration		
✓	✓	C. Local input into the development of the system		
✓	✓	D. Strategic goals supporting the achievement of the Mississippi Workforce Investment System vision		
		<b>II. Management</b>		
		<b>A. Required Partners</b>		(Provide name and phone number for for each partner.)
		1.       WIA Title I Adult, Dislocated		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
✓	✓	Worker and Youth;		
✓		2. WIA Title I Job Corps, if available;		
✓		3. WIA Title I Veterans;		
✓		4. WIA Title I Native American, if available;		
✓		5. WIA Title I Youth Opportunity Grants, if available;		
✓		6. WIA Title I funded Migrant Seasonal Farm Workers, if available;		
✓		7. Welfare-to-Work, if available;		
✓	✓	8. Employment Service;		
✓		9. Veterans Employment Service, Chapter 41 of Title 38 US Code;		
✓		10. Adult Education and Literacy under WIA Title II;		
✓		11. Vocational Rehabilitation;		
✓		12. Senior Community Service		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		Employment Program, Older Americans Act;		
✓		13. Vocational Education;		
✓		14. North American Free Trade Agreement / Transitional Adjustment Assistance;		
✓		15. Trade Adjustment Assistance;		
✓		16. Community Services Block Grant Employment and Training, if available; and,		
✓		17. Housing and Urban Development Employment and Training, if available; and		
✓	✓	18. Unemployment Insurance.		
		<b>B. Additional Partners</b>		(Provide name and phone number for for each partner, as applicable.)
		1. Community college and secondary vocational education placement services, job search classes, pre-employment, financial aid, and related services;		
		2. Community mental health programs, particularly those related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		to job training/placement;		
		3. Substance abuse services;		
		4. Economic development services;		
		5. Homeless programs;		
		6. AmeriCorps program;		
		7. Child Care;		
		8. Housing Assistance;		
		9. Temporary Assistance for Needy Families (TANF);		
		10. Transportation systems and service providers; and		
		11. All local employment and training programs and sources of funds.		
✓	✓	<b>C. Decision Making Process</b> Written decision making process		
		<b>D. Customer Feedback</b>		
✓	✓	1. System for collecting feedback from		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		customers, reviewing feedback, responding to comments, and incorporating feedback into the operation of the site		
✓	✓	2. Plan for continuous improvement, performance evaluation, and staff training		
		<b>E. Organization / Staffing</b>		
✓	✓	1. Organizational Chart designed by function or service activities		
✓	✓	2. Job descriptions for staff including credentials		
✓	✓	<b>F. Reporting:</b> (State to release instructions later.)		
		<b>G. Self-Service, Facilitated Self-Help, and Staff-Assisted Services</b>		
✓		1. Labor exchange services available to all employers and job seekers		
✓		2. Self-service for employers to labor force data, job descriptions, data on people looking for jobs, skills infl, resume' service, and related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		information		
		<b>III. Job Seeker Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Job search materials, labor market information, newspapers, resume' examples, and other print and/or electronic information available		
✓	✓	3. Greeter providing directions		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Customer Flow</b>		
✓	✓	1. Menu of Services available to customers		
✓	✓	2. Procedure for customer registration		
✓	✓	3. Procedure for providing core services		

<b>MINIMUM CERTIFICATION STANDARDS</b>					
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>	
<b>Comp</b>	<b>Aff</b>				
✓	✓	4. Flowchart showing customer flow through core, intensive, and training services			
✓	✓	5. Referral process			
✓	✓	6. Confidentiality policy for customer information			
✓	✓	7. Customer grievance procedures			
✓	✓	8. Reasonable accommodations for special needs			
		<b>C. Levels of Service</b>			
		<b>1. Job Seeker Core Services</b>			
✓	✓	a. Determinations of whether individuals are eligible to receive assistance from WIA Title I Adult or Dislocated Worker funding;			
✓	✓	b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop System;			
✓	✓	c. Initial assessment of skill levels, aptitudes, abilities and supportive			

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		service needs;		
✓	✓	d. Job search and placement assistance, and where appropriate, career counseling;		
✓	✓	e. Employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including (i) job vacancy listings in such labor market areas; (ii) information on job skills necessary to obtain the vacant jobs; and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations;		
✓	✓	f. When made available by the State, performance information and program cost information on eligible providers of training services as described in WIA Title I Section 122, provided by program, and eligible providers of youth activities described in WIA Title I Section 123, providers of adult education described in WIA Title II, providers of post secondary vocational education activities and vocational		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		education activities available to school dropouts under the Carl D. Perkins Vocational and Applied technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);		
✓	✓	g. Information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area.		
✓	✓	h. Information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;		
✓	✓	i. Information regarding filing claims for unemployment compensation;		
✓	✓	j. Assistance in establishing eligibility for Welfare-to-Work activities authorized under Section 403(a)(5) of		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		the Social Security Act (as added by Section 50001 of the Balanced Budget Act of 1997) available in the local area and for programs of financial aid assistance for training and education programs that are not funded under the Workforce Investment Act that are available in the local area;		
✓	✓	k. Follow up services for customers registered for intensive and/or training services, including counseling regarding the workplace, for customers in WIA Title I activities who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;		
✓	✓	1. Rapid response services		
		<b>2. Job Seeker Intensive Services</b>		
✓	✓	a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include (i) diagnostic testing and use of other assessment tools and (ii) in-depth interviewing and evaluation to identify employment barriers and appropriate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		employment goals;		
✓	✓	b. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;		
✓	✓	c. Group counseling;		
✓	✓	d. Individual counseling and career planning;		
✓	✓	e. Case management for participants seeking training services;		
✓	✓	f. Short-term prevocational 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; and		
✓	✓	g. Section 663.200 of 20 CFR Part 652 allows out-of area job search assistance, literacy activities related to		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		basic workforce readiness, relocation assistance, internships, and work experience based on an assessment or individual employment plan.		
		<b>3. Job Seeker Training Services</b>		
✓	✓	a. Occupational skills training, including training for nontraditional employment;		
✓	✓	b. On-the-job training;		
✓	✓	c. Programs that combine workplace training with related instruction, which may include cooperative education programs;		
✓	✓	d. Training programs operated by the private sector;		
✓	✓	e. Skill upgrading and retraining;		
✓	✓	f. Entrepreneurial training;		
✓	✓	g. Job readiness training;		
✓	✓	h. Adult education and literacy activities provided in combination with the services described above; and		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
✓	✓	i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.		
✓	✓	<b>D. Follow Up:</b> Written follow up plan for all registered customers who received intensive or training services		
		<b>IV. Employer Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Labor market information and other print and/or electronic information		
✓	✓	3. Greeter to provide directions or make appointments		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Employer Contact / Reporting</b>		
✓	✓	1. Written procedures to coordinate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>ATTACHED DOCUMENTATION or COMMENT</b>
<b>Comp</b>	<b>Aff</b>			
		employer contacts and to share information		
✓	✓	2. Marketing package for the site/system		
		<b>C. WIA Supported Services / Employer Core Services</b>		
✓	✓	1. Assistance in finding qualified workers;		
✓	✓	2. Labor exchange information;		
✓	✓	3. Interview facilities at service centers;		
✓	✓	4. State and/or federally generated Labor Market Information (LMI);		
✓	✓	5. State and/or federally generated information on Americans with Disabilities Act;		
✓	✓	6. Information regarding consultations on workplace accommodations for persons with disabilities;		
✓	✓	7. Information on and referral to sources for developing customized		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		training programs;		
✓	✓	8. Rapid response to mass layoffs and plant closings; (Refer to Section II.F.3.c.(1)l. in policy.)		
✓	✓	9. Information about training incentives such as on-the-job training programs (based on worker eligibility); and,		
✓	✓	10. State and/or federally generated information on tax credits for new hires.		
		<b>V. Facility Standards</b>		
✓	✓	<b>A. American with Disabilities Act compliance</b>		
✓	✓	<b>B. Signage:</b> Site displays the Mississippi Workforce Investment System name and logo		(Not part of initial certification process)
✓	✓	<b>C. Equipment:</b> Adequate equipment and furnishings to ensure staff and customers can perform		
		<b>D. Layout</b>		
		1. Areas to serve and counsel		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
✓		individual customers		
✓		2. Area to serve groups of customers		
✓		3. Common reception area		
✓		4. Self-serve resource room		
✓		5. Space for itinerant staff		
✓		6. Office for employer interviews		
✓		7. Resource room equipped for public access:		
		a. Telephones		
		b. Fax machine		
		c. Photocopier		
		d. TV / VCR		
		e. TDD		
		f. Internet linked computers		
		g. Software for career search, aptitude testing, and employability skills		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	ATTACHED DOCUMENTATION or COMMENT
Comp	Aff			
		h. Printer		
		i. Typewriter		
		j. Tables and/or desks for customers		
		k. Reference materials on jobs, training, and related information.		
✓	✓	<b>E. Parking:</b> Adequate, free, safe, and in the proximity of the site		
✓	✓	<b>F. Population Centers:</b> Location based on customer population density		
✓	✓	<b>G. Geographic Access:</b> Location based on travel time of customers and networking of services		
		<b>H. Child Care:</b> Services available onsite or by referral		
✓	✓	<b>I. Hours of Operation:</b> Flexible to facilitate easy access of customers		

Attach documentation as referenced.

**LOCAL ONE-STOP COMPREHENSIVE or AFFILIATE SITE  
 CERTIFICATION / PEER REVIEW**

**NAME of OPERATOR:**

**ADDRESS of SITE:**

**DATE of SELF-EVALUATION:**

**TYPE of SITE (Circle One.):    COMPREHENSIVE or AFFILIATE**

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		<b>I. Leadership</b>		
✓	✓	A. Demonstrated concern for best interest of all partners		
✓	✓	B. Public/private collaboration		
✓	✓	C. Local input into the development of the system		
✓	✓	D. Strategic goals supporting the achievement of the Mississippi Workforce Investment System vision		
		<b>II. Management</b>		
		<b>A. Required Partners</b>		(Provide name and phone number for for each partner.)
		1.       WIA Title I Adult, Dislocated		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
✓	✓	Worker and Youth;		
✓		2. WIA Title I Job Corps, if available;		
✓		3. WIA Title I Veterans;		
✓		4. WIA Title I Native American, if available;		
✓		5. WIA Title I Youth Opportunity Grants, if available;		
✓		6. WIA Title I funded Migrant Seasonal Farm Workers, if available;		
✓		7. Welfare-to-Work, if available;		
✓	✓	8. Employment Service;		
✓		9. Veterans Employment Service, Chapter 41 of Title 38 US Code;		
✓		10. Adult Education and Literacy under WIA Title II;		
✓		11. Vocational Rehabilitation;		
✓		12. Senior Community Service		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		Employment Program, Older Americans Act;		
✓		13. Vocational Education;		
✓		14. North American Free Trade Agreement / Transitional Adjustment Assistance;		
✓		15. Trade Adjustment Assistance;		
✓		16. Community Services Block Grant Employment and Training, if available; and,		
✓		17. Housing and Urban Development Employment and Training, if available; and		
✓	✓	18. Unemployment Insurance.		
		<b>B. Additional Partners</b>		(Provide name and phone number for for each partner, as applicable.)
		1. Community college and secondary vocational education placement services, job search classes, pre-employment, financial aid, and related services;		
		2. Community mental health programs, particularly those related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		to job training/placement;		
		3. Substance abuse services;		
		4. Economic development services;		
		5. Homeless programs;		
		6. AmeriCorps program;		
		7. Child Care;		
		8. Housing Assistance;		
		9. Temporary Assistance for Needy Families (TANF);		
		10. Transportation systems and service providers; and		
		11. All local employment and training programs and sources of funds.		
✓	✓	<b>C. Decision Making Process</b> Written decision making process		
		<b>D. Customer Feedback</b>		
✓	✓	1. System for collecting feedback from		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		customers, reviewing feedback, responding to comments, and incorporating feedback into the operation of the site		
✓	✓	2. Plan for continuous improvement, performance evaluation, and staff training		
		<b>E. Organization / Staffing</b>		
✓	✓	1. Organizational Chart designed by function or service activities		
✓	✓	2. Job descriptions for staff including credentials		
✓	✓	<b>F. Reporting:</b> (State to release instructions later.)		
		<b>G. Self-Service, Facilitated Self-Help, and Staff-Assisted Services</b>		
✓		1. Labor exchange services available to all employers and job seekers		
✓		2. Self-service for employers to labor force data, job descriptions, data on people looking for jobs, skills infl, resume' service, and related		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		information		
		<b>III. Job Seeker Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Job search materials, labor market information, newspapers, resume' examples, and other print and/or electronic information available		
✓	✓	3. Greeter providing directions		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Customer Flow</b>		
✓	✓	1. Menu of Services available to customers		
✓	✓	2. Procedure for customer registration		
✓	✓	3. Procedure for providing core services		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
✓	✓	4. Flowchart showing customer flow through core, intensive, and training services		
✓	✓	5. Referral process		
✓	✓	6. Confidentiality policy for customer information		
✓	✓	7. Customer grievance procedures		
✓	✓	8. Reasonable accommodations for special needs		
		<b>C. Levels of Service</b>		
		<b>1. Job Seeker Core Services</b>		
✓	✓	a. Determinations of whether individuals are eligible to receive assistance from WIA Title I Adult or Dislocated Worker funding;		
✓	✓	b. Outreach, intake (which may include worker profiling), and orientation to the information and other services available through the One-Stop System;		
✓	✓	c. Initial assessment of skill levels, aptitudes, abilities and supportive		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		service needs;		
✓	✓	d. Job search and placement assistance, and where appropriate, career counseling;		
✓	✓	e. Employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including (i) job vacancy listings in such labor market areas; (ii) information on job skills necessary to obtain the vacant jobs; and (iii) information relating to local occupations in demand and the earnings and skill requirements for such occupations;		
✓	✓	f. When made available by the State, performance information and program cost information on eligible providers of training services as described in WIA Title I Section 122, provided by program, and eligible providers of youth activities described in WIA Title I Section 123, providers of adult education described in WIA Title II, providers of post secondary vocational education activities and vocational		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		education activities available to school dropouts under the Carl D. Perkins Vocational and Applied technology Education Act (20 U.S.C. 2301 et seq.), and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);		
✓	✓	g. Information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area.		
✓	✓	h. Information relating to the availability of supportive services, including child care and transportation, available in the local area, and referral to such services, as appropriate;		
✓	✓	i. Information regarding filing claims for unemployment compensation;		
✓	✓	j. Assistance in establishing eligibility for Welfare-to-Work activities authorized under Section 403(a)(5) of		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		the Social Security Act (as added by Section 50001 of the Balanced Budget Act of 1997) available in the local area and for programs of financial aid assistance for training and education programs that are not funded under the Workforce Investment Act that are available in the local area;		
✓	✓	k. Follow up services for customers registered for intensive and/or training services, including counseling regarding the workplace, for customers in WIA Title I activities who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate;		
✓	✓	1. Rapid response services		
		<b>2. Job Seeker Intensive Services</b>		
✓	✓	a. Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include (i) diagnostic testing and use of other assessment tools and (ii) in-depth interviewing and evaluation to identify employment barriers and appropriate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		employment goals;		
✓	✓	b. Development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals;		
✓	✓	c. Group counseling;		
✓	✓	d. Individual counseling and career planning;		
✓	✓	e. Case management for participants seeking training services;		
✓	✓	f. Short-term prevocational 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; and		
✓	✓	g. Section 663.200 of 20 CFR Part 652 allows out-of area job search assistance, literacy activities related to		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		basic workforce readiness, relocation assistance, internships, and work experience based on an assessment or individual employment plan.		
		<b>3. Job Seeker Training Services</b>		
✓	✓	a. Occupational skills training, including training for nontraditional employment;		
✓	✓	b. On-the-job training;		
✓	✓	c. Programs that combine workplace training with related instruction, which may include cooperative education programs;		
✓	✓	d. Training programs operated by the private sector;		
✓	✓	e. Skill upgrading and retraining;		
✓	✓	f. Entrepreneurial training;		
✓	✓	g. Job readiness training;		
✓	✓	h. Adult education and literacy activities provided in combination with the services described above; and		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
✓	✓	i. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.		
✓	✓	<b>D. Follow Up:</b> Written follow up plan for all registered customers who received intensive or training services		
		<b>IV. Employer Processes</b>		
		<b>A. Reception</b>		
✓	✓	1. Reception area that facilitates easy access to services		
✓	✓	2. Labor market information and other print and/or electronic information		
✓	✓	3. Greeter to provide directions or make appointments		
✓	✓	4. Telephone greeting to identify the system		
✓	✓	5. Display certificate or seal		(Not part of initial certification process)
		<b>B. Employer Contact / Reporting</b>		
✓	✓	1. Written procedures to coordinate		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		employer contacts and to share information		
✓	✓	2. Marketing package for the site/system		
		<b>C. WIA Supported Services / Employer Core Services</b>		
✓	✓	1. Assistance in finding qualified workers;		
✓	✓	2. Labor exchange information;		
✓	✓	3. Interview facilities at service centers;		
✓	✓	4. State and/or federally generated Labor Market Information (LMI);		
✓	✓	5. State and/or federally generated information on Americans with Disabilities Act;		
✓	✓	6. Information regarding consultations on workplace accommodations for persons with disabilities;		
✓	✓	7. Information on and referral to sources for developing customized		

<b>MINIMUM CERTIFICATION STANDARDS</b>				
<b>PROVIDE / ACCESS</b>		<b>STANDARD</b>	<b>MET? YES or NO</b>	<b>COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)</b>
<b>Comp</b>	<b>Aff</b>			
		training programs;		
✓	✓	8. Rapid response to mass layoffs and plant closings; (Refer to Section II.F.3.c.(1)l. in policy.)		
✓	✓	9. Information about training incentives such as on-the-job training programs (based on worker eligibility); and,		
✓	✓	10. State and/or federally generated information on tax credits for new hires.		
		<b>V. Facility Standards</b>		
✓	✓	<b>A. American with Disabilities Act compliance</b>		
✓	✓	<b>B. Signage:</b> Site displays the Mississippi Workforce Investment System name and logo		(Not part of initial certification process)
✓	✓	<b>C. Equipment:</b> Adequate equipment and furnishings to ensure staff and customers can perform		
		<b>D. Layout</b>		
		1. Areas to serve and counsel		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
✓		individual customers		
✓		2. Area to serve groups of customers		
✓		3. Common reception area		
✓		4. Self-serve resource room		
✓		5. Space for itinerant staff		
✓		6. Office for employer interviews		
✓		7. Resource room equipped for public access:		
		a. Telephones		
		b. Fax machine		
		c. Photocopier		
		d. TV / VCR		
		e. TDD		
		f. Internet linked computers		
		g. Software for career search, aptitude testing, and employability skills		

MINIMUM CERTIFICATION STANDARDS				
PROVIDE / ACCESS		STANDARD	MET? YES or NO	COMMENTS / BASIS for RESPONSE (Documentation, observations, or other)
Comp	Aff			
		h. Printer		
		i. Typewriter		
		j. Tables and/or desks for customers		
		k. Reference materials on jobs, training, and related information.		
✓	✓	<b>E. Parking:</b> Adequate, free, safe, and in the proximity of the site		
✓	✓	<b>F. Population Centers:</b> Location based on customer population density		
✓	✓	<b>G. Geographic Access:</b> Location based on travel time of customers and networking of services		
		<b>H. Child Care:</b> Services available onsite or by referral		
✓	✓	<b>I. Hours of Operation:</b> Flexible to facilitate easy access of customers		

Attach a brief overview of the potential of the site to deliver quality services through the Mississippi Workforce Investment System. Include descriptions of the strengths and weaknesses of the site.

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**Signature of Review Team**

Name:  Agency:   Date:	Name:  Agency:   Date:
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**Mississippi**  
**State Policy Number 5, Revision Number 1**  
**Eligible Training Provider Certification Policy**  
**Workforce Investment Act**  
**Employment Training Division**

**I. SCOPE AND PURPOSE:**

This Policy sets forth the State's requirements for application to and inclusion on the Mississippi Eligible Training Provider List. It also prescribes how the State and the Local Areas should compile and maintain the list. The Mississippi Eligible Training Provider Certification Policy will operate under a set of guiding principles as adopted by the State Workforce Board. This set of guiding principles for the training procedures is as follows:

- A. It is the responsibility of each Local Workforce Investment Board to determine the eligibility and suitability of training providers and to monitor their effectiveness.
- B. The policies and procedures established by each Local Board must meet the minimum requirements of the guidelines set by the State. Local Boards may adopt more restrictive policies.
- C. Each Local Board will provide training only in demand occupations.
- D. The Employment Training Division, working with the Labor Market Information Division of the Mississippi Employment Security Commission, will establish a list of demand occupations for the State. Each Local Board will establish and maintain a list of local demand occupations, in response to local labor market needs.
- E. The determination of initial and subsequent eligibility for training providers will include these minimum criteria:
  - 1. The provider will be bonded, registered by the applicable state agency, and licensed to do business in Mississippi.
  - 2. The provider will have a two-year history of providing the training program. Exceptions shall be made by the Local Area Workforce Board.
  - 3. WIA-supported trainees shall make up no more than 75% of each class/course's total enrollment, on an annualized basis.
  - 4. The provider will provide performance and cost information in the application according to a prescribed format.
  - 5. The duration of WIA-supported training will be for no more than two years unless the merits of the course require otherwise or unless deemed justifiable by the Local Area Workforce Board.
  - 6. The cost of training will be no more than \$6,000 annually.

- F. Every Eligible Training Provider will be monitored annually. Prior to removing any provider from the Eligible Training Provider List, an onsite visit will be made.
- G. If there is a shortage of training funds, the Local Board should have a set of priorities for referring individuals to training. These priorities should include the current income of the individual, the potential for the training to lead to a permanent job that significantly increases the individual's income, and any other criteria that the Local Board establishes.
- H. There is no inherent guarantee or entitlement to any individual that training will be provided.

## **II. REQUIREMENTS**

### **A. Background**

The Workforce Investment Act (WIA) emphasizes informed customer choice, system performance, and continuous improvement. The Local Workforce Investment Boards (LWIBs), in partnership with the State, identify training providers whose performance qualifies them to receive WIA funds to train adults and dislocated workers. WIA section 122 requires the Governor to establish a policy for determining eligible training providers. The WIA also mandates that LWIBs, in conjunction with the State, develop and disseminate an eligible provider list that allows customers to make an informed decision in selecting a training provider. The Act describes three levels of eligibility for training entities: automatic, "other," and subsequent. The Mississippi Eligible Training Provider Certification Policy addresses:

1. Initial eligibility procedures for training providers.
2. Procedures for use by the LWIBs to determine the subsequent eligibility of a provider to continue to be eligible to receive funds available under WIA section 133 (b) for the provision of training services described in WIA section 134(d)(4).
3. Procedures for providers of training services to appeal the following:
  - a. A denial of eligibility by the LWIB or the designated State agency under subsection (b), (c) or (e) of WIA section 122.
  - b. A termination of eligibility or other action by the LWIB or the designated State agency under subsection (f) of WIA section 122.

### **B. Identification of Eligible Providers of Training Programs**

1. Eligible providers of training programs shall be:

- a. Postsecondary educational institutions that:
    - 1) are eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and
    - 2) provide a program that leads to an associate degree, baccalaureate degree, or certificate; **OR**
  - b. Entities that carry out programs under the Act commonly known as the National Apprenticeship Act; **OR**
  - c. Other licensed public or private providers of training programs, including faith-based and non-profit providers. Other public or private providers are defined as follows:
    - 1) Public or private providers of training programs that are not:
      - a) Postsecondary education institutions eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that provide a program leading to an associate degree, baccalaureate degree or certificate; **OR**
      - b) Entities that carry out programs under the Act commonly know as the National Apprenticeship Act;
- OR -**
- 2) Postsecondary educational institutions that seek to receive WIA funding for a program that does not lead to an associate degree, baccalaureate degree or certificate;
- OR -**
- 3) Providers that carry out programs under the Act commonly known as the National Apprenticeship Act that seek to receive funding for a program not covered by the National Apprenticeship Act.
2. A training program is defined as:
    - a. One or more courses or classes that, upon successful completion, lead to:
      - 1) A certificate, an associate degree, or baccalaureate degree, **OR**
      - 2) A competency or skill recognized by employers;
- OR -**
- b. A training regimen that provides individuals with additional skills or competencies generally recognized by employers.
3. Training programs should be directly linked to occupations in demand in the local area as determined by the LWIB, or in another area to which a participant is willing

to relocate. The Local Board should compile a local **Demand Occupation List** to assist in determining provider eligibility and to provide guidance to the WIN Job Center staff for student placement. The State will assist each local board in compiling this list.

4. A training program must be occupational skills training for employment. Therefore, programs of basic and literacy skills such as Adult Basic Education (ABE), General Educational Development (GED), and pre-employment skills training are to be offered as intensive services and are **NOT** to be included on the Eligible Provider List.

### **C. Exceptions to the Mississippi Eligible Training Provider Certification System**

#### **1. On-the Job Training and Customized Training**

Providers of on-the-job training (OJT) and customized training are not subject to the Mississippi Eligible Training Provider Certification System. The One-Stop operator in the local area shall: (1) collect the performance information from OJT and customized training providers; (2) determine whether the providers meet such performance criteria; and, (3) identify eligible OJT and customized training providers, and disseminate performance information, through the One-Stop service delivery system. Each area should set acceptable levels of performance.

- a. Suggested performance indicators for OJT training providers include:
  - wage at completion of training;
  - percentage of program completers who obtain unsubsidized employment in the industry/occupation in which they were trained; and
  - percentage of program completers who obtain unsubsidized employment in the industry/occupation in which they were trained and who are still employed at six months post-placement.
- b. Suggested performance indicators for customized training providers include:
  - entry wage of program completers who obtain unsubsidized employment in the industry/occupation for which training was delivered;
  - number of trainees/students by industry/occupation;
  - percentage of program completers;
  - percentage of program completers who obtain unsubsidized employment in the industry/occupation for which training was delivered; and
  - percentage of program completers who obtain unsubsidized employment in the industry/occupation in which they were trained and who are still employed at six months post-placement.

#### **2. Eligible Youth Activities Providers**

- Each area should set acceptable performance indicators for youth providers.
  - Providers of youth activities are not subject to the Mississippi Training Provider Certification System or its policies.
3. Basic and Literacy Skills Providers
- Each area is encouraged to set acceptable performance indicators for programs of basic and literacy skills.
  - As noted above in **B.4**, programs of basic and literacy skills such as Adult Basic Education (ABE), General Educational Development (GED), and pre-employment skills training are to be offered as intensive services and are not to be included on the Eligible Provider List and are not subject to the Mississippi Training Provider Certification System or its policies.

### **III. INITIAL ELIGIBILITY DETERMINATION POLICY**

#### **A. Initial Eligibility Application Process**

1. Initial Application Process for Eligible Training Providers that are:
  - a. Postsecondary educational institutions that:
    - 1) are eligible to receive Federal funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); **AND**
    - 2) provide a program leading to an associate degree, baccalaureate degree, or certificate;
  - OR -
  - b. Entities that carry out programs under the Act commonly known as the National Apprenticeship Act.
    - The uniform application form is attached as Attachment B.
    - Applications should be sent to the appropriate local board or its designee as prescribed in the application form.
    - The local board will review applications received, assure that the providers meet the requirements of WIA, including required performance data, and will forward the approved programs to the Employment Training Division (ETD) of the Mississippi Development Authority (MDA) for inclusion on the Eligible Provider List.
    - A State review to verify performance data may be required.
2. Initial Application Process for Eligible Training Providers that are other public and private providers of a training program.

The State has developed the following initial eligibility procedures for use by the LWIB in determining the eligibility for other public and private providers of training services as described in WIA section 134(d)(4).

- a. Using the uniform application form (Attachment B) applicants shall provide the information outlined below to the LWIB:

- 1) Program Information

- a) Name, mailing address, and physical address of the training facility;
- b) Name of the program of training services submitted approval;
- c) Total hours of instruction associated with the program of training services;
- d) Cost of the training program, including tuition, fees, books, and any required tools, uniforms, equipment or supplies;
- e) Brief description of the training program;
- f) Information on whether students in the program are eligible for Title IV of the Higher Education Act funding (e.g., Pell Grant);
- g) Signed assurance that **no more than** 75% of your class/course enrollment are WIA-funded, on an annualized basis;
  - i. Providers with greater than 75% of their class/course annual enrollment being funded by WIA must show justification and an action plan to correct the imbalance to the LWIB,
  - ii. The LWIB may issue an exception to the provider, if it feels the imbalance is justified.
  - iii. The LWIB may choose to locally increase the ratio of non-WIA to WIA-funded participants.
- h) Documentation of licensure to provide training or instruction and to do business in the state in which the training will be provided, from the appropriate oversight agency or department, if required;
  - i. This includes, but is not limited to, the Bureau of Apprenticeship and Training, the Southern Association of Colleges and Schools, the Mississippi Commission on Proprietary School and College Registration, the Mississippi Department of Education, the Mississippi State Boards of Nursing, Cosmetology, Massage Therapy, or Barber Examiners, and/or other generally recognized national, regional, state, or local certifying bodies.
  - ii. Non-Profit training providers, Community-Based Organizations (CBOs), Faith-Based Organizations (FBOs), or any other provider not otherwise licensed or certified as required above in paragraph **a**, must be registered with the Mississippi Commission on Proprietary School and College Registration (CPSCR), a division of the State Board for Community and Junior Colleges.
    - Minimum requirements for registration shall include:
      - Submitting Federal Tax Identification Number,

- Posting of bond as prescribed by CPSCR,
  - Having a refund policy in place that conforms to the minimum standards set forth by law (75-60-18, MS Code of 1972), or adopting the refund policy developed by the State. (Attachment C)
  - Other requirements as prescribed by CPSCR.
- iii. Registration with the Secretary of State.
- i) Documentation of Certification to teach the subject matter for the program of training, if required, i.e. Microsoft, ISO9000, or similar certification generally recognized by employers; and
- j) Any additional information required by the LWIB.
- 2) Performance Data
- a) Standard Performance Data
- The following verifiable performance information or appropriate portion of performance information for the program of training services, for the most recent 12-month period available, must be included in the application:
- i. The program completion rates for individuals participating in the program(s);
  - ii. The percentage of individuals participating in the program(s) who obtained unsubsidized employment; and
  - iii. Wages at placement in employment of individuals participating in the program(s).
- b) Alternate Performance Data
- If the required performance information is not available or not verifiable the LWIB may require a provider submit an electronic record to the State of training participant names, Social Security numbers and the date completed (or left) training, and request a match against the Unemployment Insurance Wage Records in order to secure Item 2) a) iii, above. The information must be provided in a format specified by the State. Participants within the performance pool must have completed or ended training at least five (5) months prior to submission to be matched against the Wage Records. If the provider fails to submit the information, the application may be denied.
- 3) Assurances
- No Training Provider will be placed on the Eligible Training Provider List until signed assurance is received that they will comply fully with all nondiscrimination and equal opportunity provisions of the laws listed below:
- a. WIA section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on

the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;

- b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;
- c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- d. The Americans with Disabilities Act (ADA) of 1990 which prohibits discrimination against qualified people with disabilities based on disability;
- e. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- f. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs;
- g. 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.
- h. WIA trainees shall make up no more than 75% of each class.

## **B. Initial Application Timeline and Requirements**

1. Advertisement: Local Areas shall provide adequate notice of upcoming application periods through public advertisement.
2. State of Mississippi Community and Junior Colleges
  - a. Applications will only be accepted April 1-15 and October 1-15 of each year, beginning in the fall of 2003.
  - b. In those local areas in which the local board has designated the Employment Training Division to be its agent for this matter, applications for initial eligibility determination of Community and Junior Colleges shall be submitted directly to the Employment Training Division of the Mississippi Development Authority.
  - c. The State will provide a written determination of acceptance or denial to the applying entity.
  - d. During the review period, the State or its designated representative(s) may make an on-site visit to the training provider program sites.
3. HEA and/or National Apprenticeship Act Providers and Other Public and Private Training Providers **Other than State Community and Junior Colleges:**
  - a. Applications will only be accepted April 1-15 and October 1-15 of each year, beginning in the fall of 2003.

- b. Applications for initial eligibility determination of other public and private providers of training services shall be submitted to the LWIB of each local area in which the provider desires to provide training.
  - c. The LWIB will provide a written determination of acceptance or denial to the applying entity.
  - d. During the review period, the LWIB or its designated representative(s) may make an on-site visit to the training provider program sites.
  - e. The LWIB shall forward the approved applications to the State for review and inclusion on the statewide list.
4. State Acceptance:
- a. For applications from Community and Junior Colleges, the State's approval is the final decision, and the eligible training provider program(s) will be placed on the Statewide Eligible Training Provider List. The State will notify the Provider of their placement on the Eligible Provider list.
  - b. For applications from all other public and private providers of a training program, the State may verify the performance data after the applications are forwarded by the local boards. The State will provide a written determination of acceptance or denial to the LWIB. The State will then add those approved providers to the statewide Eligible Training Provider List.

#### **IV. SUBSEQUENT ELIGIBILITY DETERMINATION POLICY**

##### **A. Subsequent Eligibility Determination Process**

Applications must be submitted to the LWIB at such time, in such a manner, and containing such information as necessary to adequately fulfill the LWIB's performance information requirements for each training program.

1. All training providers, regardless of their previous eligibility status, who wish to apply for subsequent eligibility must meet the initial eligibility criteria as previously stated in this policy. Failure to meet the revised criteria for initial eligibility will result in that provider's removal from the Eligible Training Provider List.
2. To remain eligible, all training providers must undergo an annual eligibility determination. This determination will include a review of program-specific performance and cost information as well as a review of actual performance compared to performance levels established by the Governor (See Attachment A). An onsite review may be part of the process.
3. The training provider shall submit to the LWIB the verifiable program-specific performance information listed below. This information must be provided for each program to be considered for continued eligibility:

- a. Outcomes for individuals participating in the program:
    - 1) Program completion rates;
    - 2) Percentage who obtained unsubsidized employment; and
    - 3) Average wage at placement in employment.
    - 4) Signed assurance that **no more than 75%** of your class/course participants are WIA-funded, on an annualized basis;
      - Providers with greater than 75% of their course's annual participants being funded by WIA must show justification and an action plan to correct the imbalance to the LWIB,
      - The LWIB may issue an exception to the provider, if they feel the imbalance is justified; and will forward the exception to ETD for final approval.
      - The LWIB may choose to locally increase the ratio of non-WIA to WIA-funded participants.
  
  - b. Outcomes for WIA participants in the program:
    - 1) Percentage who have completed the program and are placed in unsubsidized employment;
    - 2) Retention rates in unsubsidized employment of participants who completed the program, six (6) months after the first day of the employment;
    - 3) Average wages received by participants who completed the program, six (6) months after the first day of the employment; and
    - 4) Where appropriate, the rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills of the graduates of the program.
  
  - c. Information on program costs (e.g., tuition, fees, books, supplies, tools) for each program. Each LWIB will determine which elements of program cost, other than tuition and fees, may be covered by an Individual Training Account.
4. The LWIB and the State may accept program-specific performance information consistent with the requirements for eligibility under title IV of the Higher Education Act of 1965 from the provider for purposes of enabling the provider to fulfill the requirements for subsequent eligibility determination if the information is substantially similar to the information required.
  5. Alternate procedures may be used to collect and verify supplemental performance information.

## **B. Performance Measures**

The LWIB shall annually adopt its standards within 90 calendar days after the State issues its standards of performance. LWIB standards must meet or exceed the standards adopted by the State. The baseline State Performance Measures are included as Attachment A.

### **C. Subsequent Eligibility Timeline**

1. Subsequent eligibility certification will be performed annually at the anniversary of the initial eligibility application. If a provider initially applies in April or October, they apply for subsequent eligibility in the following April or October, respectively. Failure to apply for re-certification will result in the expiration of the current certification and removal from the statewide approved training provider list.
2. Service providers seeking subsequent eligibility certification shall submit the required performance data for the most recent 12-month period to the LWIB with their application for subsequent eligibility certification.
3. The LWIB shall review and certify the performance data of all applicants as soon as possible following the close of the application period and provide a written determination of acceptance or denial for continued eligibility to the eligible training provider.
4. During the review period, the LWIB or its designated representative(s) may, as determined reasonable by the LWIB, make an on-site visit to the eligible training provider program sites for the purpose of confirming information.
5. The LWIB will forward to the State at the end of the review period those eligible training providers approved for continued eligibility. The State may verify the performance data. The State will provide a written determination of acceptance or denial to the LWIB.

### **D. LWIB Considerations in Determining Subsequent Eligibility**

The local board should have established criteria for determining subsequent eligibility, so that decisions are not arbitrary. [20 CFR 663.535(f)(1)&(2).] Such factors may include, but are not limited to:

- a. Specific economic, geographic, and demographic factors in the local area(s) in which the provider seeking eligibility is located;
- b. Characteristics of the population(s) served by the provider seeking eligibility, including the demonstrated difficulties in serving such population(s), where applicable;
- c. Current and projected occupational demand within the local area;

- d. Performance of a provider of a program(s) of training services, including the extent to which the annual standards of performance established by the LWIB have been achieved;
  - e. Cost of training services;
  - f. Involvement of employers in the establishment of skill requirements for the training program;
  - g. Feedback of employers who employ individuals who recently completed WIA-supported training to verify that the training provided produced the expected skills; and,
  - h. Number of individuals considered in calculated percentages for performance measures.
3. The LWIB may require enhancements to programs or courses to meet local industry needs as a contingency for subsequent eligibility.

## **V. DENIAL AND APPEAL PROCESSES**

### **A. Denial Process**

1. LWIB Denials
  - a. Upon a determination by the LWIB that an application by a training provider for a specific program does not meet the eligibility requirements set forth in WIA or State/local policy, the LWIB shall issue a determination denying the applicant.
  - b. A separate denial notice will be issued for each training program denied and shall comply with the following requirements:
    - 1) Be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application;
    - 2) Indicate the “date mailed” on the denial notice;
    - 3) Identify the program that was denied;
    - 4) Describe the specific reason for the denial; and
    - 5) Inform the training provider of the appeal process as outlined below.
  - c. LWIB policy shall determine the circumstances under which reconsideration may be afforded to a provider that was denied initial eligibility determination. An entity whose initial application for certification was denied may not reapply until the next round of initial applications.
2. State Denials
  - a. The State, upon receipt of the LWIB training provider list and after appropriate evaluation of such lists, shall promptly issue a determination denying any training provider that the State removes from the LWIB training provider list.

- b. In denying or removing a training program from the eligible training provider list, the State shall follow the guidelines as outlined in the federal regulations.
- c. Upon denial of a program or provider the State shall provide the denial and justification directly to the LWIB.

## **B. Appeal Process**

1. The training provider has ten (10) working days from the mailing of a denial notice in which to file an appeal to the originator of the notice (LWIB or State).
2. The request for appeal must clearly indicate that the training provider wants to appeal the denial and must clearly identify the training program being denied.
3. The request for appeal must be submitted in writing, signed, and must include a factual basis for the appeal.
4. The LWIB or State (as appropriate) will review the request for appeal and, based on this review, may reverse their original decision if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued.
5. Decision Reversals
  - a. If the LWIB reverses a prior decision, the LWIB will forward the request with a copy of the appeal file for inclusion on the statewide list and will also notify the training entity in writing that they have reversed their original decision and have forwarded the request to the State.
  - b. If the State reverses a prior decision, the State will notify both the LWIB and the training provider of the reversal and will follow the appropriate procedures to incorporate the training provider into the statewide list.

## **VI. COMPLIANCE AND REQUIREMENTS**

### **A. Local**

The Local Areas shall be responsible for:

1. accepting, reviewing, and accepting or denying Provider Applications;
2. compiling a Local Eligible Training Provider List from the approved training providers;
3. compiling a Local Demand Occupation List, based on the Statewide Demand Occupation List;

4. monitoring of the Eligible Training Providers to ensure compliance with WIA Rules and Regulations, including Program Performance information, with applicable OMB Circulars, and with the Performance and Enrollment requirements as stated in this and other State Policies.

## **B. Statewide**

The State shall compile a single Eligible Training Provider List from all local areas in the State and disseminate such list, and the performance information and program cost information, to the One-Stop service delivery systems within the State. This List and information shall be made widely available to participants in employment and training activities and other customers through the One-Stop service delivery system.

## **C. Regulatory Requirements**

1. Accuracy of information: If the designated State agency, after consultation with the local board involved, determines that an eligible provider or individual supplying information on behalf of the provider intentionally supplies inaccurate information under this section, the agency shall terminate the eligibility of the provider to receive funds described in subsection (a) for any program for a period of time, but not less than two years.
2. Noncompliance: If the designated State agency, or the local board working with the State agency, determines that an eligible provider described in subsection (a) substantially violates any requirement under this Act, the agency, or the local board working with the State agency, may terminate the eligibility of such provider to receive funds described in subsection (a) for the program involved or take such other action as the agency or local board determines to be appropriate.
3. Repayment: A provider whose eligibility is terminated under paragraph (1) or (2) for a program shall be liable for repayment of all funds described in subsection (a) received for the program during any period of noncompliance described in such paragraph.
4. Conflict of Interest:
  - a. As stated in 20 CFR 667.200(a)(4)(i), a Local Board member or Youth Council member must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by the member (or any organization the member directly represents), nor on any matter that would provide direct financial benefit to the member or a member of his immediate family.

- b. As stated in 20 CFR 667.200(a)(4)(ii), neither membership on the Local Board or the Youth Council nor the receipt of WIA funds to provide training and related services, by itself, violates the conflict of interest provisions.

## **VII. EFFECTIVE DATE**

This policy is effective immediately.

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James R. Lott, Director  
Employment Training Division

Attachments: A – State Performance Levels  
B – Training Provider Eligibility Application (Revised)  
C – State Refund Policy

**Attachment A**  
**State Performance Measures**

**State Performance Measures – PY 2002**

<b>Performance Measures For All Individuals in the Training Program</b>	<b>Minimum Levels</b>
A. Completion rates for <b>all</b> individuals who participated in the training program	60%
B. Percentage of <b>all</b> individuals who participated in the training program (whether they completed or not) who obtained unsubsidized employment	60%
C. Average wage at placement of all individuals who participated in the training program (whether they completed or not)	120% of federal minimum wage
D. Maximum percentage of individuals enrolled in each class/course who are WIA-Funded Participants	Maximum 75%

<b>Performance Measures For WIA Participants in the Training Program</b>	<b>Minimum Levels</b>
D. Percentage of WIA participants who completed the program that obtained unsubsidized employment	78%
E. Percentage of WIA participants who completed the program that retained unsubsidized employment longer than 6 months from the first date of employment.	87%
F. Average wages after 6 months of employment from the first date of employment for those WIA participants who completed the program.	120% of federal minimum wage
G. Rates of licensure or certification, attainment of academic degrees or equivalents, or attainment of other measures of skills for WIA participants who graduated from the training program.	60%

## WIA TRAINING PROVIDER ELIGIBILITY APPLICATION AUTOMATIC AND OTHER

### PART A - TRAINING PROVIDER INFORMATION

Package #: of: 

Training Provider Name:	<input type="text"/>
Training Provider Primary Address Line 1:	<input type="text"/>
Training Provider Primary Address Line 2:	<input type="text"/>
City, State, Zip Code:	<input type="text"/>
<b>Provider Type: (Check ONLY One)</b>	
<input type="checkbox"/>	Postsecondary educational institution eligible to receive funds under Title IV of the Higher Education Act.
<input type="checkbox"/>	Registered Apprenticeship Program under the National Apprenticeship Act.
<input type="checkbox"/>	Proprietary School . (Must attach certification and names and addresses of any certifying or accrediting body.)
<input type="checkbox"/>	Other. (Must meet Commission on Proprietary School and College Registration criteria and attach registration certificate.)

### PART B - PROGRAM INFORMATION

**PROGRAM NUMBER: 1**

Program Name:	<input type="text"/>	
Classification of Instructional Programs (CIP) Code for the program: <i>(see instructions)</i>	<input type="text"/>	<input type="text"/>
Month/Year Program Established:	<input type="text"/>	
Training Location: <i>(only 1 per application)</i>	<input type="text"/>	
Training Location <b>Street Address:</b>	<input type="text"/>	
Program Length in Hours: <i>(see instructions)</i>	<input type="text"/>	
Program Description: <i>(less than 50 words)</i>	<input type="text"/>	
Program Award: <i>(If "other," explain skills of competencies gained from program)</i>	<input type="text"/>	
Has this program been submitted on an application to another Workforce Area?	YES or NO:	<input type="text"/>
If "yes," state to which area(s) application was submitted:	<input type="text"/>	

Program Offerings: <i>(check all that apply)</i>			
<input type="checkbox"/>	Full Time Enrollment	<input type="checkbox"/>	English as Second Language Instruction
<input type="checkbox"/>	Part Time Enrollment	<input type="checkbox"/>	Instruction Provided in Classroom Setting
<input type="checkbox"/>	Daytime Classes	<input type="checkbox"/>	Instruction Provided Over the Internet
<input type="checkbox"/>	Evening Classes	<input type="checkbox"/>	Labs
<input type="checkbox"/>	Weekend Classes	<input type="checkbox"/>	Open Entry/Exit
<input type="checkbox"/>	Other Options (specify):		
Training Schedule: <i>(for multiple training time options, please attach separate course schedule)</i>		Days of Week <i>(please circle)</i> :	Time of Day:
		M T W Th F S	

Prerequisites / Entry Level Requirements for the Training (Check <b>all</b> that apply):	
<input type="checkbox"/>	Reading (specify level):
<input type="checkbox"/>	Math (specify level):
<input type="checkbox"/>	Language skills (specify):
<input type="checkbox"/>	Writing skills (specify):
<input type="checkbox"/>	Specific skills or competencies (specify):
<input type="checkbox"/>	Physical exam (specify):
<input type="checkbox"/>	Medical screening (i.e., drug or alcohol)
<input type="checkbox"/>	High school diploma or GED
<input type="checkbox"/>	Pre-apprenticeship program
<input type="checkbox"/>	Prerequisite courses (specify names of courses):
<input type="checkbox"/>	Other educational requirements (specify):

Demand Occupation:		
Please provide the specific name of <b>up to</b> three occupations for which the training/education institution will prepare an individual for employment opportunities and for which trainees will be qualified after completion of this training program or course of study, with the corresponding North American Industry Classification System (NAICS) Code (see instructions). Indicate the certification, licensing, credentials by boards, or other approval required prior to employment.		
Occupation Name	NAICS Code	Required Certification

Total Training Cost to Individual: <i>(Include WIA tuition cost &amp; Catalog listed cost, fees, books, supplies, and other costs necessary to complete training program.)</i> <b>* See Instructions for local limits. In no circumstance will WIA costs be allowed that total more than \$6,000 annually.</b>	<b>WIA-funded Costs:</b>		<b>Catalog Listed Cost:</b>		<b>*SEE BELOW</b>
	Tuition:		Tuition:		
	Fees:		Fees:	\$0.00	
	Books:		Books:	\$0.00	
	Supplies:		Supplies:	\$0.00	
	*Other:		*Other:	\$0.00	
<b>Total:</b>	<b>\$0.00</b>	<b>Total:</b>	<b>\$0.00</b>		
<b>*PLEASE SPECIFY "OTHER" COSTS:</b>					

**PART C - PERFORMANCE INFORMATION** (From the most recent 12-month period available - state which period)

**Section 1: ALL Participants Section (Complete for ALL Participants)**

<b>Period from which program information is derived:</b>			
<b>Program Completion Rate</b> for all individuals participating in the applicable program conducted by the provider:	Total Participants: (who should have completed session)	Completers:	Percentage:
<b>Employment Rate</b> of all individuals who participated in the training program (whether they completed or not) who obtained unsubsidized employment:	Total Participants:	Total Employed:	Percentage:
<b>Training Related Employment Rate:</b>	Total Participants:	Total Employed in Training Related Job:	Percentage:
<b>Average Monthly Wage</b> at placement of all individuals who participated in the training program (whether they completed or not):	Total Employed:	Total <b>Monthly</b> Wages of Those Employed:	Average <b>Monthly</b> Wage Rate:
<b>WIA-Funded Participants Percentage Rate:</b>	Total Participants:	Total WIA-Funded:	Percentage:

**Section 2: WIA Participants Section (Complete for WIA Participants Only)**

<b>Period from which program information is derived:</b>			
<b>Completion Rate</b> for <b>WIA Participants</b> who should have completed the program that session:	Total WIA Participants: (who should have completed session)	Completers:	Percentage:
<b>Employment Rate</b> of <b>WIA Participants</b> who completed the program who retained unsubsidized employment longer than 6 months from the first date of employment:	Total WIA Participants:	Total Employed After 6 months:	Percentage:
<b>Training Related Employment Rate:</b>	Total WIA Participants:	Total Employed in Training Related Job:	Percentage:
<b>Average Wage Rate</b> after 6 months of employment from the first date of employment for those <b>WIA Participants</b> who completed the program:	Total Employed After 6 months:	Total <b>Monthly</b> Wages of Those Employed:	Average <b>Monthly</b> Wage Rate After 6 Months:
<b>Rates of Licensure</b> or certification, attainment of academic degrees or equivalents, or of other measures of skills for <b>WIA Participants</b> who graduated from the training program:	Total WIA Participants:	Total Who Attained Licensure:	Percentage:

## **REFUND POLICY FOR WIA ELIGIBLE TRAINING PROVIDERS**

This refund policy shall apply to entities requesting and receiving approval as a Workforce Investment Act Eligible Training Provider as allowed by PL 105-220 Section 122 and its regulations.

If the Eligible Training Provider (ETP) already has a refund policy in place through its accrediting entity, in its standard catalog, or in other widely distributed official form, the existing policy will be used. In the absence of an existing refund policy, the ETP shall adopt the following refund policy based on MS Code Sec. 75-60-18 regarding proprietary schools as follows. The following policy will not summarily supercede an existing policy; rather the following policy will be implemented if the ETP does not have a refund policy.

### **I. The tuition refund policy for the first term or quarter of any program at ETPs relevant to this policy shall be as follows:**

- A. For programs that are divided into quarters of up to fourteen (14) weeks, the ETP shall evenly divide the total tuition charges among the number of quarters. After instruction is begun at an ETP, if a student withdraws or is discontinued, the school may retain no more than:
  - 1. Zero percent (0%) of the quarter's tuition if the termination is during the first week of instruction; or
  - 2. Twenty-five percent (25%) of the quarter's tuition if the termination is during the second week of instruction; or
  - 3. Fifty percent (50%) of the quarter's tuition if the termination is during the third week of instruction; or
  - 4. Seventy-five percent (75%) of the quarter's tuition if the termination is during the fourth week of instruction; or
  - 5. One hundred percent (100%) of the quarter's tuition if the termination occurs after the fourth week of instruction.
  
- B. For programs organized by terms of fifteen (15), sixteen (16), seventeen (17), or eighteen (18) weeks each, the ETP shall evenly divide the total tuition charges among the number of terms. After instruction is begun at an ETP, if a student withdraws or is discontinued, the school may retain no more than:
  - 1. Zero percent (0%) of the term's tuition if the termination is during the first week of instruction; or

2. Twenty percent (20%) of the term's tuition if the termination is during the second week of instruction; or
3. Thirty-five (35%) of the term's tuition if the termination is during the third week of instruction; or
4. Fifty percent (50%) of the term's tuition if the termination is during the fourth week of instruction; or
5. Seventy percent (70%) of the term's tuition if the termination is during the fifth week of instruction.
6. One hundred percent (100%) of the term's tuition if the termination occurs after the completion of the fifth week of instruction.

**II. The tuition refund policy for the second, third, and subsequent term(s) or quarter(s) of any program at ETPs relevant to this policy shall be as follows:**

- A. For programs that are divided into quarters of up to fourteen (14) weeks, the ETP shall evenly divide the total tuition charges among the number of quarters. After instruction is begun at an ETP, if a student withdraws or is discontinued, the school may retain no more than:
  1. Twenty-five (25%) of the quarter's tuition if the termination is during the first week of instruction; or
  2. Fifty percent (50%) of the quarter's tuition if the termination is during the second week of instruction; or
  3. Seventy-five percent (75%) of the quarter's tuition if the termination is during the third week of instruction; or
  4. One-hundred percent (100%) of the quarter's tuition if the termination occurs after the third week of instruction.
- B. For programs organized by terms of fifteen (15), sixteen (16), seventeen (17), or eighteen (18) weeks each, the ETP shall evenly divide the total tuition charges among the number of terms. After instruction is begun at an ETP, if a student withdraws or is discontinued, the school may retain no more than:
  1. Twenty percent (20%) of the term's tuition if the termination is during the first week of instruction; or

2. Thirty-five (35%) of the term's tuition if the termination is during the second week of instruction; or
3. Fifty percent (50%) of the term's tuition if the termination is during the third week of instruction; or
4. Seventy percent (70%) of the term's tuition if the termination is during the fourth week of instruction.
5. One hundred percent (100%) of the term's tuition if the termination occurs after the completion of the fourth week of instruction.

### III. Other Requirements

- A. No program/course shall have a term in excess of eighteen (18) weeks.
- B. The amount of the refund shall be calculated based on the last day of student class attendance.
- C. Any refund due shall be paid by the ETP within forty-five (45) days of the date on which the student withdraws from the program. For the purposes of this policy, such date shall be the earliest of (1) the date on which the student gives written notice to the ETP or (2) the date on which the student is deemed to have withdrawn, as herein provided.
- D. If a student has failed to attend classes for a period of thirty (30) calendar days, the ETP shall send by regular mail a notice to the student, and a copy to MDA, that the student shall be deemed to have withdrawn from the program if the student does not notify the school to the contrary within twelve (12) days from the date on which the letter is sent. If the student fails to respond within such twelve-day period, the student shall be deemed to have withdrawn and the appropriate refund shall be made.
- E. The Local Workforce Area and the State of Mississippi reserve the right to negotiate a provider's existing refund policy or enforce the standard policy if such existing policy is found to be excessive.

### TRAINING LENGTH EQUIVALENTS

The following table gives the guidelines for determining the length of a training program when the duration as listed on the Eligible Training Provider List does not conform to the standard school semester format. Any training length as shown on the eligible training provider list that is not included in this table shall be referred to the fiscal agent for definition.

<b>Training Defined by:</b>				
<b>Semesters</b>	One Semester	Two Semesters	Three Semesters	Four Semesters
<b>Years</b>	N/A	One continuous twelve month time period	N/A	One continuous twenty-four month time period
<b>Months</b>	Less than five months	Five months through twelve months	More than twelve months but not more than eighteen months	Any training with a duration in excess of eighteen months
<b>Weeks</b>	Eighteen weeks or less	Two full eighteen week training periods	Three full eighteen week training periods	Any training with a duration in excess three full eighteen week training periods
<b>Days</b>	90 days or less	91 days through 260 days, inclusive	261 days through 390 days, inclusive	Any training in excess of 390 days
<b>Hours</b>	720 hours or less	721 hours through 2,080 hours, inclusive	2,081 hours through 3,120 hours, inclusive	Any training in excess of 3,120 hours

**MISSISSIPPI**  
**Policy Number 7 – Revision 1**  
**LOCAL WORKFORCE INVESTMENT AREAS'**  
**PROCUREMENT PROCEDURES**  
**Workforce Investment Act**  
**Office of Grant Management**

**I. SCOPE AND PURPOSE**

The Workforce Investment Act references fiscal and administrative procedures needed by both the State and local levels to implement the workforce investment system. The purpose of this document is to list the broad requirements related to the procurement process. Local workforce investment areas have the authority and responsibility for establishing procurement procedures.

**II. REQUIREMENTS**

**A. Uniform Fiscal and Administrative Requirements**

As stated in 20 CFR 667.200(a)(1) and (2), except for four situations, State, local and Indian tribal government organizations that receive grants or cooperative agreements under WIA Title I must follow the common rule "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" that is codified at 29 CFR Part 97. With the four exceptions, institutions of higher education, hospitals, and other non-profit organizations must follow the common rule implementing OMB Circular A-110 that is codified at 29 CFR Part 95. The exceptions are described below:

1. Transactions between Local Boards and Units of Government

As stated in 20 CFR 667.200(a)(3), in addition to the requirements at 29 CFR 95.48 or 29 CFR 97.36(i), all procurement contracts and other transactions between Local Boards and units of State or local governments must be conducted only on a cost reimbursement basis. No provision for profit is allowed. (Also see WIA Section 184(a)(3)(B).)

2. Code of Conduct

a. As stated in 20 CFR 667.200(a)(4)(i), a Local Board member or Youth Council member must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by the member (or any organization the member directly represents), nor on any matter that would provide direct financial benefit to the member or a member of his immediate family.

b. As stated in 20 CFR 667.200(a)(4)(ii), neither membership on the Local Board or the Youth Council nor the receipt of WIA funds to provide training and related services, by itself, violates the conflict of interest provisions.

3. Program Income / Addition Method

As stated in 20 CFR 667.200(a)(5), the addition method, described in 29 CFR 95.24 or 29 CFR 97.25(g)(2), must be used for all program income earned under WIA Title I grants. When the cost of generating program income has been charged to the program, the gross amount earned must be added to the WIA program. However, the cost of generating program income must be subtracted from the amount earned to establish the net amount of program income available for use under the grants when these costs have not been charged to the WIA program.

4. Program Income / Excess Revenue

As stated in 20 CFR 667.200(a)(6), any excess of revenue over costs incurred for services provided by a governmental or nonprofit entity must be included in program income. (Also see WIA Section 195(7)(A) and (B).)

**B. WIA References to Procurement Activity**

1. WIA Section 117(d)(2)(B) states that consistent with Section 123, the local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a **competitive** basis, based on the recommendations of the youth council.
2. WIA Section 117(h)(4)(B) specifies that one duty of the local board is to recommend eligible providers of youth activities to be awarded grants or contracts on a **competitive** basis to carry out the youth activities.
3. WIA Section 118(b)(9) requires the local plan to include a description of the **competitive** process to be used to award the grants and contracts in the local area.
4. WIA Section 121(d)(1)(A) describes the two options for designation or certification of a one-stop operator. One option is through a **competitive** process.
5. WIA Section 123 deals with the identification of eligible providers of youth activities. The regulation requires the local board to identify eligible providers of youth activities by awarding grants or contracts on a

**competitive** basis, based on the recommendations of the youth council and on the criteria contained in the State plan, to the providers to carry out the activities, and shall conduct oversight with respect to the providers, in the local area.

6. WIA Section 134(d)(3)(B) states that intensive services shall be provided through the one-stop delivery system directly through one-stop operators or through contracts with service providers, which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

### **C. Nonduplication**

As stated in WIA Section 195(2), funds provided under Title I of WIA shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds.

### **D. Allowable Cost / Cost Principles**

As stated in 20 CFR 667.200(c), each subrecipient must follow the Federal allowable cost principles that apply to its type of organization. The Department of Labor regulations at 29 CFR 95.27 and 29 CFR 97.22 identify the Federal principles for determining allowable costs that each type of subrecipient must follow. The applicable Federal principles are shown below:

1. Allowable costs for State, local, and Indian tribal government organizations must be determined under OMB Circular A-87, "Cost Principles for State, Local, and Indian Tribal Governments."
2. Allowable costs for nonprofit organizations must be determined under OMB Circular A-122, "Cost Principles for Nonprofit Organizations."
3. Allowable costs for institutions of higher education must be determined under OMB Circular A-21, "Cost Principles for Educational Institutions."
4. Allowable costs for hospitals must be determined in accordance with Appendix E of 45 CFR Part 74, "Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals."
5. Allowable costs for commercial organizations and those nonprofit organizations listed in Attachment C to OMB Circular A-122 must be determined under the provisions of the Federal Acquisition Regulation (FAR), at 48 CFR Part 31.
6. In addition to the allowable cost provisions listed in II.D.1-5, the cost of information technology -- computer hardware and software -- will only be allowable under WIA Title I grants when the computer technology is "Year 2000 compliant."

**E. Debarment and Suspension / Drug-Free Workplace**

As stated in 20 CFR 667.200(d), all WIA Title I subrecipients must comply with the government-wide requirements for debarment and suspension, and the government-wide requirements for a drug-free workplace codified at 29 CFR Part 98.

**F. Lobbying**

As stated in 20 CFR 667.200(e), all WIA Title I subrecipients must comply with the restrictions on lobbying that are codified in the DOL regulations at 29 CFR Part 93.

**G. Nondiscrimination**

As stated in 20 CFR 667.200(f), all WIA Title I recipients, as defined in 29 CFR 31.2(h), must comply with the nondiscrimination and equal opportunity provisions of WIA Section 188 and its implementing regulations.

**H. Cost Limitations**

1. As required in 20 CFR 667.210(a)(2), local area expenditures for administrative purposes under WIA formula grants are limited to not more than ten percent of the amount allocated to the local area under Sections 128(b) and 133(b) of the Act.
2. As stated in 20 CFR 667.210(a)(3), the ten percent of the amount allotted that may be reserved for local administrative costs need not be allocated back to the individual funding streams.
3. As stated in 20 CFR 667.210(c), the costs of information technology -- computer hardware and software -- needed for tracking and monitoring of WIA program, participant, or performance requirements; or for collecting, storing and disseminating information under the core services provisions are excluded from the administrative cost limit calculation.
4. As stated in 20 CFR 667.210(d), in a one-stop environment, administrative costs borne by other sources of funds, such as Wagner-Peyser Act, are not included in the administrative cost limit calculation. Each program's administrative activities are chargeable to its own grant and subject to its own administrative cost limitations.

**I. Administrative Cost Classifications**

WIA Title I functions and activities that constitute the costs of administration subject to the administrative cost limit are defined in 20 CFR 667.220.

**J. American-Made Equipment and Products**

As required by Section 505 of WIA, each subrecipient shall comply with the Buy American Act (41 U.S.C. 10a et seq.).

**K. State, Local, and Other Federal Procurement Rules**

Applicable State, local, and other federal procurement rules shall also be followed.

**III. OTHER CONSIDERATIONS**

**A. State Oversight**

The oversight activities of the Office of Grant Management include a review of locally-established, written, procurement procedures and procurement activities.

**B. Local Procurement Activities**

Prior to initiating local procurement activities, each local workforce investment areas should establish a written, procurement procedure.

**IV. EFFECTIVE DATE**

This policy shall be effective July 1, 2010.

Yolonda Boone, Director  
Office of Grant Management  
Mississippi Department of Employment Security

Date



# **MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY**

## **WORKFORCE INVESTMENT ACT MONITORING POLICY**

**MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY  
WORKFORCE INVESTMENT ACT  
MONITORING POLICY**

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**MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY  
WORKFORCE INVESTMENT ACT  
MONITORING POLICY**

**I. SCOPE AND PURPOSE**

This policy sets forth requirements for monitoring of all entities receiving Workforce Investment Act funds in accordance with Sections 117(d)(4) and 184(b)(3&4) of the Act and Federal regulations 20 CFR Part 652 Subparts D-G, 667.400-667.740 of the Final Rule.

Each Local Workforce Investment Area and State subgrantee shall develop a policy to govern its monitoring activities. This document provides guidelines for developing the policy and describes the minimum elements to be included in the policy.

**II. STATE REQUIREMENTS**

**A. State Monitoring Policy**

The Office of Grant Management (OGM) is responsible for monitoring all Local Workforce Investment Areas and State subgrantees. On-site reviews will be conducted pursuant to established standard operating procedures to ensure compliance with the Workforce Investment Act, Federal regulations, State laws, contractual agreements, State policies, OMB circulars, cost principles, and, when applicable, Federal Acquisition Regulations (FAR). Refer to the table below to determine applicability of OMB circulars, cost principles, and audit requirements.

<b>ENTITY</b>	<b>ADMINISTRATIVE</b>	<b>COST PRINCIPLES</b>	<b>AUDIT</b>
<b>State and Local Governments (includes Indian Tribal Government)</b>	<b>A-102 29 CFR 97.1-97.52</b>	<b>A-87</b>	<b>A-133 29 CFR 99.100-99.530</b>
<b>Non-Profits</b>	<b>A-110 29 CFR 95.1-95.73</b>	<b>A-122</b>	<b>A-133 29 CFR 99.100-99.530</b>
<b>Educational Institutions</b>	<b>A-110 29 CFR 95.1 – 95.73</b>	<b>A-21</b>	<b>A-133 29 CFR 99.100-99.530</b>
<b>Commercial Institutions</b>	<b>A-110 29 CFR 95.1-95.73</b>	<b>FAR</b>	<b>Program Specific 667.200 (b)</b>

## **1. Scope**

The following systems or areas of operation are included within the scope of the on-site monitoring reviews, as appropriate:

- administrative procedures
- assessment
- audit/audit resolution system
- eligibility verification system
- equal opportunity
- financial management system
- management information system
- monitoring system/internal monitoring
- LWIB certification (biennially)
- procurement system
- other programmatic areas

## **2. Frequency**

WIA Section 184(A) (4) requires each Local Workforce Investment Area and State subgrantee be monitored by the State annually during the program year.

## **B. State Monitoring Procedures**

### **1. Monitoring Schedule**

A monitoring schedule shall be prepared and published annually. On-site reviews for the current program year will be scheduled to begin at the start of the 2<sup>nd</sup> quarter on or after October 1. The monitoring schedule will be updated on a quarterly basis.

### **2. Monitoring Questionnaire**

A standardized monitoring questionnaire will be forwarded to the entity in advance of the on-site visit. The monitoring questionnaire shall be completed and returned to OGM for review prior to the on-site visit. If necessary, the completed monitoring questionnaire will be updated during the on-site visit.

### **3. Review Notification**

Written notification of the scheduled on-site review shall be provided to the entity in advance of the actual review, except when unannounced monitoring visits are deemed necessary.

#### **4. Desk Review Instrument**

Written desk review instruments are prepared prior to monitoring to ensure that all pertinent records are reviewed prior to each visit.

#### **5. On-site Review Process**

An on-site review is conducted consisting of:

- An entry conference to brief agency officials on the scope of the review and to make appropriate arrangements;
- A review of administrative, fiscal, and programmatic systems and transactions;
- Performance of testwork, based on a review and examination of WIA records and interviews; and
- An exit conference to inform agency officials of monitoring results.

#### **6. Monitoring Report**

After each review, a monitoring report will be prepared detailing the results of the monitoring visit. The report will be completed within three weeks of completion of the review. Indexed working papers will also be prepared to provide supporting documentation for testwork performed and for any findings. The monitoring report will be transmitted to the entity for review, and appropriate corrective action will be requested, if necessary.

#### **7. Corrective Action Response**

If any findings were noted during the on-site review, a corrective action response will be required within 45 days from date of the monitoring report. Upon receipt of the entity's corrective action plan, the monitors will review the response and comment on the acceptability of the proposed corrective action. If the corrective action plan is deemed acceptable, the file will be closed. If the corrective action plan or any part thereof is unacceptable, additional corrective action shall be requested. The file will remain open until all corrective action has been accepted.

#### **8. Acceptance/Non-acceptance of Corrective Action**

Notice of acceptance or non-acceptance of the proposed corrective action plan will be forwarded within 30 working days of receipt of the plan. If the proposed plan is not accepted, the State may require submission of a subsequent plan to be received within 30 days from the date of the notice. If the subsequent plan is deemed unacceptable, the State may again request submission of a new plan within a specified timeframe or take other action as deemed appropriate relevant to the circumstances.

**9. Monitoring Files**

A monitoring file will be maintained for each monitoring visit.

**10. Follow-up Visits and Verification of Corrective Action**

Follow-up visits will be conducted, if deemed necessary.

**11. Unannounced Visits**

Unannounced visits may be conducted, if deemed necessary.

**III. LOCAL WORKFORCE INVESTMENT AREA/STATE SUBGRANTEE REQUIREMENTS**

**A. Local Workforce Investment Area/State Subgrantee Monitoring Policy**

WIA Act Section 117(d)(4) requires the local board, in partnership with the chief elected official, to conduct monitoring with respect to local programs of youth activities authorized under section 129, local employment and training activities authorized under section 134, and the one-stop delivery system in the local area.

WIA Act Section 184(b) (3&4) and 20 CFR part 667.410(a)(1-3) of the Federal regulations requires each recipient and subrecipient of WIA Title I funds to conduct monitoring of the WIA activities of its subrecipients and contractors in order to:

- Determine whether expenditures have been made against the cost categories and within the cost limitations specified in the Act and Federal regulations;
- Determine whether there is compliance with all applicable requirements; and
- Provide technical assistance as necessary and appropriate.

**1. Scope**

The Local Workforce Investment Area or State subgrantee shall develop a monitoring policy describing the procedures that will be implemented to ensure compliance with the Act, Federal regulations, State laws, contractual agreements, State policies, OMB circulars, cost principles, and Federal Acquisition Regulations (FAR).

Procedures for monitoring the following shall be addressed, as applicable:

- program goals and objectives
- program quality
- procurement
- fiscal accountability
- labor standards

- audit/audit resolution
- actual expenditures against cost categories and limitations
- grievance procedures
- equal opportunity
- provisions of the Americans with Disabilities Act
- assessment
- eligibility verification as applicable
- property management
- internal monitoring
- administrative procedures
- program performance
- other programmatic areas
- programmatic accountability

**2. Frequency**

The policy shall include procedures to ensure monitoring is completed in a timely manner. Each subgrantee shall be monitored during the program year or during the subgrant period.

**B. Local Workforce Investment Area/State Subgrantee Monitoring Procedures**

**1. Monitoring Schedule**

The policy shall include procedures to ensure a monitoring schedule is prepared. The schedule should include subcontractors' names and addresses, contract numbers, planned dates of reviews, and names of individuals to perform the reviews. Monitoring schedules shall be submitted to OGM.

**2. Review Notification**

The policy shall include procedures to ensure written notification of the scheduled on-site review is provided to the entity in advance of the actual review, except when unannounced monitoring visits are deemed necessary.

**3. Desk Review Instrument**

The policy shall describe the procedures for completing a desk review instrument prior to the on-site visit.

**4. Monitoring Instrument**

The policy shall include procedures for the development of an objective monitoring instrument for use in on-site reviews to ensure that pertinent data can be collected and analyzed for all program activities.

**5. Documentation of Findings**

The policy shall include procedures to ensure findings are adequately documented and include a written description of the deficiency or violation.

**6. Monitoring Report**

The policy shall include procedures to ensure a monitoring report is prepared following each on-site review. The report should be completed within three weeks of the review and should include the following elements:

- A face page signed by the monitor(s) and the signature of supervisory level staff or the executive director;
- The dates of the review and areas covered during the review.
- A listing of findings, if applicable. Each finding shall consist of a narrative description of the deficiency or violation noted.
- For each finding, a recommendation which sets forth the most appropriate action to correct the deficiency or violation noted.

**7. Corrective Action**

The policy shall include procedures to ensure monitoring reports are forwarded to the subgrantee with a transmittal letter. If findings were noted in the report, the transmittal letter shall require a written corrective action plan from the subgrantee within 45 days from the date of the report.

**8. Acceptance/Non-acceptance of Corrective Action**

The policy shall describe the procedures that will be used to determine the acceptance or non-acceptance of the subgrantee's corrective action plan. Notification of the determination shall be provided to the subrecipient within 30 working days of receipt of the proposed corrective action plan.

**9. Follow-up Monitoring and Verification of Corrective Action**

The policy shall include procedures to ensure the need for a follow-up monitoring visit will be determined by the nature of the finding and the subgrantee's response to the finding. A follow-up monitoring review shall be designed to determine if the corrective action measures taken were adequate to resolve the noted deficiencies.

**10. Unannounced Visits**

The policy shall describe the procedures for conducting unannounced visits of subgrantees when such visits are deemed necessary.

## **11. Monitoring Files**

The policy shall include procedures establishing and maintaining the monitoring files. A separate file shall be maintained for each on-site visit. At a minimum, the files shall contain the following records:

- notification of monitoring visit dates;
- completed desk review instrument;
- signed monitoring report;
- completed monitoring instrument;
- transmittal letter, and if applicable, request for a corrective action plan;
- response from subgrantee, when appropriate;
- letter to subgrantee accepting/rejecting corrective action; and
- working paper file to include supporting documentation.

## **IV. DESK MONITORING**

There may be times when it may not be practical or cost effective to conduct an on-site monitoring visit of a subgrantee. OGM will allow for the limited use of desk monitoring of some subgrantees if all of the following criteria are met:

- A.** The training program has five or less participants;
- B.** The total cost for the contract or total cost of training is \$25,000 or less; and
- C.** Adequate documentation is obtained and maintained in monitoring files to document:
  - eligibility;
  - time and attendance;
  - trainee progress reports;
  - documentation of completion of training program;
  - license or certificate earned;
  - participant medical and accident insurance;
  - placement and wage information; and
  - financial records
- D.** There are no known problems or issues that would warrant an on-site visit; and
- E.** It has been determined and documented that desk monitoring is the most practical means of monitoring the subgrantee.

## **V. EFFECTIVE DATE**

This policy shall be effective January 1, 2011.

**VI. APPROVAL**

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Yolonda Boone  
Director  
Office of Grant Management  
Mississippi Department of Employment Security

**MISSISSIPPI**  
**Policy Number 16**  
**DISLOCATED WORKER REGISTRATION**  
**Employment Training Division**

**I. SCOPE AND PURPOSE**

This policy provides guidance for eligibility determination and the registration of dislocated workers. The intent is to substantially increase the accessibility of dislocated workers services funded by Title I of the Workforce Investment Act (WIA). Each local workforce investment area (LWIA) shall develop and adopt a policy for eligibility determination and registration of dislocated workers. The LWIA should take all appropriate steps to ensure that front-line WIN Job Center staff have and understand the local definitions, policies and procedures related to the identification and registration of dislocated workers.

**II. REQUIREMENTS**

A. Statutory and Regulatory Citations

WIA Section 134 describes services to adults and dislocated workers. WIA Section 101(9)(10)(15)(38) and (47), defines the terms “dislocated worker,” “displaced homemaker,” “family,” “rapid response” and “unemployed.” 20 CFR 663 establishes the framework for services to adults and dislocated workers. 20 CFR 665.300 to 340 describes rapid response activities. 20 CFR 600.300 defines the term “register” and “self-certification.” 20 CFR 663.115(b) allows the state and local boards to establish policies and procedures to use in determining a dislocated worker’s eligibility.

All federal, state and local policymaking is to be guided by key principles, the first of which is “*streamlining services*” to increase accessibility for individuals and businesses. (20 CFR 652, of the WIA Final Rules, Part I.A., “WIA Principles”).

B. Dislocated Worker Eligibility Requirements

There are four types of eligible dislocated workers, with key WIA eligibility requirements set out below:

1. General Dislocated Workers – A “general dislocated worker” is an individual who:
  - a. Has been terminated or laid off, or has received a notice of termination or layoff, from employment;

- b. Is currently eligible for unemployment compensation (UC) or has in the past exhausted unemployment compensation;

- or -

Has been employed long enough to demonstrate workforce attachment, but is ineligible for unemployment compensation due to low earnings or work for an uncovered employer;

- and -

- c. Is unlikely to return to their previous industry or occupation.

2. Rapid Response Dislocated Worker – A “rapid response dislocated worker” is an individual who:

- a. Has been terminated or laid off or has received a notice of termination or layoff;

- and -

The termination or layoff is a result of a permanent closure or substantial layoff at a plant, facility or enterprise;

- or -

- b. Is employed at a facility at which the employer has made general announcement of closure within 180 days;

- or -

- c. Is employed at a facility at which the employer has made a general announcement of closure within 180 days; but there is either no known date or the date will occur after 180 days. In this instance only rapid and core services may be provided.

3. Self-Employed Dislocated Workers

A self – employed dislocated worker (including but not limited to farmers, ranchers and fishermen) must be:

- a. Unemployed;

- and -

- b. The unemployment must be due to general economic condition in the community or due to a natural disaster.

4. Displaced Homemaker

A “displaced homemaker” is an individual who:

- a. Has been providing unpaid services to family members in the home;  
- and -
- b. Has been dependent upon another family member’s income;  
- and -
- c. Is no longer supported by that family member’s income;  
- and -
- d. Is unemployed or underemployed;  
- and -
- e. Is experiencing difficulty in either obtaining employment or upgrading to better paying employment.

C. Dislocated Worker Eligibility Definitions

The local policy shall establish the specific rules and requirements related to the following definitions.

1. General Dislocated Worker (GDW)

A key eligibility requirement is either current UC eligibility or past exhaustion of UC, or past workforce attachment of sufficient duration with an uncovered employer. The length of workforce attachment with an uncovered employer is a state and local call. For purposes of satisfying this element for uncovered GDWs, continuous employment with an uncovered employer of 13 weeks or more is presumed adequate. (Local Workforce Investment Area) may choose or individual circumstances. If the applicant has been working in uncovered employment for longer than 13 weeks, the eligibility determination would still have to deal with the other two eligibility requirements for a general dislocated worker – termination or layoff and “unlikely to return.”

2. Rapid Response Dislocated Worker (RRDW)

A key eligibility requirement is past or prospective termination or layoff due to a permanent closure or substantial closure. For eligibility purposes “permanent” means that the plant, facility or enterprise is not expected to

reopen for at least two years. A “substantial layoff” means ten (10) or more persons laid off within a six-month span from the same plant, facility or enterprise. If a county has an unemployment rate over 7 percent for an unemployment rate, which has increased by two or more percentage points within the last two years, the threshold for a substantial layoff is reduced to five (5) individuals. Layoffs must be expected to last six months or more. Again, the LWIA may choose to expand upon these definitions to fit community circumstances on a reasonable, case-by-case basis. An example could be a labor market with an 8.5 percent unemployment rate including several counties, one of which has a 7.8 percent unemployment rate. The lower threshold for a substantial layoff could be extended to all counties in the labor market through LWIA policy making.

Note that RRDWs need not be “unlikely to return” and do not need to be UC eligible. The past or prospective layoff or closure event alone triggers eligibility for affected individuals. Eligibility is not lost through subsequent reemployment. LWIAs are encouraged to recruit RRDWs who have become reemployed, but who need assistance to achieve their previous earnings levels.

3. Self – Employed Dislocated Workers (SEDW)

“Unemployment due to general economic conditions” is established if the business closed or was sold due to a downturn in profitability, and the county’s unemployment rate is either over 7 percent or has increased by two or more percentage points in the last two years. Again, the LWIA may choose to expand upon this presumption due to community or individual circumstances.

4. Displaced Homemaker (DH)

20 CFR 663.120 discusses DH eligibility and registration, concluding that past dependence upon public assistance does not meet the second of the five eligibility requirements, which is past dependence upon a family member’s income. Public assistance receipt, past, present or future does not disqualify a DH applicant if, in addition to public assistance, that individual was dependent upon a family member’s earned income.

LWIAs are encouraged to adopt eligibility policies and procedures stressing self-certification based upon personal interviews to establish DH eligibility. Note that the WIA 101(15) definition of a “family” is narrow and includes (a) husband, wife and dependent children, (b) a parent or guardian and dependent children, and (c) a husband and wife alone. Families must be related by blood, marriage or decree of court and must live in a single residence. Past dependence upon a boyfriend or girlfriend’s income, or an aunt or uncle’s income will not meet DH requirements. Past dependence on a dislocated worker’s income,

assuming the DW was or is in the DH applicant's family, would meet the requirements for this element.

LWIAs are encouraged to actively recruit DHs, from the families of DW participants, as a part of rapid response and from the broader community. It may be necessary to hire or move DH coordinators whose sole job is to recruit and serve DH effectively.

D. The Dislocated Worker Registration Process

Registration is the process of collecting information to establish eligibility. It can be done in a variety of ways including:

1. A personal interview with the applicant;
2. Accessing electronic data to visually verify eligibility; or
3. Collecting or viewing applicant paperwork. All three eligibility information-collecting methods are permissible either alone or in combination. At a minimum, dislocated worker eligibility shall be established using self-certification, a signed attestation by the applicant that this eligibility information is true and accurate.

E. Local Policy Required

Each LWIA shall adopt a written policy describing how dislocated worker registration should occur, including which eligibility requirements may be determined using self-certification, which may be determined using electronic data, and which may be determined by collecting or viewing applicant paperwork. The local policy shall encourage streamlined services over paperwork collection and copying.

F. Examples

The LWIA may use any of the following examples to determine one or more eligibility elements. These examples are intended to be illustrative rather than inclusive:

1. Unemployment Compensation (UC) Receipt

An applicant who is receiving UC will have an electronic record of receipt, accessible by the Mississippi Employment Security Commission (MESC). Viewing this data onscreen may verify:

- (a) Termination or layoff status,
- (b) UC eligibility or exhaustion, and

- (c) Unlikely to return to their industry or occupation due to four or more consecutive weeks of UC receipt. UC receipt requires that an individual be available for and seeking work unsuccessfully during a given week.

Viewing electronic UC data could verify each and every element for a general dislocated worker. All other application information, with the sole exception of selective service registration, which could also be verified electronically, would be self-certified.

2. Closure Announcement

A copy of the announcement or a news report of the closure announcement would be kept in the file. All other “rapid response dislocated worker” application information would be self-certified.

3. Old Termination Date

If the date of dislocation is prior to the oldest date upon which UC information is electronically available to local MESC staff, and if the dislocation event is credible, the termination event and UC exhaustion may be self-certified. Note that mere past receipt of UC absent exhaustion and also absent current UC eligibility is inadequate to establish eligibility. The second “general dislocated worker” eligibility element requires either *current* UC eligibility or *past* UC exhaustion.

If the old termination date was due to a substantial layoff or permanent closure, “unlikely to return” need not be established since this is not a required element for a “rapid response dislocated worker.” If the old termination date was unrelated to a substantial layoff or permanent closure, “unlikely to return” must be determined.

4. Unlikely to Return to the Previous Industry or Occupation

This is an eligibility element only for “general dislocated workers.” It could be determined by a) continuous UC receipt, (b) labor market information (LMI), (c) four weeks of unsuccessful job search, (d) a lack of openings or job announcements in the WIN Job Center as determined by staff, (e) applicant barriers such as a disability, lack of personal transportation or lack of child care preventing return to the industry or occupation, (f) an assessed skill deficit preventing reemployment, or (g) a significant disparity in pre-dislocation wages (\$1.00/hr or more, for example) and the wages currently available in the industry or occupation. WIN Job Center staff through a brief, initial assessment may determine any or all of these items.

5. Self-Employed or Displaced Homemaker

Self-certification may be based upon a personal applicant interview corroborated by brief file notes. All file information should be reasonably consistent with the eligibility determination, or paper or electronic verification should be sought.

6. Social Security Number & Identification

Social Security cards and numbers and personal identification, including driver's licenses, should not be copied and may or may not be visually verified. Social Security registration is not an eligibility requirement for WIA participation.

7. Selective Service

Selective service status would be electronically verified.

G. Concurrent Enrollment

Many adults and some youth participants are also dislocated workers. LWIAs are encouraged to review current adult and youth caseloads, and, if dislocated worker eligibility is established, to concurrently enroll the individual in the dislocated worker program. Costs for serving that individual may be charged to the dislocated worker program; to the extent they are allowable, as of the effective date of concurrent enrollment. The concurrently enrolled participant will count towards the performance goals of both programs in which they are concurrently enrolled.

H. Monitoring Audit and Cost Disallowance

Compliance with the LWIA policy on dislocated worker registration shall be the standard for monitoring, audit and cost disallowance findings and determinations. The mere fact of participant ineligibility shall not establish a questioned or disallowed cost. If a significant number of ineligibles are discovered, the LWIA registration policy may be revisited and a greater level of electronic and paper verification should be sought in the future.

I. Adult and Youth Programs

The identical principles set out in this policy apply to the WIA Title I adult and youth programs. LWIAs are encouraged, but not required, to adopt similar registration policies for adults and youth, considering the differing eligibility requirement for these programs.

**III. EFFECTIVE DATE**

This policy shall be effective immediately.

<u>SIGNED</u>	<u>5/13/02</u>
James R. Lott, Director	Date
Employment Training Division	
Mississippi Development Authority	

**MISSISSIPPI**  
**Policy Number 17**  
**WIA SUPPORTIVE SERVICES AND PAYMENTS**  
**FOR ADULTS AND DISLOCATED WORKERS**  
**Workforce Investment Act**  
**Employment Training Division**

**I. SCOPE AND PURPOSE**

The purpose of this policy is to provide guidance concerning allowable supportive services and payments to Workforce Investment Act (WIA) participants. Section 134(e)(2)(3) of the WIA allows funds allocated to a local board to be used for the provision of supportive services to out of school youth, adults and dislocated workers. Further, the Workforce Investment Act recognizes the need to assist participants in obtaining services and training and retaining employment. Therefore, WIA funds should be used to provide needed supportive services to participants when the needed assistance is not available through non-WIA sources. This policy provides guidance for the provision of supportive services and payments to adults and dislocated workers only.

**II. REQUIREMENTS**

**A. Supportive Services**

Each Local Board, in consultation with the one-stop partners and other community service providers, is required to develop supportive services policies and procedures addressing coordination with other entities to ensure non-duplication of resources and services, as well as any limits on the amount and duration of such services.

According to Section 134(d)(2)(H), information about the availability of supportive services in the local area, as well as referral to such services, is one of the core services that must be available to adults and dislocated workers through the WIA one-stop delivery system.

**1. Definition**

The term “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 this title, consistent with the provisions of Title I of the WIA.

The Regulations strongly encourage local boards to establish linkages with programs such as child support, EITC, Food Stamps, Medicaid, and the Children’s Health Insurance Program.

**2. Determination of Supportive Services Needs**

At WIA registration and/or at regular intervals thereafter, job center staff should review each participant's needs to determine if supportive services are needed. The first option should always be to refer a participant to other agencies or programs providing the needed services through non-WIA sources. The local policy shall describe the assessment standards for determining need.

### 3. **Authorized Supportive Services**

The local policy shall describe all WIA-funded supportive services available in the area. These services may include:

- a. **Financial Assistance:** Payments to assist with normal living expenses to ensure the completion of training. This assistance should be based on a formula or system prescribed by the local area.
- b. **Transportation Assistance:** Payments to assist with transportation based on a formula or system prescribed by the local area.
- c. **Child Care:** Payments to assist with childcare shall be made based on a formula or system prescribed by the local area.
- d. **Dependent Care:** Payments to assist with dependent care, other than children, based on a formula or system prescribed by the local area.
- e. **Housing:** Payments to assist housing based on a formula or system prescribed by the local area.
- f. **Post Placement Supportive Services:** Post placement services are intended to ensure that the participant succeeds in the labor market. No participant shall receive cash financial assistance post placement. Supportive service needs may be met through direct payment to vendors or by providing vouchers, gas cards, bus tickets, or other non-cash assistance.
- g. **Emergency Assistance:** Emergency assistance placement services are intended to ensure that the participant succeeds in training and/or the labor market. Emergency assistance may be provided during WIA participation or post placement. Such assistance might include, but not be limited to: payment of car insurance premium, utilities, car repairs, and clothing assistance. Emergency assistance should be based on a system prescribed by the local area.
- h. **Needs-Related Payments:** Needs-related payments to adults and dislocated workers, respectively, who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to

participate in programs of training services. Payments should be based on a formula or system prescribed by the local area.

The level of a needs-related payment made to a dislocated worker under this paragraph shall not exceed the greater of:

- (1) the applicable level of unemployment compensation; **or**
- (2) if such worker did not qualify for unemployment compensation, an amount equal to the poverty line, for an equivalent period, which amount shall be adjusted to reflect changes in total family income.
- (3) Additional Eligibility Requirements: In addition to the requirements contained in WIA Section 134 (e) (3) (A), a dislocated worker who has ceased to qualify for unemployment compensation may be eligible to receive needs-related payments under this paragraph only if such worker was enrolled in the training services:
  - (a) by the end by the end of the thirteenth (13th) week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; **or**
  - (b) if later, by the end by the end of the eighth (8th) week after the worker is informed that a short-term layoff will exceed six (6) months.

#### **4. Eligibility for Supportive Services**

The local policy shall describe the requirements for eligibility.

- a. According to Section 134(e)(2) of the WIA, funds allocated to a local area for adults and dislocated workers may be used to provide supportive services to participants:
  - (1) who are participating in programs with activities authorized in any of paragraph (2), (3), or (4) of subsection 134(d), Required Local Employment and Training Activities – Core, Intensive and Training Services,
  - (2) who are unable to obtain such supportive services through other programs providing such services, **and**
  - (3) who would be unable to participate in WIA Title I activities without the provision of such services. [WIA Section 101(46)].

**b. Needs-Related Payments**

**(1) ADULTS must:**

- (a)** be unemployed;
- (b)** not qualify for or cease qualifying for, unemployment compensation; **and**
- (c)** be enrolled in a program of training services under Section 134(d)(4) of the WIA.

**(2) DISLOCATED WORKERS must:**

- (a)** be unemployed, **and**:
  - (i)** have ceased to qualify for unemployment compensation or trade readjustment assistance under TAA or NAFTA-TAA; **and**
  - (ii)** be enrolled in a program of training services under Section 134(d)(4) of the WIA by the end of the thirteenth (13th) week after the most recent layoff that resulted in a determination of the worker's eligibility for employment and training activities for dislocated workers under this subtitle; or if later, by the end of the eighth (8th) week after the worker is informed that a short-term layoff will exceed six (6) months; **or**
- (b)** be unemployed and did not qualify for unemployment compensation or trade readjustment assistance under TAA or NAFTA-TAA.

**(3) Special Circumstances**

According to 20 CFR 663.830, payments may be provided to a participant who is waiting to start training classes if the participant has been accepted in a training program that will begin within thirty (30) calendar days. In accordance with this section, local areas are hereby authorized to extend the 30-day period for participants in the above mentioned circumstance, or in other appropriate circumstances as defined by the local areas. Payments should be made in accordance with the standard procedures.

**NOTE:** Dislocated workers enrolled in approved training who are unemployed but who receive payments as a member of a reserve component of the U. S. Armed Services, or as a member of the Mississippi National Guard, for periods of duty of 72 consecutive hours or less, shall be considered unemployed for purposes of qualifying for Needs Related Payments.

**5. Levels of Payments**

**a. Supportive Services**

The local board must establish the level of payments for supportive services other than needs-related payments. Minimum and maximum levels must be described in the local supportive services and/or payments policy.

**b. Needs-Related Payments**

**(1) Adults**

The local board must establish the level of needs-related payments for adults. Minimum and maximum levels must be described in the local supportive services and/or payments policy.

**(2) Dislocated Workers**

According to Section 134(e)(3)(c) of the WIA and 20 CFR 663.840, needs-related payments must not exceed the following level:

- (a)** For participants eligible for unemployment compensation as a result of the qualifying dislocation, the payment may not exceed the applicable weekly level of unemployment compensation benefit; **or**
- (b)** For participants who did not qualify for unemployment compensation as a result of the qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. The weekly payment level must be adjusted to reflect the changes in total family income as determined by the policy established by the local board.

**6. Documentation**

The local policy shall require sufficient documentation to support the provision of supportive services from all sources. The policy shall describe the minimum documentation required to support the provision of services.

## **B. Internships and Work Experience**

### **1. Definition**

According to 20 CFR 663.200, internships and work experience may be provided, based on an assessment or individual employment plan. Work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience workplace may be in the private-for-profit sector, the non-profit sector or the public sector.

If an unpaid work experience creates an employer/ employee relationship, federal wage standards may apply. This relationship is determined under the Fair Labor Standards Act.

**Note:** Internships and work experience are intensive services, not training.

### **2. Determination of Need**

At WIA registration and/or at regular intervals thereafter, job center staff should review each participant's needs to determine if work experience is needed. The local policy shall describe the assessment standards for determining need for internship or work experience.

### **3. Eligibility**

The local policy shall describe the requirements to eligibility for internships and/or work experience.

### **4. Payments**

The local policy shall:

- a.** specify standards, for paid and unpaid internships and/or work experience;
- b.** set the minimum and maximum levels for payments to participants for internship and/or work experience; and

- c. describe process and standards for selecting internship/work experience workplaces.

## **5. Documentation**

The local policy shall require sufficient documentation to support the decision to provide internship and/or work experience. The policy shall specify the minimum documentation required to support the need for and provision of internship or work experience.

## **C. Examples**

An example of an adequate local policy for supportive services and payments for adults and dislocated workers is attached. The example should be used as a guide in developing and/or enhancing local the local policy.

## **D. Administrative Requirements**

### **1. General**

Section 181(a)(1)(A) of the WIA requires that individuals in on-the-job training and individuals employed in activities under WIA title I shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in Section 6(a)(1) of the fair Labor Standards Act or the applicable State or local minimum wage law.

### **2. Treatment of Allowances, Earning and Payments**

Allowances, earnings and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need other than as provided under the Social Security Act. [WIA 181(a)(2)]

### **3. Limitation**

No funds provided under the WIA title I shall be used to pay wages of incumbent employees during their participation in economic development activities provided through a Statewide workforce investment system. [WIA 181(b)(1)]

**III. EFFECTIVE DATE**

This policy is effective immediately. It will remain in effect until rescinded or replaced.

**IV. APPROVAL**

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James R. Lott  
Director  
Employment Training Division

Attachment: Example Policy

**MISSISSIPPI**  
**Policy Number 18**  
**WIA SUPPORTIVE SERVICES AND PAYMENTS**  
**FOR IN-SCHOOL AND OUT-OF-SCHOOL YOUTH**  
**Workforce Investment Act**  
**Employment Training Division**

**I. SCOPE AND PURPOSE**

The Workforce Investment Act (WIA) states that youth programs must provide supportive services. The purpose of this policy is to provide guidance concerning allowable supportive services and payments to younger youth and older youth, in school and out of school, participating in WIA activities.

The Workforce Investment Act recognizes the need to assist participants in obtaining services and training and retaining employment. Therefore, WIA funds should be used to provide needed supportive services to participants when the needed assistance is not available through non-WIA sources.

**II. REQUIREMENTS**

**A. Supportive Services**

Each Local Board, in consultation with the one-stop partners and other community service providers, is required to develop supportive services policies and procedures addressing coordination with other entities to ensure non-duplication of resources and services, as well as any limits on the amount and duration of such services.

The Workforce Investment Act (WIA) Section 129(c)(2)(G) identifies supportive services as one of the ten required elements for WIA-funded youth programs. WIA Section 134(e)(2)(3) allows funds allocated to a local board to be used for the provision of supportive services to out-of-school youth, adults and dislocated workers. WIA Section 101(46) defines supportive services.

**1. Definition**

20 CFR Part 664.440 elaborates on the definition of supportive services as it applies to youth. The term “supportive services” means services such as linkages to community services, transportation, child care, dependent care, housing, referrals to medical services, and assistance with uniforms or other appropriate work attire and work related tools, including such items as eye glasses and protective eye gear. For older youth, supportive

services may also include needs-related payments to enable individuals to participate in training.

The Regulations strongly encourage local boards to establish linkages with programs such as child support, EITC, Food Stamps, Medicaid, and the Children's Health Insurance Program.

## 2. **Determination of Supportive Services Needs**

- a. **Younger youth-** A determination of the supportive services needs of each WIA-eligible youth participant shall be made based on information in the Individual Service Strategy. If the participant is determined to be in need of supportive services, he or she will be referred to other publicly funded human service agencies for the appropriate services needed.
- b. **Older youth-** At WIA registration and/or at regular intervals thereafter, WIN Job Center staff should review each participant's needs to determine if supportive services are necessary. The first option should always be to refer a participant to other agencies or programs providing the needed services through non-WIA sources. The local policy shall describe the assessment standards for determining need.

## 3. **Authorized Supportive Services**

The local policy shall describe all WIA-supported supportive services available in the area. WIA funded supportive services may include:

- a. **Transportation Assistance:** Payments to assist with transportation based on a formula or system prescribed by the local area.
- b. **Child Care:** Payments to assist with childcare shall be made based on a formula or system prescribed by the local area.
- c. **Dependent Care:** Payments to assist with dependent care, other than children, based on a formula or system prescribed by the local area.
- d. **Housing:** Payments to assist housing based on a formula or system prescribed by the local area.
- e. **Referrals to Medical Services:** Payments to assist with medical expenses based on a formula or system prescribed by the local area.

- f. **Assistance with Uniforms or Other Appropriate Work Attire and Work-Related Tools:** Payments to assist with uniforms/other work attire and work-related tools, including such items as eye glasses and protective eye gear, based on a formula or system described by the local area.
- g. **Post Placement Supportive Services (Older Youth only):** Post placement services are intended to ensure that the participant succeeds in the labor market. No participant shall receive cash financial assistance post placement. Supportive service needs may be met through direct payment to vendors or by providing vouchers, gas cards, bus tickets, or other non-cash assistance.
- h. **Needs-Related Payments (Older Youth only):** Needs-related payments to individuals who are unemployed and do not qualify for (or have ceased to qualify for) unemployment compensation for the purpose of enabling such individuals to participate in programs of training services. Payments should be based on a formula or system prescribed by the local area.

#### 4. **Eligibility for Supportive Services**

The local policy shall describe the requirements for eligibility.

- a. **Younger Youth:** Given the income, educational, and employment barriers necessary for a youth to participate in WIA services, it is presumed that all youth eligible for participation shall require support to remain in and benefit from the services provided and to prepare them for further education or employment.
- b. **Older Youth:**
  - (1) According to WIA Section 134(e)(2), funds allocated to a local area for adults may be used to provide supportive services to older youth:
    - (a) Who are participating in programs with activities authorized in any of paragraph (2), (3), or (4) of subsection 134(d), Required Local Employment and Training Activities – Core, Intensive and Training Services,
    - (b) Who are unable to obtain such supportive services through other programs providing such services, and

(c) Who would be unable to participate in WIA Title I activities without the provision of such services. [WIA Section 101(46)]

(2) Needs-Related Payments- Older youth must:

- (a) Be unemployed;
- (b) Not qualify for or cease qualifying for, unemployment compensation; and
- (c) Be enrolled in a program of training services under Section 134(d)(4) of the WIA.

(3) Special Circumstances- Older youth:

According to 20 CFR 663.830, payments may be provided if the participant has been accepted in a training program that will begin within 30 calendar days.

## **5. Levels of Payments**

### **a. Supportive Services**

The local board must establish the level of payments for supportive services other than needs-related payments. Minimum and maximum levels must be described in the local supportive services and/or payments policy.

### **b. Needs-Related Payments (Older Youth only)**

The local board must establish the level of needs-related payments for older youth. Minimum and maximum levels must be described in the local supportive services and/or payments policy.

## **6. Documentation**

The local policy shall require sufficient documentation to support the provision of supportive services from all sources. The policy shall describe the minimum documentation required to support the provision of services.

## **B. Internships and Work Experience**

## 1. Definition

- a. **Younger Youth:** 20 CFR 664.460 and 664.470 cover work experience for youth. The same general guidelines for adults and dislocated workers apply for the youth programs. 20 CFR 664.460(c) provides details on how the work experience should be designed for youth.
- b. **Older Youth:** According to 20 CFR 663.200, internships and work experience may be provided, based on an assessment or individual employment plan. Work experience is a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience workplace may be in the private-for-profit sector, the non-profit sector or the public sector.

If an unpaid work experience creates an employer/employee relationship, federal wage standards may apply. This relationship is determined under the Fair Labor Standards Act.

**Note:** Internships and work experience are intensive services, not training.

## 2. Determination of Need

At WIA registration and/or at regular intervals thereafter, job center staff should review each participant's needs to determine if work experience is needed. The local policy shall describe the assessment standards for determining need for internship or work experience.

## 3. Eligibility

The local policy shall describe the requirements to eligibility for internships and/or work experience.

## 4. Payments

The local policy shall:

- a. specify standards, for paid and unpaid internships and/or work experience;

- b. set the minimum and maximum levels for payments to participants for internship and/or work experience; and
- c. describe process and standards for selecting internship/work experience workplaces.

**5. Documentation**

The local policy shall require sufficient documentation to support the decision to provide internship and/or work experience. The policy shall specify the minimum documentation required to support the need for and provision of internship or work experience.

**6. Examples**

An example of an adequate local policy for supportive services and payments for adults and dislocated workers is attached. The example should be used as a guide in developing and/or enhancing local the local policy.

**7. Administrative Requirements**

**a. General**

Section 181(a)(1)(A) of the WIA requires that individuals in on-the-job training and individuals employed in activities under WIA title I shall be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and such rates shall be in accordance with applicable law, but in no event less than the higher of the rate specified in Section 6(a)(1) of the fair Labor Standards Act or the applicable State or local minimum wage law.

**b. Treatment of Allowances, Earning and Payments**

Allowances, earnings and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted

program based on need other than as provided under the Social Security Act. [WIA 181(a)(2)]

**a. Limitation**

No funds provided under the WIA title I shall be used to pay wages of incumbent employees during their participation in economic development activities provided through a Statewide workforce investment system. [WIA 181(b)(1)]

**III. EFFECTIVE DATE**

This policy is effective immediately. It will remain in effect until rescinded or replaced.

**IV. APPROVAL**

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James R. Lott  
Director  
Employment Training Division

Attachment: Example Policy- Supportive Services for Youth



**MISSISSIPPI  
POLICY NUMBER 19  
WIA ELIGIBILITY DETERMINATION POLICY  
Workforce Investment Act**

**I. SCOPE AND PURPOSE**

Section 663.110 and Section 664.200 of the Workforce Investment Act (WIA) regulations outline the eligibility criteria for adults, dislocated workers and youth. The purpose of this policy is to provide guidance to the local workforce areas for use in developing and using a local eligibility policies and/or procedures. Each local workforce investment area shall have appropriate procedures to ensure that only eligible individuals are served in programs funded under Title IB of the WIA.

**II. REQUIREMENTS**

Each local policy shall address youth, adult and dislocated worker eligibility issues. The policies and related procedures should allow staff discretion for determining participant eligibility.

The following provisions of the WIA shall apply when determining an individual's eligibility to participate in Title IB programs funded by the Workforce Investment Act

- A. All individuals receiving any WIA Title IB funded services beyond self-service and informational services, must meet the provisions of Section 189(h) of the WIA regarding the enforcement of compliance with the Military Selective Service Act; and the provisions of Section 188 of the WIA, regarding the availability of Title IB services to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.
- B. All individuals receiving services beyond self-service and informational services funded by the WIA Title IB **adult** funding stream under Section 133(b)(2)(A) of the WIA must be 18 years of age or older and meet the priority for service determinations established by the local workforce investment board (LWIB) in accordance with Section 134(d)(4)(E) of the WIA for the local workforce area in which the individual is applying for services.
- C. All individuals receiving services beyond self-service and informational services funded by the WIA Title IB **dislocated worker** funding stream under Section 133(b)(2)(B) of the WIA must be 18 years of age or older and meet the definition of dislocated worker in accordance with Section 101(9) and State Policy Number 16.

D. Individuals receiving services funded by the WIA Title IB **youth** funding stream under Section 128(b)(2)(A) must be at least 14 years of age and not more than 21 years of age at the time of registration for services and meet the definition of eligible youth in Section 101(13). The term "eligible youth" means an individual who:

1. is not less than age 14 and not more than age 21;
2. is a low-income individual; and
3. is an individual who is one or more of the following:
  - a. Deficient in basic literacy skills
  - b. A school dropout.
  - c. Homeless, a runaway, or a foster child.
  - d. Pregnant or a parent.
  - e. An offender.
  - f. An individual who requires additional assistance to complete an educational program, or to secure and hold employment.

E. Not more than **5%** of the eligible youth who do not meet the minimum income criteria established in Section 101(25) of the Act may receive youth funded services if they meet the criteria established in WIA Section 129(c)(5) of the Act.

1. The minimum income criteria established in Section 101(25) of the Act apply to an individual who:
  - a. Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
  - b. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of—
    - (1) the poverty line, for an equivalent period; or
    - (2) 70 percent of the lower living standard income level, for an equivalent period;
  - c. Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
  - d. Qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
  - e. Is a foster child on behalf of whom State or local government payments are made; or

- f. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.
  2. Individuals who do not meet the minimum income criteria in subsection 1 shall be within one or more of the following categories:
    - a. Individuals who are school dropouts.
    - b. Individuals who are basic skills deficient.
    - c. Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.
    - d. Individuals who are pregnant or parenting.
    - e. Individuals with disabilities, including learning disabilities.
    - f. Individuals who are homeless or runaway youth.
    - g. Individuals who are offenders.
    - h. Other eligible youth who face serious barriers to employment as identified by the local board.
- E. Participants receiving services in projects funded by **statewide activity** funds in accordance with Sections 129(b) and 134(a) of the WIA must meet the following eligibility criteria:
1. Projects serving adults age 18 and over shall be subject to the eligibility provisions established for the project.
  2. Projects serving dislocated workers shall be subject to the eligibility provisions established in Section C above.
  3. Projects serving youth ages 14 to 21 at the time of service entry shall be subject to the provisions of Section D above.
  4. Projects serving displaced homemakers may include individuals who are receiving public assistance and are 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.) in accordance with Section 134((a)(3)(A)(vi)(I) of the WIA.
- G. The following additional **definitions** from WIA section 101 apply to eligibility determinations for WIA Title IB Youth Programs:
1. FAMILY- The term "family" means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:
    - a. A husband, wife, and dependent children.
    - b. A parent or guardian and dependent children.
    - c. A husband and wife.
  2. OFFENDER- The term "offender" means any adult or juvenile--
    - a. who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or

- b. who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
  - 3. OUT-OF-SCHOOL YOUTH- The term "out-of-school youth" means--
    - a. an eligible youth who is a school dropout; or
    - b. an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed.
  - 5. SCHOOL DROPOUT – The term "school dropout" means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.
  - 6. (e) UNEMPLOYED INDIVIDUAL- the term `unemployed individual' means an individual who is without a job and who wants and is available for work. The determination of whether an individual is without a job shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining individuals as unemployed.
- H. Each local workforce investment area shall have appropriate procedures to ensure that only eligible individuals are served in programs funded under Title IB of the WIA. The State will issue a policy to specify acceptable eligibility documentation and verification methods. However, the local area may adopt eligibility documentation procedures requiring a higher level of verification than self-certification.

### III. EFFECTIVE DATE

This policy shall be effective immediately. It shall remain in effect until modified or replaced by the Employment Training Division.

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James R. Lott, Director  
Employment Training Division  
Mississippi Development Authority

Date

**MISSISSIPPI  
POLICY NUMBER 20  
ELIGIBILITY DOCUMENTATION POLICY  
Workforce Investment Act  
Employment Training Division**

I. SCOPE AND PURPOSE

The purpose of this policy is to provide guidance to the local workforce investment areas for the development of local policies and procedures regarding eligibility documentation and participant record keeping.

II. REQUIREMENTS

A. Definitions

**Documentation** means to maintain on file physical evidence that is obtained during the verification process. Such evidence would be copies of documents, completed telephone/document inspection forms and signed applicant statements.

**Eligibility Determination** means the entire process used to obtain information about an applicant's eligibility status at the time of application and to identify and evaluate those element(s) that are necessary for the participant's eligibility for WIA programs.

**Review** means checking the file for internal consistency, completeness, reasonableness and proper mathematical calculations.

**Self-certification** means an individual's signed attestation that the information he/she submits to demonstrate eligibility for a program under Title I of WIA is true and accurate (20 CFR 660.300).

**Verification** means to confirm eligibility requirements through examination of official documents, e.g., birth certificates, public assistance records, or speaking with official representatives of cognizant agencies.

B. Local Policy/Procedure Requirements

Each local workforce investment area (LWIA) shall have appropriate procedures to assure that only eligible individuals are served in programs funded under the WIA. The WIA does not specifically address documentation of eligibility factors. At 20 CFR 660.300 the regulation define self-certification as specified above. To assist local areas, the State is adopting this documentation policy that includes the WIA definition of self-certification.

The LWIA procedures shall include provisions to:

1. Ensure utilization of an applicant statement of eligibility form as documentation of the eligibility factors applicable to the applicant. The applicant statement of eligibility form should contain wording requesting the applicant to certify that the information provided is true and accurate and wording that states the penalties for misrepresenting information, such as termination or repayment of funds. An example of this wording is, “I, \_\_\_\_\_, certify the information on this form is true and accurate and I understand that the above information, if misrepresented, or incomplete may be grounds for immediate termination of services and penalties as specified by law.” The applicant statement of eligibility information may be contained within the general application for services or may be a separate form. In either case, all eligibility factors relevant to the program of services being applied for must be on the application or eligibility form and signed and dated by the applicant.
2. Ensure that a minor’s parent or legal guardian certifies eligibility information, including barriers not verified by outside sources. Minors cannot self-certify their eligibility information. Minors who are legally emancipated may self-certify their eligibility information if there is documentation of the emancipation. If eligibility for homeless or runaway youth cannot be certified through a parent or legal guardian, then the LWIA should attempt to document eligibility through agencies that the youth may be involved with.
3. Ensure that all applications and separate applicant eligibility statement forms are signed and dated by the intake person, the applicant, and a parent or legal guardian for a minor.
4. Ensure that applicants are registered into the applicable program within a reasonable time period after the date of application for services. Thus, ensuring that the information in the application is still applicable at the time of registration. The State suggests that no more than a maximum of 45 days pass between the date of application and the date of registration. If registration occurs after the 45-day period, the application should be reviewed to determine if it should be to be updated.
5. Ensure that all applications and/or applicant statements are reviewed to determine:
  - a. The application is complete;
  - b. The original eligibility determination was correct; and
  - c. The information on the eligibility documents is internally consistent, and reasonable.

If the information provided is not internally consistent or is not reasonable taking into account all of the information provided by the applicant, the LWIA should take immediate action to document any questionable items. This response may be completed through contact with partner agencies or public agencies from which the applicant is currently receiving services or through requesting hard documentation from the applicant.

6. Ensure that there is a system for immediate termination of any registrant found to be ineligible and a system to recover funds from the ineligible individual, if the LWIA determines it appropriate.
- C. The LWIA may adopt documentation verification procedures more stringent than self-certification, especially when delegating eligibility determination to another entity. For example, the LWIA may require applicants to produce documents to verify factors such as age, citizenship or legally able to work in the United States, Selective Service status, etc. If the LWIA requires documentation of eligibility factors, this requirement may be applied equally to all applicants, on a sample basis, or on an individual basis. If applied on an individual basis, the LWIA should be sure that this does not appear to discriminate against any particular group of applicants.
- D. All eligibility forms or documents must be maintained in the registrant's file and be available for review by State or Federal review.
- E. If an applicant has been determined ineligible by another public agency that has the same or similar eligibility requirements, the LWIA should verify the reason for the ineligible determination and take appropriate steps to ensure that the applicable eligibility items for the applicant are verified and documented adequately before registration is completed.
- F. The LWIA should ensure that youth applicants certify the all appropriate barriers.
1. According to Section 101(13) of the WIA, barriers for eligible youth are:
    - a. Deficient in basic literacy skills
    - b. School dropout
    - c. Homeless, a runaway or a foster child
    - d. Pregnant or a parent
    - e. An offender
    - f. An individual who requires additional assistance to complete an educational program, or to secure and hold employment.
  2. The barriers for youth who do not meet the minimum income criteria to be considered eligible youth and will be served through the 5% exception in the youth program (Section 129(c)(5) of the WIA) are:

- a. School dropout
  - b. Basic skills deficient
  - c. Individuals with an educational attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.
  - d. Pregnant or parenting
  - e. Individuals with disabilities, including learning disabilities
  - f. Homeless or runaway
  - g. Offenders
  - h. Other eligible youth who face serious barriers to employment as identified by the local board.
- G. The LWIA should develop documentation requirements appropriate for the item to be verified. Items such as school dropout, basic skills deficient, learning disabilities, and homeless or runaway should to be verified in a manner other than self-certification. Verification of these items and any other items that need outside verification should be documented in each applicant file.
- H. An example of sufficiently developed local eligibility documentation procedures is attached.

## II. EFFECTIVE DATE

This policy shall be effective immediately. It shall remain in effect until modified or replaced by the Employment Training Division.

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James R. Lott, Director  
Employment Training Division  
Mississippi Development Authority

Date

Attachment: Example Procedures

***E X A M P L E***  
**ELIGIBILITY DOCUMENTATION POLICY/PROCEDURES**  
**Workforce Investment Act**

**I. INTRODUCTION**

Section 663.110 and Section 664.200 of the WIA regulations outline the eligibility criteria for adults, dislocated workers and youth.

**II. SPECIFICATIONS**

Staff responsible for determining and documenting participant eligibility should exercise reasonable and professional judgment. If staff has reason to believe a participant is misrepresenting an eligibility item, additional information and documentation should be requested, copied and maintained in the participant file.

**A. Determining and Documenting Eligibility**

Adults

In making the initial determination of eligibility for adults, staff shall maintain on file, a description of the documentation used to verify the following eligibility items:

1. Registrant's Name;
2. Social Security Number;
3. Citizenship; and
4. Selective Service Status (where applicable).

The WIA Intake Form shall be maintained in the participant file to document an eligibility determination. The WIA Intake Form should be completed using the instructions in the Forms Manual. The signature of the participant on the WIA Intake Form will attest to the truth and accuracy of the information included on the WIA Intake Form. In addition, self-attestation shall be allowed for documentation of family income, family size and employment status as described in Section C of this policy "Self-Certification." No additional documentation or applicant information should be copied or placed in the file unless staff determines there is a need. The need for core, intensive, and/or training services, and supportive services can be documented on either the Employment Development Plan or in the staff case notes.

Youth

In making the initial determination of eligibility for youth, staff shall maintain on file, a copy of the WIA Youth Eligibility Verification Form (attached) and a copy of the WIA Intake Form. The WIA Youth Eligibility Verification

Form should be completed according to the instructions prescribed on the form. The WIA Intake Form should be completed using the instructions for the WIA Intake Form. The signature of the participant (and/or parent or guardian when participant is under 18 years of age), on the WIA Youth Eligibility Verification Form and the WIA Intake Form will attest to the truth and accuracy of the information included on the forms. In addition, self-attestation shall be allowed for documentation of family income, family size and employment status as described in Section C of this policy "Self-Certification." No additional documentation or applicant information should be copied or placed in the file unless staff determines there is a need. The provision of services can be documented on the Individual Service Strategy or in staff case notes.

**NOTE: For youth participants, staff shall refer to the Youth Eligibility Definitions and Policy for documentation requirements of "barriers."**

B. Absence of Documentation

When an eligible item cannot be verified because the participant lacks documentation, (i.e., the applicant does not have photo identification, a birth certificate or a selective service registration document, etc.), the staff must provide the needed assistance to the participant to obtain the documentation. No participant should be denied services for lack of eligibility documentation without an attempt by staff to help secure the needed documentation.

C. Self-Certification

Self-Certification is defined in the WIA regulations as the process by which an individual's signed attestation that the information he/she submits to demonstrate eligibility for a program under Title I of WIA is true and accurate. The LWIA will accept the attestation of individuals as documentation of income, family size and employment status for the purposes of determining and certifying eligibility for WIA activities. The following table indicates, by applicant group, the eligibility criteria for which self-attestation will be accepted.

<i>Applicant Group</i>	<i>Eligibility Criteria</i>	<i>Attesting Party</i>
Youth	"...received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment	The individual applicant (or a parent or legal guardian if the applicant is below the age of 18) may attest to family size and income by attesting, in writing, the number of family members (as defined in the

<i><b>Applicant Group</b></i>	<i><b>Eligibility Criteria</b></i>	<i><b>Attesting Party</b></i>
	compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of—(i) the poverty line, for an equivalent period; or (ii) 70 percent of the lower living standard income level, for an equivalent period...” WIA section 101(25)	Act) and the total amount of family income for the 6-month period prior to application.
Unemployed Adult	Unemployed	The individual applicant may attest, in writing, to their employment status.
Employed Adult	Income is below self-sufficiency level as defined by SMW policy	The individual applicant may attest to family size and individual applicant income by attesting, in writing, the number of family members (as defined in the Act) and the income level (converted to an hourly amount) for the individual applicant.

In addition to self-certification of income and employment status, the participant may attest to the following items:

1. Need for services
2. Dislocation
3. Unlikely to return to prior occupation
4. Displaced homemakers

**D. Ineligible Participants**

Participants determined to be ineligible, should be exited immediately upon discovery of the ineligibility. Corrective actions should be implemented to correct conditions that result in erroneous determinations.

E. Fraud

Participants determined to be ineligible due to fraud or purposeful misrepresentation should be exited immediately, an incident report should be filed, and repayment requested from the participant for all costs incurred as a result of ineligibility.

**III. REQUIREMENTS (DOCUMENTATION)**

The following documentation shall be maintained in the participant file:

1. WIA Intake Form; and
2. WIA Youth Eligibility Verification Form (attached) when applicable; and
3. Other documentation staff deemed necessary to support an eligibility item; and
4. Documentation specified for "barriers" in the Youth Eligibility Definitions and Policy; and
5. Description of the documentation used for adult eligibility items listed in Section II.A.1-4 of this policy; and
6. Employment Development Plan or Individual Service Strategy; or
7. Staff case notes.

**IV. EFFECTIVE DATE:**

This policy is effective July 1, 2001

**MISSISSIPPI**  
**Policy Number 33**  
**YOUTH COMPETITIVE PROCUREMENT OF**  
**WIA YOUTH PROGRAM ACTIVITIES**  
**Workforce Investment Act**  
**Office of Grant Management**

**I. SCOPE AND PURPOSE**

The purpose of this policy is to provide guidance to the Local Workforce Investment Boards (LWIBs) for the development of local policies and procedures on competitive and non-competitive youth activities under Title I of the Workforce Investment Act (WIA), including the exceptions to the youth provider selection requirements outlined in WIA Regulations. LWIAs are encouraged to develop their own policies in compliance with the state's policy on youth competitive procurement of WIA youth program activities.

**II. REQUIREMENTS**

**A. WIA Requirements**

Section 123 (29 U.S.C. 2843) of WIA requires the identification of eligible youth service providers by awarding grants and contracts on a competitive basis. The competitive selection process under WIA requires Local Workforce Investment Boards (LWIBs) to select youth service providers who can best serve local youth needs, after considering recommendations from the local Youth Councils. WIA Regulations describe the following **exceptions** to the youth provider selection requirements:

1. WIA section 123 (29 U.S.C. 2843) requires that eligible providers of youth activities be identified by awarding grants or contracts on a competitive basis, based on recommendations from the youth council and the criteria contained in the State Plan;
2. WIA section 112 (b)(18)(B) (29 U.S.C. 2822) requires that the State Plan include information identifying the criteria to be used by the Local Boards in awarding grants for youth activities, including criteria that the Governor and the Local Boards will use to identify effective and ineffective youth activities and providers of those activities;
3. WIA section 117(d)(2)(B) (29 U.S.C. 2832) requires that Local Boards identify eligible providers of youth activities by awarding grants and contract on a competitive basis; and

4. WIA section 117(h)(4)(B)(i) (29 U.S.C. 2832) states that one of the principal duties of the youth council is to recommend eligible providers of youth activities in the local area to be awarded grants or contracts on a competitive basis by the Local Board consistent with WIA section 123 (29 U.S.C. 2843).
5. 20 CFR 664.405(a)(4) provides that the competitive selection requirements of WIA section 123, DO NOT apply to the **Program Design Framework** component which includes intake, assessment and development of the individual service strategy, when these services are provided by the local grant recipient or fiscal agent.
6. 20 CFR 664.610 provides that providers of **summer employment** activities must be selected by awarding a grant or contract on a competitive basis, unless the grant recipient or the fiscal agent administers this program element.

## **B. Program Design Framework Component**

The program design framework is an integral component (referred to as the “program design component” or “entry-level case management services”) of a local area’s youth services. WIA regulations (20 CFR 664.405) explain that the local grant recipient (or fiscal agent) may conduct the program design component which creates an opportunity for a central access point to determine eligibility and make appropriate referrals for the youth.

Local areas decide how to select the provider of the program design component and how to integrate this component into the overall program service plan. Local areas may use the local grant recipient (or its fiscal agent) to provide the program design component or use a competitive selection process.

The program design framework component is an essential ingredient in helping local areas develop comprehensive service strategies for youth based upon their individual needs. It consists of intake, an objective assessment, individual service strategy development, and information and referrals for youth participants (WIA section 129(c)(1)) (29 U.S. C. 2854):

1. **Intake activities** may involve services such as registration, eligibility determination and collection of information to support verification of eligibility for services. It may also include pre-screening potential participants and general orientation to self-help services. Other activities include referrals to other services which may include providers of the ten program elements.
2. The **objective assessment** is a process that identifies service needs, academic levels, goals, interests, skill levels, abilities, aptitudes, and supportive service needs, and measures barriers and strengths. It includes a review of basic and

occupational skills, prior work experience, employability potential, and development needs. The result of an assessment is an individual service strategy.

3. The **individual service strategy** is the plan that identifies the employment goals and educational objectives, and prescribes appropriate services for the participant. The individual service strategy plan should provide for:
  - a. preparation for post-secondary educational opportunities;
  - b. strong links between academic and occupational learning;
  - c. preparation for unsubsidized employment opportunities in appropriate cases; and
  - d. effective connections to intermediaries with strong links to the job market and local and regional employers.

Individual service strategies should also include providing information on local youth activities and referrals to the providers of those services. Information and referrals are activities that any youth may receive, regardless of eligibility for youth activities. These activities may be funded by sources other than WIA.

It is appropriate to review service strategies with the participant periodically and make modifications when needed. In fulfilling its overall service strategy for youth, the entity providing the program design framework component may use a case management approach to determine whether goals in the individual service strategy are being met. This approach ensures that youth are actively engaged in receiving services from eligible service providers and that participants receive follow-up services when exiting the program. These types of case management services may be provided directly by the local grant recipient without a competitive selection, as part of the overall activities provided by eligible service providers, or may be competitively selected separately. For example, local areas may determine that case management is part of the services that are expected from competitively selected providers.

### **C. Summer Employment**

The WIA regulations at 20 CFR 664.610 state that if the grant recipient/fiscal agent elects to directly provide subsidized summer employment opportunities for youth in the local area, then the competitive selection requirements do not apply for this program element. However, if other providers are used to provide subsidized summer youth employment opportunities, those providers must be selected through the award of grants or contracts on a competitive basis. Employers providing

unsubsidized youth employment opportunities are excluded from the competitive selection process. Whether summer employment opportunities are competitively selected or directly provided by the grant recipient, direct linkages to academic and occupational learning must be included.

**D. Ten Program Elements**

The Workforce Investment Act requires under section 129(c) (29 U.S.C. 2854) that 10 program elements be made available to all youth who are served by the WIA youth system. These program elements are designed to fill the gaps in the lives of youth who lack the family, educational, and social frameworks to meet their essential needs.

The required program elements are the following:

1. Tutoring, study skills, and dropout prevention strategies
2. Alternative secondary school offerings
3. Summer employment opportunities linked to academic and occupational learning
4. Paid and unpaid work experience
5. Occupational skill training
6. Leadership development
7. Supportive services
8. Adult Mentoring for at least 12 months
9. Comprehensive guidance and counseling
10. Follow-up activities for no less than 12 months after completion of participation

Activities funded with WIA funds must fall under the 10 program elements, pre-enrollment activities, framework activities, or case management.

Local programs must make all of these program elements available to youth participants. This does not mean, however that every youth participant must receive services from all program elements. Local programs have the discretion to determine what specific program services will be provided to a youth participant, based on each participant's objective assessment and individual service strategy (20 CFR 664.410(b)).

The goal of the WIA youth system is to assist youth in making a successful transition to employment and further education. However, WIA recognized that simply providing training is not enough to enter a specific occupation. A wide range of activities and services must be available to assist youth, especially at-risk youth, in making a successful transition to adulthood.

In conjunction with the Youth Councils, the local areas should identify the extent to which the ten program elements are available and/or already being provided in the local area through a combination of resource mapping, competitive selection of providers (including sole source justification in rare circumstances), or through community partnerships.

**Resource mapping** is a tool for identifying available services within the local area across funding streams and service providers. The local Youth Council may determine that some services, for example tutoring or mentoring, are so widely available that it would be a duplication of service and not fiscally sound to use WIA funds to pay for these services. A good guide to determining service availability is whether, in fact, it is universally accessible to any youth across the local area. Several factors may be used to determine the accessibility of a service, including: the geographic distance between the provider and youth, the accessibility of the service to disabled youth, and whether the provider only provides the service to youth in low-income households. When using resource mapping, Youth Councils may consider distance learning and services available through computer technology. If services are not readily accessible to all youth, the Youth Council must ensure that existing services can be expanded to serve all WIA eligible youth, or else the LWIB, with recommendations by the Youth Council, must competitively select providers to provide the services with WIA funds.

The 10 WIA youth program elements provide those activities and services. Programs should be designed using effective practices, should be held accountable for success, and should make a clear contribution to the overall goal of the WIA youth system. In order for local programs to meet the needs of youth and the intent of WIA, local areas should fund and operate programs that are specifically designed to address local needs and goals.

#### **E. One-Stop Youth Services**

The local grant recipient of the WIA youth funds is a required One-Stop partner and is subject to the requirements that apply to those partners as described in 20 CFR 664.700 and 20 CFR part 662.

If the One-Stop operator is the local grant recipient or sub-recipient (as designated by the chief elected official or the Governor, where the Governor serves as the local grant recipient) under WIA section 117(b)(3)(B)(i) (29 U.S.C. 2832), then the operator may conduct the program design component without competition. As both the One-Stop operator and the local grant recipient or sub-recipient, the One-Stop operator can also ensure program design consistency in the intake, objective assessment, individual service strategy development for youth, as well as uniformity in the provision of information and referrals to youth service providers for the ten program required elements. Existing One-Stop operators that are not the local grant recipients or sub-

recipients under WIA section 117 (d)(3)(B) (29 U.S.C. 2932) may apply in any competitive selection process to provide the program design component where that component is not solely provided by the local grant recipient.

## **F. Competitive Selection**

The contract procurement and subgrant requirements for units of local government can be found in the Uniform Administrative Requirements for procurement by government entities as codified at 29 CFR 97.36 (procurement) and 97.37 (subgrants). For all non-governmental organizations, the procurement standards can be found at 29 CFR 95.40 through 95.48. These provisions require that grantees and subgrantees use their own procurement procedures which must reflect applicable State and local laws and regulations, provided that the procurements conform to the applicable Federal laws and the stated administrative standards.

A basic tenet of the standards found at 29 CFR 95.42 and 97.36(b)(2) is that procurement must be a process that provides for full and open competition and avoids even the appearance of a conflict of interest (either individually or organizationally). Any actions must be conducted under regulations at 29 CFR 95.43 and 97.36(c). Accordingly, an identifiable sub-unit of the local government or non-governmental organization may not submit a bid or an offer on a grant or contract solicitation if that sub-unit is involved in the development of the solicitation, the review, evaluation and selection process, or the ongoing post-award administration (including oversight) of the award.

The procurement regulations also require that supporting documentation of the significant history of each procurement action be maintained as described under 29 CFR 97.36(b)(9) and 95.46. Such documentation must include a rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Such documentation also includes evaluation criteria or rating factors to support the provider's ability to perform successfully, with consideration given to integrity, compliance with public policy, record of past performance, in addition to financial and technical resources, that follow State and Federal guidelines.

When discussing non-competitive (sole source) procurement (29 CFR 97.36(d)(4)), the rules emphasize that this is only to be used when other methods are not feasible and the criteria is set forth in the federal, State and local procurement procedures applies. Most government procurement systems identify the circumstances when sole source procurement actions may be allowed.

In addition to the requirements above, TEGl 35-10 (issued June 16, 2011) outlines additional laws and regulations with which local WIBs must comply:



<b>U. S. Department of Labor</b> Employment and Training Administration Washington, D.C. 20210	<b>CLASSIFICATION</b>
	WIA/Youth
	<b>CORRESPONDENCE SYMBOL</b>
	OYS
	<b>DATE</b>
	January 23, 2001

TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 9-00

**TO:** ALL STATE WORKFORCE LIAISONS  
 ALL STATE EMPLOYMENT SECURITY AGENCIES  
 ALL STATE WORKER ADJUSTMENT LIAISONS  
 ALL ONE-STOP CAREER CENTER SYSTEM LEADS

**FROM :** LENITA JACOBS-SIMMONS   
 Deputy Assistant Secretary

**SUBJECT:** Workforce Investment Act of 1998, Section 129 - Competitive and Non-competitive Procedures for Providing Youth Activities Under Title I

1. **Purpose.** To transmit policy guidance to State/local workforce investment area on procedures for providing local youth activities under title I, subtitle B of the Workforce Investment Act (WIA) of 1998.

2. **References.**

- A. Workforce Investment Act of 1998, title I, subtitle B (Pub. Law 105-220) 29 U.S.C. 2801 et seq.
- B. WIA Regulations, 20 CFR part 664 (65 Fed. Reg. 49294, 49411, Aug. 11, 2000).
- C. Training and Employment Guidance Letter (TEGL) No. 3-99, Program Guidance for Implementation of Comprehensive Youth Services Under the Workforce Investment Act During the Summer of 2000, (dated January 31, 2000).
- D. 29 CFR part 95, 95.40 through 95.48 Procurement Standards.
- E. 29 CFR part 97, 97.36 Procurement and 97.37 Subgrants.

3. **Background.** The Workforce Investment Act of 1998 (WIA), which repealed the Job Training Partnership Act (JTPA), introduced changes in the way services for youth activities are obtained and operated. Program Year 2000 is the first full year in which all local workforce

<b>RESCISSIONS</b>	<b>EXPIRATION DATE</b>
None	Continuing

investment areas (local areas) will operate programs that are more comprehensive, competitively select youth service providers, and reflect the principles of youth development. Under WIA, the focus shifts to longer term, comprehensive services for youth, including a requirement that ten program elements be made available for youth within each local area, and that follow up is provided for all youth participants for a minimum of twelve months.

The principles and practices of youth development determine the context for the success of WIA youth services. Youth development is a process in which young people have needs met, competencies built, and are prepared for adult life expectations. A youth development environment provides high expectations for participants, opportunities for input and involvement of caring adults in their lives.

Under WIA, comprehensive programming includes follow-up over time. This is a critical youth development principle, as it provides a sequenced link between learning and development within the youth services program and the world of work. Support is a critical dimension of youth development that concretely links direct help in a young person's life with ongoing connection to an adult who can guide them through the challenges of entering and succeeding in employment.

The newly established local youth councils under WIA section 117(h) (29 U.S.C. 2832) are integral to implementing successful local programs reflecting youth development principles. Youth Councils are appointed by the Local Workforce Investment Board (Local Board), in cooperation with the Chief Elected Official, (1) to develop strategies and goals for the portions of the local plan relating to eligible youth; (2) to recommend eligible providers of youth activities; (3) to conduct oversight of eligible youth providers; and (4) to coordinate youth activities; subject to the approval of the Local Board.

WIA, in section 123 (29 U.S.C. 2843), also requires the identification of eligible youth service providers by awarding grants and contracts on a competitive basis for youth activities and services. The competitive selection process under WIA provides Local Boards, with recommendations from the youth councils, an opportunity to select youth activities providers who can best serve local youth needs.

Questions have been posed about administrative procurement procedures and about the extent to which providers of youth services, such as the program design framework component, the ten program elements, and youth services delivered in a One-Stop setting, must be competitively selected. This guidance addresses these questions and consolidates earlier issuances. The following sections include:

<u>Section</u>	<u>Content</u>
4. <u>WIA Requirements</u>	Provides relevant statutory and regulatory requirements for the competitive selection of youth providers.
5. <u>Program Design Framework Component</u>	Describes the essential elements of the program design framework component and explains the

extent to which the competitive selection of providers applies.

- |   |   |
|---|---|
| 6. <u>Ten Program Elements</u>                                    | Describes the ten program elements within the context of the four major themes, the provision of these elements within a local area, and the application of competitive selection for providers.  |
| 7. <u>One-Stop Youth Services</u>                                 | Explains how One-Stop operators can provide services to youth and how the competitive selection requirement applies to One-Stop operators as providers of the program design framework component. |
| 8. <u>Competitive Selection</u>                                   | Explains the applicability of existing procurement regulations to the selection of eligible youth service providers.  |
| 9. <u>Application of Competitive Selection to Statewide Funds</u> | Explains the applicability of the competitive procurement requirements for statewide funds.   |

4. **WIA Requirements.** The requirements for competitive selection of local youth activities affect Local Boards, youth councils, and potential service providers. The requirements are as follows:

- ▶ WIA section 123 (29 U.S.C. 2843), requires that eligible providers of youth activities be identified by awarding grants or contracts on a competitive basis, based on recommendations from the youth council and the criteria contained in the State Plan;
- ▶ WIA section 112(b)(18)(B) (29 U.S.C. 2822), requires that the State Plan include information identifying the criteria to be used by the Local Boards in awarding grants for youth activities, including the criteria that the Governor and the Local Boards will use to identify effective and ineffective youth activities and providers of those activities;
- ▶ WIA section 117(d)(2)(B) (29 U.S.C. 2832), requires that Local Boards identify eligible providers of youth activities by awarding grants and contracts on a competitive basis; and
- ▶ Under WIA section 117(h)(4)(B)(i) (29 U.S.C. 2832), one of the principal duties of the youth council is to recommend eligible providers of youth activities in the local area to be awarded grants or contracts on a competitive basis by the Local Board consistent with WIA section 123 (29 U.S.C. 2843).

The Workforce Investment Act regulations describe the following exceptions to the youth provider selection requirements:

- ▶ 20 CFR 664.405(a)(4), provides that the competitive selection requirements of WIA section 123, do not apply to the program design framework component which includes intake, assessment and development of the individual service strategy, when these services are provided by the local grant recipient or fiscal agent.
- ▶ 20 CFR 664.610, provides that providers of summer employment activities must be selected by awarding a grant or contract on a competitive basis, unless the grant recipient or the fiscal agent administers this program element.

5. **Program Design Framework Component.** The program design framework is an integral component (referred to as the “program design component” or “entry-level case management services”) of a local area’s youth services. WIA regulations (20 CFR 664.405) explain that the local grant recipient (or fiscal agent) may conduct the program design component without being competitively selected. The program design component creates an opportunity for a central access point to both determine eligibility and make appropriate referrals for the youth.

Local areas decide how to select the provider of the program design component and how to integrate this component into the overall program service plan. Local areas may use the local grant recipient (or its fiscal agent) to provide the program design component or use a competitive selection process. The competitive selection process allows the component to be provided either as part of the activities of the service provider or allows a separate provider of this component to be competitively selected.

The program design framework component is an essential ingredient in helping local areas develop comprehensive service strategies for youth based upon their individual needs. It consists of intake, an objective assessment, individual service strategy development, and information and referrals for youth participants (WIA section 129(c)(1)) (29 U.S.C. 2854).

- ▶ Intake activities may involve services such as registration, eligibility determination and collection of information to support verification of eligibility for services. It may also include pre-screening potential participants and general orientation to self-help services. Other activities include referrals to other services which may include providers of the ten program elements.
- ▶ The objective assessment is a process that identifies service needs, academic levels, goals, interests, skill levels, abilities, aptitudes, and supportive service needs, and measures barriers and strengths. It includes a review of basic and occupational skills, prior work experience, employability potential, and developmental needs. The result of an assessment is an individual service strategy.
- ▶ The individual service strategy is the plan which identifies the employment goals, educational objectives, and prescribes appropriate services for the participant. The individual service strategy plan should provide for:
  - (a) preparation for post secondary educational opportunities;

- (b) strong links between academic and occupational learning;
  - (c) preparation for unsubsidized employment opportunities in appropriate cases; and
  - (d) effective connections to intermediaries with strong links to the job market and local and regional employers.
- ▶ Individual service strategies should also include providing information on local youth activities and referrals to the providers of those services. Information and referrals are activities that any youth may receive, regardless of eligibility for youth activities. These activities may be funded by sources other than WIA.

It is appropriate to review service strategies with the participant periodically and make modifications when needed. In fulfilling its overall service strategy for youth, the entity providing the program design framework component may use a case management approach to determine whether goals in the individual service strategy are being met. This approach ensures that youth are actively engaged in receiving services from eligible service providers, and that participants receive follow-up services when exiting the program. These types of case management services may be provided directly by the local grant recipient without a competitive selection, as part of the overall activities provided by eligible service providers or may be competitively selected separately. For example, local areas may determine that case management is part of the services that are expected from competitively selected providers.

It should be noted that simply maintaining contact with a participant, while s/he is enrolled in the WIA youth program, is not considered a type of follow-up service (providers of which must be competitively selected) because the contact occurs during program participation, whereas follow-up services occur when the participant exits the program and is no longer enrolled in an activity as described in TEGL 7-99 which describes the requirements of the WIA title I performance accountability system. WIA youth follow-up requirements are more fully described in 20 CFR 664.450.

6. **Ten Program Elements.** Under WIA section 129(c) (29 U.S.C. 2854) and 20 CFR 664.410, comprehensive youth services consist of ten required program elements which can be grouped around four major themes:

- ▶ *Improving educational achievement* (including elements such as tutoring, study skills training, and instruction leading to secondary school completion; drop out prevention strategies, and alternative secondary school offerings);
- ▶ *preparing for and succeeding in employment* (including summer employment opportunities, paid and unpaid work experience, and occupational skills training);
- ▶ *supporting youth* (including supportive services, providing adult mentoring, follow-up services, and comprehensive guidance and counseling); and
- ▶

- ▶ *offering services intended to develop the potential of young people as citizens and leaders (including leadership development opportunities).*

Local Boards must make all ten program elements available to all youth participants in the local area, although individual youth participants need not participate in all ten. Local areas have the discretion to determine the specific services provided to individual youth participants, based on each participant's objective assessment and individual service strategy. However, local grant recipients need not provide all ten program elements with WIA funds if certain services are already accessible for all eligible youth in the local area. If an activity is not funded with WIA title I funds, the local area must ensure that those activities are closely connected and coordinated with the WIA system. Ongoing relationships should be established with providers of non-WIA funded activities either through case management, memorandums of understanding, or some other vehicle as local program operators are still responsible for obtaining performance outcomes for all WIA participants. In conjunction with the Youth Councils, the local areas should identify the extent to which the ten program elements are available and/or already being provided in the local area through a combination of resource mapping, competitive selection of providers (including sole source justification in rare circumstances), or through community partnerships.

Resource mapping is a tool for identifying available services within the local area across funding streams and service providers. The local Youth Council may determine that some services, for example tutoring or mentoring, are so widely available that it would be a duplication of service and not fiscally sound to use WIA funds to pay for these services. A good guide to determining service availability is whether, in fact, it is universally accessible to any youth across the local area. Several factors may be used to determine the accessibility of a service, including: the geographic distance between the provider and youth, the accessibility of the service to disabled youth, and whether the provider only provides the service to youths in low-income households. When resource mapping, Youth Councils may consider distance learning and services available through computer technology. If services are not readily accessible to all youth, the Youth Council must ensure that existing services can be expanded to serve all WIA eligible youth, or else the Local Board, with recommendations by the Youth Council, must competitively select providers to provide the services with WIA funds.

The costs of occupational skills training for participants may be paid to a training provider (such as a community college or vocational school) that has been competitively selected to provide training for eligible youth who receive individual referrals. Once a provider has been competitively selected, the grant or contract may stipulate whether training will be provided on a group-size or per slot (i.e., individual referral) basis. States and Local Boards are not limited to funding group-size training, but may provide vouchers or "fee-for-service" funds to community colleges, vocational schools, or other training providers, based on the participant's objective assessment and individual service strategy.

The WIA regulations, at 20 CFR 664.610, state that if the grant recipient/fiscal agent elects to directly provide subsidized summer employment opportunities for youth in the local area, then the competitive selection requirements do not apply for this program element. However, if other providers are used to provide subsidized summer youth employment opportunities, those

providers must be selected through the award of grants or contracts on a competitive basis. Employers providing unsubsidized youth employment opportunities, are excluded from the competitive selection process. Whether summer employment opportunities are competitively selected or directly provided by the grant recipient, direct linkages to academic and occupational learning must be included.

7. **One-Stop Youth Services.** The local grant recipient of the WIA youth funds is a required One-Stop partner and is subject to the requirements that apply to those partners as described in 20 CFR 664.700 and 20 CFR part 662. One-Stop Centers can serve as the entry points for all youth in the local area. They are the gateways to services provided for WIA eligible youth and to services funded from other sources for both WIA eligible and non-eligible youth.

If the One-Stop operator is the local grant recipient or sub-recipient (as designated by the chief elected official or the Governor, where the Governor serves as the local grant recipient) under WIA section 117(b)(3)(B)(i) (29 U.S.C. 2832), then the operator may conduct the program design component without competition. As both the One-Stop operator and the local grant recipient or sub-recipient, the One-Stop operator can also ensure program design consistency in the intake, objective assessment, individual service strategy development for youth, as well as uniformity in the provision of information and referrals to youth service providers for the ten program required elements. Existing One-Stop operators that are not the local grant recipients or sub-recipients under WIA section 117(d)(3)(B) (29 U.S.C. 2832) may apply in any competitive selection process to provide the program design component where that component is not solely provided by the local grant recipient.

Connections between the One-Stop system and youth service providers facilitate the coordination and provision of youth activities, connections to intermediaries with links to the job market and employers, and access to information about WIA youth programs and other youth service providers. These connections facilitate providing services to both eligible and non-eligible youth. It should be noted that eligible providers of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant as described in WIA section 129(c)(3)(B) (29 U.S.C. 2834). Non-eligible youth may also receive services at One-Stop Centers. Services for non-eligible youth may include basic labor exchange services funded under the Wagner-Peyser Act and other self-help activities such as job searches, career exploration, use of career center resources, and should be referred for further assessment by partners, as necessary, and given referrals to other youth providers of services for which they may be eligible.

8. **Competitive Selection.** The intent of WIA is to provide flexibility in the development and design of comprehensive youth services, and to create a market-based system which drives the quality of youth services. A variety of providers establishes a mixed set of youth development services competitively selected to meet the needs of local communities and encourages youth service providers to do more with their resources. Local areas may consider the development of solicitations that group certain youth services tailored to fit youth and community needs, such as

selection of providers that provide educational attainment, preparation and success in employment, supportive services, or youth development. This option focuses on the selection of providers with strengths in those particular areas and eliminates duplication of services and activities by multiple providers.

The contract procurement and subgrant requirements for units of local government can be found in the Unified Administrative Requirements for procurement by governmental entities as codified at 29 CFR 97.36 (procurement) and 97.37 (subgrants). For all non-governmental organizations, the procurement standards can be found at 29 CFR 95.40 through 95.48. These provisions require that grantees and subgrantees use their own procurement procedures which must reflect applicable State and local laws and regulations, provided that the procurements conform to the applicable Federal laws and the stated administrative standards.

A basic tenet of the standards found at 29 CFR 95.42 and 97.36(b)(2) is that procurement be a process that provides for full and open competition and avoids even the appearance of a conflict of interest (either individually or organizationally). Procurement actions must be conducted in a manner that provides for full and open competition and prevents the existence of conflicting roles that might bias judgement and cause unfair competitive advantage, as described under regulations at 29 CFR 95.43 and 97.36(c). Such actions must assure separation of those who develop or issue the solicitation, or are involved in the selection process, from those who bid upon it. Accordingly, an identifiable sub-unit of the local government or non-governmental organization may not submit a bid or an offer on a grant or contract solicitation if that sub-unit is involved in the development of the solicitation, the review, evaluation and selection process, or the ongoing post award administration (including oversight) of the award. For example, if a governmental unit, such as a Department of Employment Services (DES), runs a solicitation for subgrant awards, it cannot involve any existing sub-units at the DES that are WIA youth service providers in the development of that solicitation, subsequent selection process, or the ongoing post-award administration (including oversight) of the award. If the existing governmental structure does not have the capabilities to exclude the youth service provider sub-unit from the solicitation process, it must move the selection process to a higher-level governmental unit with oversight authority. Using guidelines set forth by the State, the local grant recipient must document its competitive selection process for youth services, including the program design framework component or summer employment opportunities should it elect not to provide them.

The procurement regulations also require that supporting documentation of the significant history of each procurement action be maintained as described under 29 CFR 97.36(b)(9) and 95.46. Such documentation must include a rationale for: the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Such documentation also includes evaluation criteria or rating factors to support the provider's ability to perform successfully, with consideration given to integrity, compliance with public policy, record of past performance, in addition to financial and technical resources, that follow State and Federal guidelines.

The procurement regulations at 29 CFR 97.36(d) also identify the various methods of procurement that are allowable. When discussing non-competitive (sole source) procurement (29

CFR 97.36(d)(4)), the rules emphasize that this is only to be used when other methods are not feasible and the criteria set forth in the federal, state and local procurement procedures applies. Most governmental procurement systems identify the circumstances when sole source procurement actions may be allowed.

9. **Application of Competitive Selection to Statewide Funds.** Under WIA Section 128(a) (29 U.S.C. 2853), the Governor of a State is authorized to reserve up to 15% of each of the amount of funds allocated for youth, adult and dislocated worker activities to carry out Statewide workforce investment activities. The Governor may use the reserved funds to carry out required and allowable Statewide workforce investment activities described in 29 CFR 665.200 and 665.210, respectively.

State reserve funds used for required or allowable youth activities, including those described in section 129(c), at the State level are not subject to the competitive selection procedures at Section 123. Statewide funds used to provide additional assistance to local areas with high concentrations of eligible youth are likewise exempt. However, they are subject to any applicable State procurement rules. If portions of the 15% statewide funds are allocated by formula to all local areas that augment funds to conduct youth activities described in section 129(c), those funds become local area funds and the competitive selection procedures described in Section 123 are applicable.

10. **Action Required.** States should: (a) ensure compliance with this policy guidance; (b) transmit this guidance to the Local Workforce Investment Boards as expeditiously as possible; (c) instruct local areas to provide guidance on relevant State procurement requirements to local grant recipients and program operators; and (d) provide technical assistance to local areas through the dissemination of best practices.

11. **Inquiries.** Questions concerning this Training and Employment Guidance Letter should be directed to your appropriate Regional Office.

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION Workforce Investment Act
	CORRESPONDENCE SYMBOL OWI
	DATE June 16, 2011

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 35-10

**TO:** STATE WORKFORCE AGENCIES  
STATE WORKFORCE LIAISONS  
STATE WORKFORCE INVESTMENT BOARD CHAIRS  
LOCAL WORKFORCE INVESTMENT BOARD CHAIRS

**FROM:** JANE OATES /s/  
Assistant Secretary

**SUBJECT:** Transparency and Integrity in Workforce Investment Board Decisions

**1. Purpose.** To communicate expectations about integrity and transparency in decisions made by state and local workforce investment boards and officials, and requirements regarding conflict of interest.

**2. References.**

- Workforce Investment Act of 1998 (29 United States Code 2801 et seq.), Public Law 105-220, as amended. Available at <http://www.doleta.gov/usworkforce/wia/wialaw.pdf>.
- WIA Final Rule, 20 CFR Part 661, Fed. Reg. 49294 August 11, 2000. Available at <http://www.doleta.gov/usworkforce/wia/finalrule.pdf>.
- Uniform Administrative Requirements (29 CFR Part 95 and 97). Available at [http://www.access.gpo.gov/nara/cfr/waisidx\\_09/29cfr95\\_09.html](http://www.access.gpo.gov/nara/cfr/waisidx_09/29cfr95_09.html) and [http://www.access.gpo.gov/nara/cfr/waisidx\\_09/29cfr97\\_09.html](http://www.access.gpo.gov/nara/cfr/waisidx_09/29cfr97_09.html).
- Wagner-Peyser Act, as amended (29 United States Code 49 et seq.)
- Hatch Act (5 United States Code 1501-1508.) Available at [http://www.osc.gov/documents/hatchact/ha\\_sta.pdf](http://www.osc.gov/documents/hatchact/ha_sta.pdf).
- Planning Guidance for the Strategic State Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act [(73 Federal Register 72853) (Dec. 1, 2008)], (Office and Management Budget No. 1205-0398).

**3. Background.** Providing responsible stewardship for and oversight of public funding for Federally-funded workforce programs must be accomplished in a way that demonstrates strong integrity, accountability, and transparency in order to preserve the public trust. The responsibility for this stewardship and oversight is shared in the devolved public workforce system by Federal, state and local entities. Workforce programs are largely governed under the Workforce Investment Act (WIA) by state and local workforce investment boards (WIBs)

RESCISSIONS None	EXPIRATION DATE Continuing
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which are composed of individuals from the business community, education community, government agencies, organized labor, legislators, community service organizations, and others. The WIBs are responsible for multiple functions, including procurement decisions. Local WIBs select One-Stop Career Center operators and youth service providers, and develop a budget for carrying out the duties of the local WIB. These decisions often have significant implications for service providers and participants they serve, and thus must be made in a transparent and ethical manner. Members of state and local WIBs should be aware of the Federal, state and local laws and regulations which guide their conduct while serving on the WIB.

**4. Guiding Statutes and Regulations.** Local and state WIBs must make decisions in keeping with several laws and regulations. The relevant Federal laws and regulations include:

- “*Sunshine provision*” regulations for state WIBs (20 CFR 661.207) and local WIBs (20 CFR 661.307). Specifically, a state or local WIB must conduct its business in an open manner and make activities of the board available to the public, including the development of specific policies and the minutes of formal board meetings upon request.
- *Uniform Administrative Requirements* for procurement (29 CFR 97.36 and 29 CFR 95.42). The Uniform Administrative Requirements are government-wide standards around procurement that all Federal grantees must follow, including standards for conflict of interest. The Department of Labor codified these requirements at 29 CFR Part 97 for governmental grantees and at 29 CFR Part 95 for non-governmental grantees. These requirements describe specific instances which would constitute a conflict of interest, the types of characteristics that should be considered when making awards to contractors, requirements for procurement protest procedures, and other requirements.
- *Conflict of interest regulation* for entities receiving WIA title I funds (20 CFR 667.200(a)(4)). This part of the WIA regulations indicates that in addition to the uniform administrative requirements described above, a state WIB member or a local WIB member or a Youth Council member must neither cast a vote, nor participate in decision-making, on the provision of services by that member or any organization which that member directly represents. The WIB member also must not cast a vote, nor participate in decision-making, on any matter which would provide any direct financial benefit to that member or a member of his or her immediate family. WIA regulations note that, by itself, neither membership on a WIB or Youth Council alone, nor the receipt of WIA funds to provide training and related services, violates these conflict of interest provisions.
- *The Hatch Act and its regulations*, for individuals paid with Federal funds (5 CFR 151). The Hatch Act restricts the political activity of individuals principally employed by state or local executive agencies and who work in connection with programs financed in whole or in part by Federal loans or grants. Covered state and local employees may not, among other things, use their official authority or influence to interfere with or affect the results of an election or nomination; or directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. More information about how the Hatch Act applies to state and local officials is available at [http://www.osc.gov/documents/hatchact/ha\\_sta.pdf](http://www.osc.gov/documents/hatchact/ha_sta.pdf).

State and local WIBs are also governed by relevant state and local rules. Virtually all states have in place laws and regulations defining conflict of interest, establishing requirements for procurement decisions, and establishing ethics rules.

- 5. Action Requested.** The Employment and Training Administration (ETA) encourages state and local boards to regularly review and be aware of the relevant Federal, state and local rules guiding procurement decisions and other board responsibilities.

States should include in their monitoring of local areas a review of local adherence to the requirements described in this guidance. ETA also includes state policies related to these requirements in its oversight and monitoring of states, including its review of policies submitted with the WIA Strategic State Plans.

ETA requests that states review this information with local boards, and all boards should consider including this guidance in orientations for new board members.

- 6. Inquiries.** Inquiries should be directed to the appropriate ETA Regional Office.

**MISSISSIPPI  
POLICY NUMBER 34  
WIA ADULT, DISLOCATED WORKER,  
YOUTH & RAPID RESPONSE ALLOCATION  
Office of Grant Management**

**I. SCOPE AND PURPOSE**

The purpose of this policy is to provide guidance and information to Local Workforce Investment Areas on Workforce Investment Act (WIA) Title 1 allotments for operating Adult, Dislocated Worker, Youth and Rapid Response activities. The funds allocated to the local areas for youth and adult activities will be allocated based on the formulas specified in Section 128(b)(2)(A)(I) and 133(b)(2)(A)(I) respectively.

**III. REQUIREMENTS FOR DETERMINING AND DOCUMENTING ELIGIBILITY**

**A. Adult**

The WIA allows the following allocation process:

1. Standard Allocation Formula

- a. 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each area, compared to the total number of unemployed individuals in areas of substantial unemployment in all areas. The term “area of substantial unemployment” means any area that is of sufficient size and scope to sustain a program of workforce investment activities carried out under this subtitle and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months.
- b. 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each area, compared to the total excess number of unemployed individuals in all areas. The term “excess number” means, used with respect to the excess number of unemployed individuals within a State, a higher of (1) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force; or (2) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment.
- c. 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged adults in each area, compared to the total number of disadvantaged adults in all areas. The term “disadvantaged adult” means an adult who received income, or is a member of a family that received a total family income that, in relation to family size, does not exceed that higher of: (1) the poverty line; or (2) 70 percent of the lower living standard income level.

2. Fund Availability

MDES will provide a Notice of Fund Availability to the LWIAs upon the State's receipt of the Notice of Obligation (NOO) from the Department of Labor (DOL).

3. Transfer Authority

Under the currently approved waiver, DOL allows transfer of up to 50% of funds between Dislocated Worker and Adult funding streams.

**B. Youth**

The WIA allows for the following allocation process:

1. Standard Allocation Formula

- a 33 1/3 percent shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each area, compared to the total number of unemployed individuals in areas of substantial unemployment in all areas;
- b 33 1/3 percent shall be allotted on the basis of the relative excess number of unemployed individuals in each area, compared to the total excess number of unemployed individuals in all areas; and
- c 33 1/3 percent shall be allotted on the basis of the relative number of disadvantaged youth in each area, compared to the total number of disadvantaged youth in all areas.

2. Fund Availability

One hundred percent of the funds described below will be available for expenditure when the State receives the Notice of Obligation (NOO) from the Department of Labor (DOL).

**C. Dislocated Worker**

1. Allocation Formula

The State shall allocate not less than 70 percent based on an allocation formula prescribed by the Governor. The formula shall use the most recent available information and shall include:

- a. Insured unemployment data,

- b. Unemployment concentrations,
- c. Plant closing and mass layoff data,
- d. Declining industries,
- e. Farmer-rancher economic hardship data,

ALLOCATION FACTOR	ASSIGNED WEIGHT
Insured Unemployment Data	10%
Unemployment Concentrations Data	25%
Plant Closing and Mass Layoff Data	10%
Declining Industries Data	20%
Farmer-Rancher Economic Hardship Data	5%
Long-Term Unemployment Data	30%

2. Transfer Authority

Under the currently approved waiver, DOL allows transfer of up to 50% of funds between Dislocated Worker and Adult funding streams.

3. Fund Availability

MDES will provide a Notice of Fund Availability to the LWIAs upon the State’s receipt of the Notice of Obligation (NOO) from the Department of Labor (DOL).

**D. Rapid Response**

The State will reserve not more than 25% percent of the state allocation for dislocated worker employment and training activities for statewide rapid response activities, in accordance with Section 133(a)(2) of the Act. The State may allocate rapid response funds to local workforce areas based on mass layoff or plant closure activity.

**III. ESTABLISHMENT OF ALLOCATION METHODOLOGY**

Consultation and correspondence between relevant parties from the workforce system, state agencies, and WIA administrative entities produced information regarding the probability



**MISSISSIPPI  
POLICY NUMBER 35  
Priority of Service Policy for  
Veterans and Eligible Spouses  
Mississippi Department of Employment Security**

**I. SCOPE AND PURPOSE**

The purpose of this policy is to articulate the procedures for providing priority of service to veterans and the eligible spouses of veterans with respect to qualified job training programs.

**II. REQUIREMENTS**

The requirement to provide priority of service applies to all Workforce Investment Act (WIA) and Wagner-Peyser funded activities, including technology-assisted activities; the Senior Community Service Employment Program (SCSEP); Indian and Native American Programs (INAP); National Farmworker Jobs Training Programs (NFJP); Trade Adjustment Assistance Programs (TAA); job training programs funded through the Women's Bureau, and any other current or future qualified job training program. Additionally, all program operators are required to ensure that priority of service is applied by all sub-recipients of DOL funds. All program activities issued or executed by program operators, regardless of how they are procured, must be administered in compliance with priority of service requirements.

**A. Background**

The Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law in November 2002, establishing a priority of service requirement for covered persons, as defined by this statute, in qualified job training programs.

The Department of Labor, in December 2008, published 20 CFR Part 1010 to reflect the statutory requirement of section 605 of the Veteran's Benefits, Health Care, and Information Technology Act of 2006, (P.L. 109-461), implementing priority of service via regulation.

The Final Rule took effect in January 2009, stating that recipients of funds subject to these regulations should review and, if necessary, enhance their current policies to ensure adequate protocols are in place.

**B. Definitions**

Priority of Service

With respect to any qualified job training program, a covered person shall be given priority over a non-covered person for the receipt of employment training, and placement services provided under that program.

#### Covered Person

As defined in Federal Rule (Par II, 20 CFR Part 1010), a covered person means a veteran or eligible spouse of a veteran.

#### Veteran

A veteran is defined as a person who served in the active military, naval, or air service, who was discharged or released under conditions other than dishonorable.

#### Eligible Spouse

- a) The spouse of any persons who died of a service-connected disability
- b) The spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
  - missing in action
  - captured in the line of duty by hostile force; or
  - forcibly detained or interned in the line of duty by a foreign government or power
- c) The spouse of any persons who have a total disability permanent in nature resulting from a service-connected disability; or
- d) The spouse of a veteran who died while a disability so evaluated was in existence.

The United States Department of Labor (USDOL) has indicated for clarification concerning (a) and (d) above that the re-marriage of the spouse would not terminate their eligibility. However, if a spouse becomes divorced from a veteran under (b) and (c) above, eligibility for priority of service is terminated.

It is further understood that this policy does not exclude from eligibility spouses who were not citizens at the time that the veteran was discharged or retired, nor does it stipulate that a spouse had to be married to a veteran at the time of his or her discharge or retirement.

#### Qualified Job Training Program

Any program or service for workforce preparation, development or delivery that is directly funded, in whole or in part, by the USDOL.

#### C. Implementing Priority of Service

The regulations provide that priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. They further specify that taking precedence may mean:

- The covered person receives access to the service or resource earlier in time than the non-covered person; or
- If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.

The regulations specify how priority of service is to be applied across three different types of qualified job training programs:

- Universal access programs that do not target specific groups;
- Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
- Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.

#### D. Identifying and Informing Covered Persons

All recipients of funds for qualified job training programs are required to identify covered persons at the point of entry to programs to enable them to take full advantage of priority of service. The USDOL will not prescribe how this is to be done. Program operators are reminded, however, that self-registration systems are not, at this stage, to require documents to be produced that verify status, unless the point of entry is also the point at which program eligibility determination and registration or enrollment takes place. Even then, the applicant should be permitted to enroll and follow-up subsequently with the verification of his or her status. Point of entry will include physical locations as well as websites and other virtual service delivery resources.

Protocol should require that the receptionist or office manager ask each applicant if he or she is a veteran or eligible spouse. Staff should also explain to each applicant that veterans and eligible spouses get priority of service, and describe any eligibility requirements for those services or programs.

#### E. Local Board Requirements

Local Workforce Investment Boards are required to develop and include in their local plan, policies which implement priority of service for the one Stop Centers and a service delivery plan for the local training providers.

III. EFFECTIVE DATE

This policy shall be effective immediately.

IV. APPROVAL