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Alternative Training Programs Policy

Policy Statement
In order to open sector and other training to a wider and more diverse participant base, the Workforce Investment Board (WIB) has developed an alternative training policy for special populations with multiple barriers to employment, to provide Vocational English as a Second Language (VESL), academic preparation, transitional work, and bridge programs for participants unable to qualify initially for Individual Training Accounts (ITA) and sector-based training.

Priority for Intensive and Training Services
WIA states that in the event that funds allocated to a local area for Adult employment and training activities are limited, priority for intensive and training services funded with Title I Adult Funds must be given to recipients of public assistance and other low-income individuals in the local area.

WIA includes in its definition of low-income individuals an individual who:

- Is eligible for Food Stamps;
- Receives public assistance including foster children;
- Has a household income below Federal Poverty Line or 70% of the lower living standard;
- Qualifies as homeless;
- Is an individual with a disability, whose own income meets the requirements of the program, but is a member of a family whose income does not meet such requirements.

Alternatives to Traditional ITA Training Programs
In order to meet these priorities and provide to special populations with multiple barriers to employment maximum opportunities to benefit from WIA programs, alternatives to traditional ITA training programs may be employed.

For example, short-term pre-vocational services, including development of learning and communication skills, may be provided as “Intensive Services” and do not require the establishment of an ITA.

Further, in lieu of traditional ITA training, contracts for training may be authorized when:

A. Such services are on-the-job training provided by an employer, or customized training.

B. The Local WIB (LWIB) determines that there are an insufficient number of eligible providers of training services in the local area involved to accomplish the purposes of a system of individual training accounts.

1. The Local Plan must describe the process to be used in selecting the providers under a contract for services.

2. This process must include a public comment period for interested providers of
at least 30 days.

C. The LWIB determines that there is a training services program of demonstrated effectiveness offered in the local area to serve targeted low-income special participant populations that face multiple barriers to employment.

1. Special participant populations that face multiple barriers to employment include:
   a. Low-income individuals with substantial language or cultural barriers;
   b. Low-income individuals who are offenders;
   c. Low-income individuals who are homeless;
   d. Low-income individuals who are disabled; or
   e. Other low-income hard-to-serve populations with special needs as defined by the LWIB.

2. An eligible provider is:
   a. A community-based organization
   b. Another private organization.

3. The WIB has developed the following criteria to determine demonstrated effectiveness of training service programs:
   a. Financial stability of the organization;
   b. Demonstrated performance for the program organization and/or key staff;
   c. How the specific program relates to the workforce investment needs identified in the local plan; and
   d. How the use of the program supports WIB priorities.

4. Those training providers operating under the ITA exceptions still must qualify as eligible providers. To qualify:
   a. Appropriate service providers may be selected as long as the Local Workforce Investment Area takes into consideration the specific geographic and demographic factors where the program operates and the characteristics of the special population being served.
   b. The Local Workforce Investment Board must require performance data for all WIA Title I funded participants participating in any program of contracted training services.

(Adopted PY 06-07)
Assignment of WorkSource and YouthSource Center Agreements

Policy

Policy Statement

Contractors must provide the City sixty days advance written notice of any facts that may materially affect the performance of their agreements or impact the City’s decision to continue an agreement with the Contractor. Among the items to be disclosed are negotiations leading to the sale, merger or acquisition of the Contractor. Contractor may not assign, delegate, or transfer their agreements, nor assign or transfer any right, interest or obligation in their agreements, including the right to payment, without prior written consent of the City.

When any City WIA YouthSource or WorkSource Center operator proposes to assign their agreement to another organization due to sale, acquisition or merger, the Department shall submit to the WIB a recommendation as to whether or not to accept said assignment.

If the Department and/or WIB do not concur with the contractors request to assign their agreement; or when any City WIA YouthSource or WorkSource Center operator:

• Proposes to assign their agreement to another organization for reasons not stated above,
• Fails to meet certification requirements, or
• Proposes termination of their agreement for any other reason,

The Department shall submit to the WIB a recommendation as to whether or not to continue WorkSource Center or YouthSource operations at the specified location.

If the WIB agrees to continue operations at the specified location, the selection of the replacement operator shall be made by the Department and shall be submitted to the WIB, City Council and Mayor for approval. The identified replacement operator will be selected from a list of qualified organizations established through a formal competitive bid process.

Procedures

The Department shall, at all times, maintain a list of qualified replacement operators. Proposers to the WorkSource and YouthSource Request for Proposals (RFP) who attain a passing score shall be placed on the qualified operator replacement list for that proposal. The list shall be established for the same term as the underlying RFP.

(Adopted PY 11-12)
Customer Flow Policy

Background

The Workforce Investment Act provides three levels of services: core, intensive, and training, with service at one level a prerequisite for moving to the next level. This policy identifies activities that lead or act as gateways from participation in core to intensive and training services.

Policy

A. As requested by the California Employment Department and the United States Department of Labor, the WorkSource Centers will inquire about the Selective Service Registration status of all males, who are between the ages of 18 and 26 at point of participation, and will provide assistance and/or guidance on ensuring that these individuals are in compliance with Section 3 of the Military Selective Service Act requirements. In addition, each YouthSource Center will ensure that enrolled and registered WIA participants who turn 18 years of age during participation in the YouthSource program will come into compliance with Section 3 of the Military Selective Service Act requirements within thirty days of turning 18 years old.

B. When and how a customer moves through the three levels of service can vary by customer, and is based on needs, informed choice, availability of funds and resources, and the regulations that determine when registration can occur. The Integrated Service Delivery Team shall look at the entire array of core, intensive, and training services to ensure that the appropriate services are provided. Which core services precede intensive services and which intensive services precede training shall be determined on a case-by-case basis.

C. There must be demonstrable value added as the job seeker moves through self-service and informational core services, staff-intensive core services, intensive services, and training services. Each new level must build on the past level. The WorkSource Centers shall develop a method for documenting services received by a customer.

D. Self-service and informational activities generally fall within core services that do not require registration. Such services will be universally available.

E. When there is significant staff time required to provide WIA-funded core services, the individuals receiving the staff-intensive services must be registered. Although WIA distinguishes self-service and informational activities as separate from the other activities within the WIA service categories (core, intensive, and training), there are informational activities within the core services category described in the Act that require registration. There are two main factors to consider when determining which core services require adults and dislocated workers to be registered and counted in the measures:

   a. Level of staff involvement with the customer. When there is significant staff involvement in terms of resources or time, individuals receiving the staff-intensive core services are required to be registered for the adult and dislocated worker programs (all youth customers are required to register).
b. Purpose of the service. The Act specifically excludes those individuals who participate in self-service activities only (such as browsing the Internet). For staff-assisted activities, the purpose of the service should be examined to determine if registration is required for the service. Services that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situations should be considered informational in nature. Staff-assisted services that are designed to impart job seeking and/or occupational skills should require registration.

F. Both mandatory and voluntary partners shall participate at the WorkSource Centers to provide the services that are required as mandated by law. The core services to be provided by each partner shall be outlined in a memorandum of understanding, which will include cost and resource sharing.

G. Access to core services shall be seamless as a result of a well-designed integrated service strategy, and includes all the partners of a WorkSource Centers.

H. To move to intensive services, the job seeker must have received at least one core service and been determined unable to obtain employment the leads to self-sufficiency through core services. Jobs seekers receiving intensive services must be unemployed, a qualified dislocated worker, or an individual who is employed and determined by the Integrated Service Delivery Team to be in need of such intensive services in order to obtain or retain employment that allows for self-sufficiency as determined by the Workforce Investment Boards Self-Sufficiency Policy.

I. If appropriate, WorkSource Centers’ staff can also accelerate a customer through core, intensive and training services in one day using only one service in each tier, if it is apparent that the customer needs to be moved quickly through the process in order to get a job.

J. To advance to training services, the job seeker must have received at least one core service and one intensive service and have a demonstrated need for such service.

K. WorkSource Centers shall determine that the customer has the skills and qualifications to successfully complete the training selected by the customer (in consultation with the WorkSource Centers), and that the training is linked to employment opportunities in the local area, or in another area to which the individual is willing to relocate, and that other sources of grant assistance are not available.

L. Priority of Service applies to the full array of services provided including Universal Access, Core, Intensive, and Training. It means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. An individual must first qualify for WIA before a priority of service is applied. If funds and resources are limited, priority of service will be given first to WIA qualified job seekers who are Veterans and/or their eligible spouses (EDD Directive WSD08-10), then to recipients of public assistance or those whose income falls below the higher of either the Lower Living Standard Income Level (LLSIL) or the Poverty Guidelines.
Below is a list of core, intensive and training services for reference.

<table>
<thead>
<tr>
<th>Core Services- Self Service Informational (no registration required)</th>
<th>WIA Core Services (registration required)</th>
<th>WIA Intensive Services (registration required)</th>
<th>WIA Training Services (registration required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination of Eligibility to receive Assistance under Title IB</td>
<td>Staff assisted job search &amp; placement assistance, career counseling</td>
<td>Comprehensive &amp; specialized assessment, e.g. diagnostic testing, interviewing</td>
<td>Occupational skills training</td>
</tr>
<tr>
<td>Outreach, intake (which may include WPRS referrals) &amp; orientation to One Stop Center</td>
<td>Follow-up services, including counseling regarding the workplace</td>
<td>Full development of individual employment plan</td>
<td>On the Job Training</td>
</tr>
<tr>
<td>Initial assessment of skill levels, aptitudes, abilities &amp; need for additional assistance</td>
<td>Staff assisted job referrals (such as testing &amp; background checks)</td>
<td>Group counseling</td>
<td>Workplace training &amp; cooperative education programs</td>
</tr>
<tr>
<td>Employment statistics: Information, job listings, job skill requirements for job listings, &amp; info on demand occupations</td>
<td>Staff assisted job development (working with employer &amp; job seeker)</td>
<td>Individual counseling &amp; career planning</td>
<td>Private sector training programs</td>
</tr>
<tr>
<td>Performance info on Eligible training provider</td>
<td>Staff assisted workshops and job clubs</td>
<td>Case Management</td>
<td>Skill upgrading &amp; retraining</td>
</tr>
<tr>
<td>Performance info on the local One-Stop System</td>
<td></td>
<td>Short-term pre-vocational services</td>
<td>Entrepreneurial training</td>
</tr>
<tr>
<td>Info on filing for Unemployment Ins. Self- determined eligibility</td>
<td></td>
<td></td>
<td>Adult Education in combination w/training</td>
</tr>
<tr>
<td>Information on, referral to, supportive services</td>
<td>Follow-up services after employment</td>
<td></td>
<td>Job readiness training</td>
</tr>
<tr>
<td>Assistance in establishing eligibility for welfare-to-work activities and for other training and education programs</td>
<td></td>
<td></td>
<td>Customized training</td>
</tr>
<tr>
<td>Resource room</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet browsing (job info and training search)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Internet accounts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial development of employment plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Talent referrals (informational, e.g. talent scouts, labor exchange referrals of resumes without further screening)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Workshops and job clubs</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Adopted PY 11-12)
Definition of Demand Occupations

Background

Individual Training Account (ITA) training services made available to eligible adults and dislocated workers must be directly linked to the employment opportunities either in the local area or in another area to which the individual is willing to relocate (20 CFR Part 652 et al. Workforce Investment Act; Final Rules § 663.310). Local Workforce Investment Areas therefore need to identify “demand occupations.” The demand occupations are subsequently used in determining programs of training services that lead to these employment opportunities. This policy provides guidance to local board staff, WorkSource Provider staff and One Stop Partners in selecting appropriate training programs for customers of the WIA system.

Policy

A demand occupation is an occupation with current employment opportunities or that has potential for future growth in the local area that provides a self-sufficient wage and/or benefits - as defined in the Annual Plan. A job placement with a wage below the defined self-sufficiency level may be deemed satisfactory if the WorkSource Centers can demonstrate that such placement provides a career track that allows the job seeker to attain self-sufficiency. This may be necessary in a challenging economic climate when many industries are static or show contraction.

The WorkSource Centers are responsible for monitoring jobseeker customers’ progress and ensuring that those customers are on career paths that lead to self-sufficiency. The WorkSource Centers are required to make readily available to their customers, information and options in regard to demand occupations and industry clusters.

To the fullest extent possible, the labor market information system of the Employment Development Department (EDD) must be utilized to determine demand occupations (Ref WIA EDD Directive WIAD06-17). This information is available online at: www.labormarketinfo.edd.ca.gov

The following are additional sources defining Demand Occupations within the Los Angeles labor market:

1. Los Angeles Economic Development Corporation’s (LAEDC) economic research at www.laedc.org
3. The WIB may define targeted sectors as demand sectors. Contact WIB staff or the EWDD’s Program Operations staff.
4. Other additional labor market resources may be used as long as the following information is presented: a) justification of any determination that a particular job is in a demand occupation, b) documentation of any steps taken in reaching that determination, and c) documentation in the file of the particular customer for whom such determination is made.

(Adopted PY 11-12)
Definition of Underemployment for Youth

Background

Under WIA, at least 30 percent of available youth funds are to be used for out-of-school youth. An out-of-school youth is defined as an individual who is a) an eligible youth (WIA Final Rules 20 CFR Part 664.200) who is a school dropout; or b) an eligible youth who has either graduated from high school or holds a GED, but is basic skills deficient, unemployed, or underemployed [WIA Sec. 101(33)].

Underemployment, however, is not specifically defined anywhere in the WIA regulations. Any term that is not specifically defined in the WIA Final Regulations is left to the discretion of the local Workforce Investment Board.

Underemployment

An adult is termed underemployed if an individual is employed, but not earning enough to maintain self-sufficiency. The youth definition allows a working youth access to WIA services, which may lead to higher earnings and increased financial responsibilities, thus helping prevent future underemployment as an adult.

The WIB has defined underemployment for a youth as:

1. A youth (age 14-21) who is employed but not earning a self-sufficient wage as defined in the Annual Plan's Self-Sufficiency Policy.
2. A youth who has never held a full-time job for more than 13 consecutive weeks.
3. A youth who has been terminated from a job within the 12 months prior to application.

(Adopted PY 11-12)
Definition of Youth Barriers to Employment

The Workforce Investment Act [§101 (25)] directs the majority of Youth funds to be spent on low-income youth. However, the regulations (WIA Final Rules 20 CFR Part 664.200) do allow for exceptions.

Up to five percent of youth served by youth programs in a local area may be other than low-income individuals, provided that they meet one or more of the following eligibility categories:

1. School dropout;
2. Basic skills deficient, as defined in WIA section 101(4);
3. Are one or more grade levels below the grade level appropriate to the individual’s age;
4. Pregnant or parenting;
5. Possess one or more disabilities, including learning disabilities;
6. Homeless or runaway;
7. Offender; or
8. Face serious barriers to employment, as identified below by the Local WIB [WIA Sec. 129(c) (5)]. The local Workforce Investment Board (WIB) defines a youth as having barriers to employment if he or she requires additional assistance to complete an educational program or to secure and hold employment, due to barriers such as:
   a. Emancipated youth
   b. Youth with a disability, as defined by the LAUSD or the Department of Rehabilitation
   c. Youth with limited English proficiency, as defined by LAUSD
   d. Youth with a family history of chronic unemployment, including long-term public assistance
9. Youth whose parent or guardian met or meets one of the following barriers of the eligibility for youth services:
   a. Deficient in basic literacy skills
   b. School dropout
   c. Homeless, runaway
   d. Pregnant or parenting
   e. Offender
   f. Limited English Proficient (LEP)

(Adopted PY 07-08)
Industry Certified Training Policy

All classroom vocational training provided to enrolled WIA participants shall lead to an industry recognized certificate. EWDD may withhold payment for any classroom vocational trainings that do not comply with this requirement.

For the purpose of this policy, EWDD shall apply the definition of ‘Certificate’ provided in the Department of Labor, Employment and Training Administration (DOL/ETA) Training and Employment Guidance Letter (TEGL) 17-05 below:


Certificate – A certificate is awarded in recognition of an individual’s attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation. These technical or occupational skills are based on standards developed or endorsed by employers. Certificates awarded by workforce investment boards are not included in this definition. Work readiness certificates are also not included in this definition. A certificate is awarded in recognition of an individual’s attainment of technical or occupational skills by:

- A state educational agency or a state agency responsible for administering vocational and technical education within a state.
- An institution of higher education described in Section 102 of the Higher Education Act (20 USC 1002) that is qualified to participate in the student financial assistance programs authorized by Title IV of that Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in federal student financial aid programs.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence certification, National Institute for Metalworking Skills, Inc., Machining Level I credential) or a product manufacturer or developer (e.g., Microsoft Certified Database Administrator, Certified Novell Engineer, Sun Certified Java Programmer) using a valid and reliable assessment of an individual’s knowledge, skills, and abilities.
- A registered apprenticeship program.
- A public regulatory agency, upon an individual’s fulfillment of educational, work experience, or skill requirements that are legally necessary for an individual to use an occupational or professional title or to practice an occupation or profession (e.g., FAA aviation mechanic certification, state certified asbestos inspector).
- A program that has been approved by the Department of Veterans Affairs to offer education benefits to veterans and other eligible persons.
- Job Corps centers that issue certificates.
- An institution of higher education that is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes.

(Adopted PY 11-12)
Individual Training Accounts (ITA) Policy

Per the Workforce Investment Act (WIA) Regulations, Individual Training Accounts (ITA) may be established on behalf of customers to purchase classroom-training services from the State approved, Eligible Training Providers List (ETPL). A One-Stop center may issue an Individual Training Account (ITA) to an adult to fund training after it has determined that core and intensive services are insufficient for that customer’s needs. The individual can then compare the offerings on the ETPL, and, with the advice of One-Stop staff, select the most appropriate training program. In this way, the ETPL helps to provide customer choice, while also supporting quality training programs. (EDD RWIAD06-15)

With the exception of certain types of customized and On-the-Job training, and the alternatives to traditional ITA training programs described in the Alternative Training Programs Policy, only training providers through their training programs listed on the ETPL are eligible to receive WIA funds to train adults and dislocated workers. This list is available on the Internet at: http://etpl.edd.ca.gov/wiaetplind.htm (ref. EDD Directive Number WIAD06-15 [http://www.edd.ca.gov/jobs_and_Training/pubs/wiad06-15.pdf]).

The State has been granted an extension to the waiver that extends the period of “initial eligibility of training providers.” Additionally, the State has been granted an extension to the waiver on the prohibition for use of youth WIA dollars to fund ITAs for older and out-of-school youth (Ref. WIA EDD Directive WSD07-9 [replaced with WSD 12-13, http://www.edd.ca.gov/Jobs_and_Training/pubs/wsd12-13.pdf]). Therefore, older and out-of-school youth who are determined not to follow an academic track, and are instead focused on employment shall have the same access as adults and dislocated workers to the advantages of ITAs.

ITAs may be established for City of Los Angeles WIA customers only if the conditions set herein are met:

1. The customer is unemployed or employed at a wage that is below the level of self-sufficiency consistent with the adopted policy of self-sufficiency approved by the Workforce Investment Board (WIB).
2. The customer received core and intensive services but was determined unable to obtain or retain employment at a level of self-sufficiency through such services.
3. The customer has been assessed and provided case management services through which a determination has been made that the customer is in need of training services other than an OJT or a customized training activity.
4. The customer has been unable to secure other financial assistance to cover the cost of training. In this case, utilization of Pell Grants for eligible customers is required. Registered participants ineligible for Pell Grant assistance will not be denied access to training. A participant may enroll in a WIA-subsidized training while his/her application for a Pell Grant is pending as long as the WorkSource Centers operator has made arrangements with the training provider and the participant regarding allocation of the Pell Grant. The training provider must reimburse the WorkSource Centers operator for the amount the Pell Grant subsequently awarded to customer.
Reimbursement is not required from the portion of Pell Grant assistance disbursed to the WIA participant for education-related expenses.

5. The customer has not participated in WIA funded ITA training for 24 months following their last date of attendance in, or completion of, a prior WIA funded training through the City of Los Angeles.

6. The customer has been unable to identify and/or enroll in a comparable course offered by local public educational institution.

7. The customer has selected a training course or combination of courses from the ETPL in consultation with a case manager and consistent with customer’s Individual Employment Plan (IEP).

8. The training must lead to employment in a demand or growth occupation with a defined career ladder.¹ The determination of demand or growth occupations must be consistent with the Annual Plan’s policy regarding the definition of demand occupations and utilize to the fullest extent possible the labor market information system of the EDD (Ref WIA EDD Directive WIAD06-17, http://www.edd.ca.gov/Jobs_and_Training/pubs/wiad06-17.pdf).

9. The training must result in a wage at placement, which meets or exceeds the City's Living Wage standard, with the goal of attaining self-sufficiency.

10. The training must result in the attainment of an industry-recognized certificate, if available, or the attainment of skills of a generally accepted standard.

Other Conditions

- Any customer who has met the aforementioned conditions must be referred to the training provider of choice unless the program has exhausted training funds for the program year. The program year approved budget shall reflect the training funds available.

- Short-term prevocational services are considered intensive services. It is not required that intensive service providers be on the ETPL. (Ref: WIA Section 134(d)(3)(C)(vi)

- All classroom training providers are required to be on the ETPL regardless of whether or not they issue a certificate.

- Supportive services and needs based payments must be provided consistent with the WIB approved policy on Supportive Services and Needs Based Payments; unless, through a financial needs assessment, it has been determined that the customer is ineligible for such support or has sufficient resources to remain in training. The assessment should be documented and be part of the IEP and placed in individual participant folder.

- EDD Directive WIAD06-17 requires a policy on the amount and duration of an ITA, based on the market rate for local training programs. Therefore, this policy establishes that no customer shall be referred to a course

¹ This is consistent with the WIB approved Customized Training Policy.
offering with a total tuition of greater than $7,500 or duration longer than twelve months without prior City approval. Customers may, however, use other sources of funds to cover those costs that exceed $7,500. The customer’s file should show the leveraging of funds for the customer covering either the full training or payment in excess of $7,500 in training fees.

- Notwithstanding the leveraging of funds, in cases where there is a viable reason to subsidize a training costing in excess of $7,500 and/or provide training longer than twelve months in duration the service provider shall obtain prior City approval.

- In such cases, this policy prohibits the issuance of a training voucher prior to the approval of the City; therefore, it is the sole responsibility of the service provider to submit its written request, indicating the reasons for the exemption(s), in a timely manner so as not to impede the registration of the WIA customer in the course of choice consistent with his/her employment plan (IEP).

- Given the limited funding, priority for ITAs funded through the Adult program must be given first to WIA qualified job seekers who are Veterans and/or their eligible spouses (EDD Directive WSD08-10m http://www.edd.ca.gov/Jobs_and_Training/pubs/wsd08-10.pdf), then to recipients of public assistance or those whose income falls below the higher of either the Lower Living Standard Income Level (LLSIL) or the Poverty Guidelines.

- The City reserves the right to prohibit the referral of customers to schools that have poor performance records in serving City customers.

- Training institutions, not on the ETPL, may generally provide training under 15 percent statewide projects and with 25 percent dislocated worker funds, excluding rapid response funding. However, the training institution must meet state licensing requirements, such as those governed by the Bureau of Private Postsecondary and Vocational Education.

- Any revisions to the ITA policy after an Annual Plan has been released for the program year shall be issued through a City Directive. The City’s WIB adopted policies and City Directives on ITA shall not be inconsistent with those requirements mandated by DOL and EDD.

- A copy of this approved policy, together with a complete explanation of the limited funds available, should be shared with potential ITA customers upon completion of core and intensive services but before training services are provided.
Supportive Services/Needs Based and Incentives Payment Policy

Background

Workforce Investment Act (WIA) regulations allow WIBs to establish limits on the provision of supportive services or provide the WorkSource Centers and YouthSource Centers with the authority to establish such limits, including a maximum amount funding and maximum length of time for supportive services (including needs based payments) to be available to customers. Procedures may also be established to allow WorkSource Centers and YouthSource Centers to grant exceptions to the limits established under this provision.

Additionally, WIA regulations mandate that post-employment follow-up services must be made available for a minimum of 12 months after registered customers are placed into unsubsidized employment. Follow-up services may include supportive services, provided the services are clearly documented in a registered customer’s case file.

I. Supportive Services

Definition:

Supportive services are customer services that are necessary to enable WIA eligible individuals, who cannot afford to pay for such services, to participate in authorized WIA activities. For Youth participants such activities must correspond to the Ten WIA Elements for Youth Programs. Examples of such services include but are not limited to:

- Child care and dependent care for dependents of customer
- Clothing - Adequate clothing to allow customer to wear appropriate work attire while participating in WIA activities and during job interviews
- Housing - Temporary shelter, housing assistance and referral services
- Linkages to community services - Alcohol/drug/gang intervention counseling, drop-out prevention, pregnancy prevention, money management, tutoring or other purposes
- Referrals to medical services - Referral services to appropriate medical service providers
- Transportation - Expenses for commuting to and from WIA activities such as public transportation fare, carpool arrangement or gas for personal auto
- Other - Services which are consistent with these policies and when justification is maintained in the customer’s file. Examples include, but are not limited to, the following: uniforms or work-related tools, including such items as eye glasses and protective eye gear which may be needed for participating in WIA activities and/or employment, materials for individuals with disabilities, meals, and needs related payments.

Supportive Services Policy

1. Supportive services may be provided only when necessary for enabling an individual to participate in WIA activities and may be made available at any
level of service.

2. Follow-up services, which may include supportive services, must be provided to all youth participants for a minimum duration of 12 months.

3. Supportive services may only be provided to customers who cannot obtain supportive services through other programs or partner agencies providing such services.

4. No funding limit is placed on supportive service costs with the exception of needs based payments (see below), however, the costs must be reasonable, necessary, and allowable under federal guidelines.

5. Supportive services may be received throughout the period that the customer is enrolled in WIA and up to a maximum of 12 months after exiting (excluding needs based payments).

6. Supportive services must be documented in a customer’s file and include a needs assessment and justification for supportive services, amount of planned funding, and verification that services were received.

7. Documentation of supportive services must include a receipt in the customer’s case file to validate that services were received and to ensure that payments are made for authorized WIA services. Gasoline receipts, for customers using a personal automobile to commute to and from WIA activities, must be obtained to verify that the expenses are necessary, reasonable and allowable.

II. Needs Based Payments

Needs-based payments are supportive services in the form of monetary assistance necessary to enable individuals to participate in an eligible WIA activity. Needs-based payments are provided through cash assistance or arrangement with another human resource agency.

Needs Based Payments Policy

1. Needs based payments may be provided to participants in the WIA Adult or Dislocated Worker programs during the entire length of time that a customer utilizes a WIA training program or unpaid work experience, but may not be continued after the customer exits the program. Needs based payments may be provided to WIA Youth participants at any level of the provision of WIA Youth services during the entire length of time that a Youth participant remains in the WIA Youth program. Needs-based payments are not an allowable post-employment/post-exit follow-up service.

2. Needs based payments must be documented in a customer’s file and include justification for services, amount of planned funding, and verification that services were received.

3. Eligibility for needs based payments:
   a. Adults must be unemployed, not qualify for UI or have ceased to qualify for UI, and be enrolled in a program of training services under WIA.
   b. Dislocated workers must be unemployed and not be qualified, or have
ceased to qualify, for UI or trade readjustment allowance, and be enrolled in a program of training services under WIA.

c. All WIA Youth participants may receive need-based payments. An urgent need for such payments must be demonstrated and documented in the participant’s file.

4. Limits on payments

a. For adults, establish that the maximum is the current minimum wage for every hour of documented participation in WIA classroom training. Payment may not exceed the applicable weekly level of the UI.

b. For dislocated workers, payments must not exceed the greater of the following two levels:

i. For customers who were eligible for UI as a result of a qualifying dislocation, payment may not exceed the applicable weekly level of the UI. Payment is based on every hour of documented participation in WIA classroom training.

ii. For customers who did not qualify for UI as a result of a qualifying layoff, the weekly payment may not exceed the poverty level for an equivalent period. Payment is based on every hour of documented participant in WIA classroom training.

c. For Youth, the maximum needs-based payment is $1,200 per participant per year.

5. A participant may not receive needs-based payments for either post-employment or post exit follow-up services as he/she is no longer participating in an eligible WIA activity, but may still receive all other support services for up to 12 months after exiting the program.

III. Incentive payments (Youth Only)

Incentive payments are funds paid to WIA Youth participants in the form of cash based on attendance, successful performance, or completion of a WIA activity that leads to attainment of a goal as identified in the participant’s Individual Service Strategy. Such payments are intended to provide participants with an incentive to remain in the activity or be a reward for good performance.

(Adopted PY 04-05)
**Training Expenditure Requirement Policy**

State Senate Bill SB 734 imposed new training expenditure requirements on local boards carrying out WIA funded programs. Beginning Program Year (PY) 2012-13, local boards were required to spend at least 25 percent of their adult and dislocated worker WIA formula fund allocations on workforce training services (this minimum training expenditure requirement does not apply to the youth WIA formula fund allocations). A portion of the minimum training expenditure requirement (an amount of up to 10 percent of the adult and dislocated worker formula fund allocation) may be met by applying designated leveraged resources (as defined in this policy) used for training services.

In order to apply toward the minimum training expenditure requirement, formula funds and leveraged resources must be expended on enrolled participants. Additionally, these funds must be spent on training services as defined in Title 20 CFR Section 663.508:

A program of training services is one or more courses or classes, or a structured regimen, that upon successful completion, leads to: (1) a certificate, associate degree, or baccalaureate degree; or (2) the skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

For this expenditure requirement, training services may include:

- Occupational skills training, including training for nontraditional employment
- On-the-job training
- Programs that combine workplace training with related instruction, which may include cooperative education programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness training

Job readiness training includes services that teach skills needed to be successful in the workplace, rather than skills needed to get into the workplace. For example, job readiness training teaches skills such as office communication, punctuality, and how to conduct oneself with supervisors and co-workers; however, it does not teach skills such as job searching, interviewing, or resume writing.

- Adult education and literacy activities **provided in conjunction** with one or more of the other training services listed above
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training
With the exception of certain types of customized and On-the-Job training, and the alternatives to traditional ITA training programs described in the Alternative Training Programs Policy, only training providers through their training programs listed on the ETPL are eligible to receive WIA funds to train adults and dislocated workers.

Formula funds and leveraged resources spent on WIA core and WIA intensive services may not be applied toward the minimum training expenditure requirement. Only resources spent to provide “training services” as defined above to WIA participants may be applied.

**Leveraged Resources**

Local boards and contractors may apply leveraged resources used for training services toward meeting a portion of their minimum training expenditure requirement (an amount of up to 10 percent of their adult and dislocated worker formula fund allocation). Local boards and contractors may apply only the following leveraged funds as part of the 10 percent credit:

- Federal Pell Grants established under Title IV of the Higher Education Act of 1965
- Public programs authorized by the Workforce Investment Act of 1998 (e.g., Job Corps, Migrant Seasonal Farm Worker, Rapid Response, WIA Title II Adult Education and Literacy, national and state WIA discretionary grants, etc.)
- Trade adjustment assistance
- Department of Labor National Emergency Grants
- Match funds from employers, industry, and industry associations (including the employer paid portion of on-the-job training)
- Match funds from joint labor-management trusts
- Employment training panel grants

**Adult WorkSource Requirements**

Training services are primarily provided through the Adult WorkSource Centers. As such, certain requirements must be imposed upon the centers to ensure the local area meets its goals for training expenditures. Specifically, Adult WorkSource Centers must expend an amount equal to or greater than 32 percent of their adult and dislocated worker WIA formula fund allocations on workforce training services as defined in this policy. A portion of the minimum training expenditure requirement (an amount of up to 10 percent of the adult and dislocated worker formula fund allocation) may be met by applying designated leveraged resources (as defined in this policy) used for training services. Only the training services included in the State’s requirements will be counted towards each Adult WorkSource Center’s goal. It should be noted that the State does not include supportive services as a training expense for this requirement.

(Adopted PY 12-13)
Workforce Investment Board (WIB) Self-Sufficiency Policy

Background
Adults and dislocated workers who are employed, have received at least one core service, and are determined by a One-Stop operator to be in need of intensive services to obtain or retain employment that leads to self-sufficiency, as described below, may receive such services (20CFR Part 652, 663.220). A determination that an employed adult or dislocated worker is in need of intensive services to obtain or retain employment that allows for self-sufficiency serves as a “limiter” in determining service eligibility for such employed workers, which helps ensure that intensive services are provided to those employed adults or dislocated workers most-in-need of such services, such as individuals employed in low skill/low wage jobs and dislocated workers who may be working but who have not achieved the wage replacement rate for self-sufficiency. (20CFR Part 652, Preamble)

Training services may be made available to employed adults and dislocated workers who have met the eligibility requirements above for intensive services, have received at least one intensive service, and have been determined to be unable to obtain or retain employment that leads to self-sufficiency through such services. (20CFR Part 652, 663.310).

Since there are different local conditions that should be considered in the determination of self-sufficiency levels, the federal regulations provide maximum flexibility to states and local areas, requiring only that self-sufficiency means employment that pays at least the lower living standard income level (LLSIL).

Establishing Self-Sufficiency Income Bases
In previous years, the WIB had set its self-sufficiency income bases (SSIB) at different levels for adults versus dislocated workers, and employed a formula that included the Federal Poverty Line. This method had been found not to be an accurate measure of working families’ actual income needs.

Starting in Program Year 2005-2006 the WIB had set the SSIB at the same levels for adults and dislocated workers and had employed the SSIB set forth in the Self-Sufficiency Standard for Los Angeles County, CA 2003 by Dr. Diana Pearce, University of Washington, Wider Opportunities for Women and the National Economic Development and Law Center. The data provided by the above report was extensive, but unwieldy; providing some 156 different self-sufficient wages based on various family sizes and children’s ages.

Beginning July 1, 2011, the SSIB has been based on the “Basic Family Wage” income levels for Los Angeles County enumerated in the report from the California Budget Project, Making Ends Meet: How Much Does It Cost to Raise a Family in California. This report estimates typical costs of housing and utilities, child care, transportation, food, health coverage, payroll and income taxes, and miscellaneous expenses for four hypothetical families: a single adult, a single working parent with children, a two parent family with children and one working parent, and two working parents with children.
As of December 2013 the Basic Family Wage levels for Los Angeles County were:

<table>
<thead>
<tr>
<th></th>
<th>Monthly</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Adult</td>
<td>$2,737</td>
<td>$32,844</td>
</tr>
<tr>
<td>Single Parent Family</td>
<td>$6,462</td>
<td>$77,546</td>
</tr>
<tr>
<td>Two Parent Family (One Working)</td>
<td>$5,198</td>
<td>$62,382</td>
</tr>
<tr>
<td>Two Working Parent Family (combined income)</td>
<td>$6,963</td>
<td>$83,561</td>
</tr>
</tbody>
</table>

By limiting the SSIB to four scenarios, the eligibility determination process is simplified, providing better customer service to employed customers.

**Distribution of Self-Sufficiency Income Bases**

Updates to the self-sufficiency income bases for the City of Los Angeles WorkSource System will be distributed via Directive.
Certification Policy & Procedures

Introduction
Certification of WorkSource and YouthSource general contractors (henceforth known as contractors) by the Workforce Investment Board (WIB) requires they be successful in meeting annual contract performance goals. Contractors shall also incorporate Malcolm Baldrige National Quality Award Criteria into their management practices to ensure success in the certification process.

Certification Guidelines

1. Contractors shall be certified by the WIB, on an annual basis, through a formal performance evaluation.

2. The WIB shall not fund any organization as a contractor that is not certified.

3. If a contractor has its certification revoked, their agreement with the City will be allowed to expire at the end of the program year (typically June 30), unless extenuating circumstances, as identified by the Department, support an earlier termination date. The intent of this guideline is to allow for the uninterrupted provision of services to customers that are actively participating in the program.

4. Extenuating circumstances that could result in the immediate termination of an agreement may include, but are not limited to, poor performance or confirmed organizational findings of fraud and abuse.

5. In the event a contractor fails to meet certification standards, Department staff shall prepare a report to the WIB regarding the impact of contract termination on the community, together with recommendations to either terminate services or identify a replacement center operator.

6. A contractor may appeal the denial of certification. An Appeals Board shall be established in accordance with the Workforce Investment Board-Local Elected Official (WIB-LEO) agreement to hear such appeals.

7. The Department shall present certification recommendations to the WIB Policy and Oversight and Executive Committees, prior to convening an appeals hearing.

8. Replacement center operators shall be selected from a list of qualified organizations identified through a formal bid process or Department staff may assume center operations.

9. A de-funded contractor will be removed from any existing list of qualified replacement center operators and may only be reinstated through a future competitive bid process.

Performance Evaluation (SOFA III)

1. Frequency - Evaluations will be conducted annually at the completion of the program year, evaluating results for the entire twelve months. Additionally, a Six Month progress report will be prepared.
2. Evaluation Categories – Contractors will be evaluated in four categories:
   - Satisfaction
   - Outcomes (Products and Services)
   - Flow (Customers Served)
   - Administrative Capability (Financial, Human Resources & Organizational Effectiveness)

3. Success Rates – Success rates for performance measures compare actual performance with performance goals. Generally, success rates are expressed as a percentage and are computed by dividing actual performance by the performance goal. In the past, success rates have been used to determine contractor performance for all measures except Customer Satisfaction measures and the Administrative Capability measure (for these measures a certain minimum score—a STAR level—was used to determine whether a Star could be earned.) The Department shall develop a methodology to compute success rates for the Customer Satisfaction and Administrative Capability measures.

4. Award Levels:
   - **Qualified Center**: Minimum levels of performance shall be established for all measures within the Performance Evaluation. A contractor whose performance meets or exceeds these minimums for all measures shall be deemed a Qualified Contractor.
   - **Star Performer**: Provided all of a contractor’s success rates within the performance evaluation are at minimum 90% of goal, a contractor whose average success rate for all measures within the performance evaluation meets or exceeds a certain level shall be deemed a Star Performer.
   - **Best in Category**: A contractor with the highest overall success rate for any of the four evaluation categories shall be recognized as follows (separate awards for adult and youth contractors):
     - Best in Customer Satisfaction
     - Best in Exceeding Customer Outcome Goals
     - Best in Exceeding Number of Customers Served Goals (Flow)
     - Best in Administrative Capability

5. Evaluation Results
   The Star level(s) of performance shall be established to recognize exceptional performance. Evaluation results and certification recommendations will be compiled by the Department and presented to the appropriate WIB Committee(s) following the end of the program year.

6. Recognition of Performance
   - Certificates of Recognition – Qualified Contractors shall receive an annual certificate designating them a Qualified City of Los Angeles WorkSource
or YouthSource Center.

- Star Performers and Best in Category performers will be formally recognized.²

- Incentive Awards - Star Performers may be eligible for incentive awards. An incentive award fund will be established by the WIB through the Annual Plan, contingent upon fund availability.

- Contractors not meeting the Additional Requirement for Certification below will not be eligible for incentives.

7. Corrective Action – A Contractor not deemed a Qualified Contractor shall provide a corrective action plan.

8. Revocation of Certification – A Contractor that fails to earn the Qualified Contractor designation for two consecutive annual evaluations or does not meet the Additional Requirement for Certification for two consecutive years may have its certification revoked.

² If multiple Star Levels are established, formal recognition and incentive awards may be restricted to the highest Star Level.
### Performance Measures - Measures include, but are not limited to:

#### 1. Satisfaction

<table>
<thead>
<tr>
<th>Measure</th>
<th>WorkSource</th>
<th>YouthSource</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Customer Satisfaction (intercept/telephone)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Exiter Satisfaction (telephone)</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

#### 2. Outcomes (Products & Services)

<table>
<thead>
<tr>
<th>Measure</th>
<th>WorkSource</th>
<th>YouthSource</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Entered/Placed into Employment/Education</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Average Earnings/Average Wage at Placement</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Retention</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>d. Attainment of a High School or College Diploma, GED, or Certificate</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>e. Literacy &amp; Numeracy Gains</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

#### 3. Flow (Customers Served)

<table>
<thead>
<tr>
<th>Measure</th>
<th>WorkSource</th>
<th>YouthSource</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Number of Unduplicated Universal Access Customers Served</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>b. Number of Enrolled and/or Exited Customers (including Hard to Serve Adults for WorkSource)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>c. Percentage of Out-of-School Youth Served</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d. Number of Employer Customers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e. Total number of youth entering the YouthSource Center</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>f. Total number of youth receiving educational assessments from the PSA Counselor</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>g. As implemented by the LAUSD PSA Counselors, a system goal for the number of out-of-school youth meeting with PSA Counselors who return to school</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

#### 4. Administrative Capability/Annual Plan Priorities

<table>
<thead>
<tr>
<th>Measure</th>
<th>WorkSource</th>
<th>YouthSource</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Assessment of contractor administrative practices related to work performance, timeliness, fiscal, communication, human resources and ethics</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>b. Expenditure of a minimum 32% of funding on training (may include up to an amount equal to 10% of funding in approved leveraged resources)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>c. Minimum number of enrollments by December 31 (WorkSource: New Enrollments, YouthSource: Total Enrollments)</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

#### 5. Additional Requirement

| Contractor incorporation of Malcolm Baldrige National Quality Award criteria into their management practices | X | X |

This additional requirement within the Certification Policy is to ensure a focus on
strategic planning, goals, and providing quality service.

STARS are not awarded for contractor performance in this category. Rather, contractors are required to achieve a California Awards for Performance Excellence (CAPE) award from the California Council for Excellence. A deadline for WorkSource and YouthSource contractors to submit a CAPE application will be issued using a schedule and award threshold as defined through WIA Directive. New CAPE applicants must submit a Prospector application, while prior Prospector award recipients must submit an Eureka application.

Contractors not receiving the required CAPE award will be placed on probation and must achieve said award by the end of the following program year.
Customized Training Policy

Background

The Workforce Investment Act identifies Customized Training as an allowable training activity that is designed to meet the special requirements of an employer, group of employers, or industry group with a commitment by the employer to employ, or in the case of incumbent workers, continue to employ, an individual after successful completion of training; and for which the employer pays for not less than 50 percent of the cost of training.²

Evaluation

Certified WorkSource Center contractors or Sector Intermediary Organizations may submit proposals. Evaluation for Customized Trainings will be determined by the Community Development Department and will be evaluated based on the criteria outlined in the Sector Initiative Policy.

Policy

To be considered for customized training, proposals should include the following:

- Identify employer or industry group and obtain a written commitment by the participating employer(s) to hire a minimum of 80% of those participants that successfully complete the training.
- Include Vocational English as a Second Language (VESL) component, when appropriate.
- Include both a classroom and worksite training component (classroom training does not have to appear on the State ETPL).
- Include subsidies and/or needs based payments for time spent in classroom training.
- Be in a demand occupation and within a target training sector defined and/or allowed by the Workforce Investment Board (WIB), and identify a career ladder.
- Result in a wage at placement that meets or exceeds the City’s Self-Sufficiency Standard and which includes medical benefits.
- Result in the attainment of an industry recognized certificate.
- Identify Placement and Retention Rates and Average Earnings (2nd & 3rd quarters after exit) that will assist the City in meeting its Department of Labor performance standards.
- Include a detailed line-item budget that identifies a minimum 50 percent cash match or in-kind contribution by the participating employer(s) or industry group³.
- Demonstrate a regional approach by detailing the participation of other WorkSource Centers and their job seekers.

²The 50% employer contribution requirement for training costs may be modified in alignment with current State waivers found at: www.edd.ca.gov.

³(Adopted PY 11-12)
Guidelines for the Procurement of Services for EWDD

Introduction
The purpose of these procedures is to ensure that all Economic and Workforce Development Department (EWDD) administered program services are procured in accordance with established federal, state, and local guidelines, and that all procurement is conducted in an ethical, legal, consistent, and timely manner. These procedures shall serve as guidelines both for EWDD and for EWDD-funded contractors.

Procurement provides EWDD with the mechanism to identify organizations that have the integrity, business ethics, financial, personnel and physical plant resources, demonstrated ability and the overall potential ability to deliver the services solicited by EWDD in a timely manner and at a reasonable price.

Management of Procurement
Procurement shall be managed by EWDD’s Strategic Planning and Research (SPR) staff. If procurement is conducted by other staff in EWDD, documents that are identified in the “Maintenance of Records” section of these Guidelines shall be submitted to SPR to be maintained in the Procurement Central Files.

Authority to Procure
City Council and Mayor approvals are required to conduct any procurement (with the exception of transactions of less than $25,000 for which the EWDD General Manager has the authority to execute, and Workforce Investment Act (WIA) transactions of less than $250,000 for which only Workforce Investment Board (WIB) approval is required.)

A request to the City Council and the Mayor for approval to conduct procurement shall be prepared in the form of a Committee Transmittal Report.

The draft procurement document shall not be included with the transmittal.

Method of Procurement
Within the context of open competition, there are four methods by which agencies may procure goods and services (small purchase, sealed bids, competitive proposals, and non-competitive proposals). For a transaction of less than $50,000, the small purchase method may be used. However, the sealed bid and competitive proposal may also be selected. For transactions of $50,000 or more, the sealed bid or competitive proposal must be used.

1. Small Purchase Procurement – This method shall be used for the purchase of goods or services up to $49,999:

   Anticipated Price    Required Action
   $1 to $9,999          Two documented quotations
   $10,000 to $49,999    Three or more written quotations

   Quotations must be solicited from vendors that can reasonably be expected to
provide the goods or services needed. Such quotations should include vendor contact information, and a description of the goods or services being offered.

For small purchases between $1 and $9,999, two or more documented quotes must be obtained. A memorandum to file, signed by EWDD staff, that identifies the quotations by date, source, quantity, time of performance, and all other requirements of the goods and/or services sought shall serve as sufficient documentation.

For small purchases between $10,000 and $49,999, a Request for Quote (RFQ) must be used. The RFQ shall be provided in writing (including fax or e-mail) to the vendors and should specify the quantity, time frames, and all the requirements of the product or services being sought. Three or more written quotes must be obtained with this method. All responses shall be in writing. A memorandum to file that identifies the selection process, the written solicitation, and all written responses shall serve as sufficient documentation.

For all quotations, the lowest price estimate shall serve as the primary criteria for selection. If the selected proposers did not offer the lowest price, justification must be incorporated into the memorandum to file documenting the criteria for selection and the relevance of the criteria to the need and benefit.

Proper documentation for a small purchase includes:

- The reason for selecting the small purchase method.
- An estimate of the potential purchase price.
- A description of the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision. A copy of the RFQ would suffice.
- All providers contacted/considered and the prices offered using current catalogs, price lists, prior sales receipts, or formal quotes depending on the amount of the purchase.
- Why the provider was selected, including how the provider met any additional criteria, and the price analysis.
- Copy of the purchase document (sales receipt, contract).

2. Sealed Bids – This method shall be used when the nature of the good or service to be purchased will be more than $50,000 and can be precisely defined. Sealed bids shall be solicited publicly for a fixed-price contract through an Invitation for Bids (IFB). The IFB will be publicly solicited or advertised through newspapers, local advertising and trade papers. The IFB defines the quantity, timeframes, and product requirements. Vendors are notified of the purchase requirements and submit a sealed bid to a specified location by a specified date and time. The bids are then opened at a specific date and time. A diligent effort should be made to secure at least three competitive bids. The responsible bidder (a bidder that can meet the technical requirements of the procurements), that submits the lowest bid is usually
awarded the contract. Any bidder that falls outside of the parameters will normally have their bid rejected. Award of a firm fixed-price or fixed unit price contract by written notice is sent to the lowest responsible bidder. If only one bid is obtained and that bidder is deemed to be responsible, then the noncompetitive or sole source process may be used. Contract offers shall be made to the most responsible bidder whose bid conforms to all of the material terms and conditions of the IFB and is the lowest price.

Proper documentation for a sealed bid purchase includes:

- The reason for selecting the sealed bid method.
- An estimate of the potential purchase price.
- A copy of the IFB.
- Bids received.
- Determination of the responsibility of the bidder.
- Why the provider was selected.
- Copy of the award document.

IFB versus RFP

The IFB is used when there is a clear understanding of the project requirements, scope of work and technical specifications. The RFP is used in cases where the specific requirements and technical specifications of a project are of a functional nature or unclear. The RFP then provides a guideline for potential offers’ to use in preparing a bid/proposal.

3. Competitive Proposals – This method shall be used when the nature of the goods or services to be acquired cannot be defined as required by the sealed bid method; and specifically, when factors other than price are important in the selection decision; however procurements must be in excess of $50,000. Competitive Proposals shall be managed through a Request for Proposals (RFP) process with the objective to offer a fixed-price or cost-reimbursement type of contract.

4. The RFP must indicate the scope of work, the method for scoring the proposals, the deadline for receipt of proposals and the dispute process. A public notification of the RFP is normally given through an announcement in a local newspaper that covers the entire service area. A copy of the RFP is sent to anyone who requests it and to any prior bidders. A bidders’ conference is usually held to allow interested parties to have any questions answered. Bidders’ conferences also allow attendees to receive the same information. Bidders are required to submit their proposals to a specified location by a specified date and time. Each RFP is reviewed and evaluated as to the merits of the proposal. This review includes a cost analysis. There should be a documented methodology for technical evaluation of each proposal. The review committee then makes a final recommendation as to which proposal(s) best meets the stated requirements. Careful documentation of the successful bidder selection should be maintained for reference. A public notice of intent
to award is issued, and followed by the award, and the execution of the contract. If only one proposal is obtained and that proposal is deemed to be responsible, then the noncompetitive or sole source process may be used. This method is the most commonly used by EWDD.

Proper documentation for a competitive proposal purchase includes:

- The reason for selecting the competitive proposal method.
- An estimate of the potential purchase price.
- A copy of the RFP.
- Bidders’ conference questions and answers.
- Bids received.
- The scoring criteria and the evaluation/scoring sheets for each proposal, including determination of the responsibility of the bidder and the cost analysis.
- Why the provider was selected.
- The public notice of intent to award.
- Copy of the award document.

5. Non-Competitive Proposals (sole source) – This method of procurement may be used only when the award of a contract is not feasible under Small Purchase Procedures, Sealed Bids or Competitive Proposals, and one of the following circumstances applies:

a. The goods and/or services are available only from a single source; or

b. The public exigency or emergency need for the goods and/or services is too immediate to undergo the competitive solicitation process, and the procurement is for a limited time only; or

c. The awarding agency (e.g., State of California, U.S. Department of Housing and Urban Development, U.S. Department of Labor) authorizes the specific non-competitive procurement (upon a formal request for approval); or

d. After the solicitation from a number of sources, the competition is determined inadequate.

This method of procurement requires written justification for provider selection, a cost analysis and City Attorney approval. All of which must be carefully documented and maintained.

Proper documentation for a sole source purchase includes:

- The reason for selecting the sole source method, including why the procurement was infeasible under one of the other procurement methods and which of the additional sole source conditions the procurement met.
- An estimate of the potential purchase price.
• A copy of the RFQ/IFB/RFP.
• A determination of the responsibility of the bidder and the cost analysis.
• Why the provider was selected.
• Copy of the award document.

To the greatest extent possible, this method of procurement shall be avoided.

6. Piggyback Method – This method of procurement may be used when an organization has been procured by another federal, state, local agency, or City department within the past two years and EWDD seeks to contract with that organization for comparable services. In this instance, EWDD shall secure and retain copies of the other agency’s procurement document, a detailed summary of the procurement process, elected official approval of the procurement process and selection. EWDD shall prepare written justification for such action and secure City Attorney approval.

EWDD may authorize a funded contractor to use a vendor that has been procured by the City without requiring a further procurement process.

7. Request for Qualifications – This method of procurement may be used when EWDD is seeking to establish a list of qualified organizations that provide highly specialized or technical services. Examples include grant writers or trainers. By establishing the list of qualified organizations, EWDD or its contractors may select to contract with one (1) or more of the organizations on an “as needed” basis.

Cost Analysis versus Price Analysis

A cost or price analysis must be performed with the method and degree of analysis dependent on the facts surrounding the particular procurement situation. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability.

As a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of their estimated cost (e.g. under professional, consulting, and architectural engineering services contracts). A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders. A cost analysis may not be necessary if one can establish price reasonableness on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other circumstances to determine the reasonableness of the proposed contract price. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts.

Competition

To the greatest extent possible, procurement shall be conducted in a manner that provides full and open competition. The following are examples of requirements that are restrictive of competition and must be avoided:
1. Placing unreasonable requirements on firms or organizations as conditions to qualify to do business.
2. Requiring unnecessary experience or excessive bonding.
3. Imposing non-competitive pricing practices between firms or organizations, or between affiliated companies or organizations.
4. Granting non-competitive awards to consultants that are on retainer contracts.
5. Organizational conflicts of interest.
6. Specifying only "brand name" products.
7. Imposing overly restrictive specifications.
8. Imposing any arbitrary action in the procurement process.

**Procurement Cycle**

Funding of an organization through any one (1) of the procurement methods shall be for a period of three (3) years, with an option to renew for up to two additional years.

**Development and Release of Procurement Document**

SPR shall designate a Procurement Coordinator for each procurement process. It shall be the responsibility of the Procurement Coordinator to ensure compliance with the procedures set forth herein, and to ensure that all procurement is conducted in a confidential manner.

1. A written justification shall be prepared for the file that justifies the procurement method to be utilized.
2. A determination shall be made and concurred with by the City Administrative Officer (CAO) and the Personnel Department that the services to be procured cannot be performed by City staff, in accordance with Charter Section 1022.
3. The Procurement Coordinator shall ensure that no conflict of interest exists for any individual, firm, or organization participating in the procurement process.
4. Guiding principles and a procurement schedule shall be presented to the appropriate Commission or Board for comment. Comment provided by the Community Action Board (CAB) where the Community Service Block Grant (CSBG) is the source of funds, or the Commission for Community and Family Services (CCFS) where the Community Development Block Grant (CDBG) is the source of funds is advisory only.
5. EWDD shall prepare estimates of the cost of services to be procured. This shall include, but not be limited to, conducting a survey of the cost of comparable services, and preparing a budget with an accompanying narrative that reflects EWDD’s best estimate of the cost of services to be procured.
6. Clear evaluation criteria and a standard proposal evaluation instrument shall be developed. At a minimum, all proposals shall be evaluated for Demonstrated Ability requiring two years of experience in providing comparable services to those solicited, Program Design, and Cost
Reasonableness.

7. The criteria for Demonstrated Ability shall neither favor nor discriminate against existing City contractors or entities that have not contracted with the City.

8. Develop a worksheet or checklist for determining the eligibility and responsiveness of each proposal.

9. Identify all expected outcomes and the database by which all planned participant activity and outcomes shall be documented and from which reports shall be generated.

10. EWDD shall make every effort to create a procurement document that can be completed and submitted electronically.

11. Submit the procurement document to the City Attorney for review and approval as to form and legality.

12. Brief the EWDD General Manager on the procurement document and associated schedule at the regularly scheduled department transmittal meeting.

13. Work with the EWDD Information and Technology Division to issue public notification through an announcement in a local public medium, the EWDD webpage, the City’s Early Notification System, LA Business Assistance Virtual Network (BAVN), and other customary and reasonable means of notifying the public, advising of the release of the procurement document.

14. Email addresses of all parties that have downloaded the procurement document shall be retained and incorporated into a department services provider database maintained by SPR.

15. EWDD may request a Letter of Intent to Propose from potential proposers.

16. Advise all EWDD staff of the release of the procurement document together with instructions that staff is prohibited from assisting any proposer in the preparation of a proposal; from discussing the process and/or the merits of any potential proposer with any third party; and to forward any unattended procurement documents left in common areas to the Procurement Coordinator.

17. All procurement documents shall remain open for a minimum of four (4) weeks and for no longer than eight (8) weeks from the date of release.

18. Any modifications and amendments to a procurement process must be publically noticed and incorporated into the procurement document through a formal addendum.

19. A minimum of one (1) technical assistance session shall be conducted per procurement. The date, time and location of the technical assistance session shall be included in the procurement document.
20. All technical assistance questions from potential proposers shall be posed either at the technical assistance session or through e-mail communication, and all responses provided by EWDD shall be shared with all potential proposers.

Acceptance of Proposals

1. One (1) week prior to the deadline for submission, all EWDD staff shall be advised of the proposal deadline and instructed to direct any proposers, attempting to submit proposals, immediately to the EWDD Front Desk staff (on the Sixth Floor) for formal receipt and to be date and time stamped.

2. Beginning one (1) hour prior to the deadline for the submission of proposals, as set forth in the procurement document, SPR staff shall be stationed in the First Floor Lobby of the Garland Building to receive proposals. Such proposals shall immediately be stamped with the date and time of the receipt of each proposal.

3. Following the deadline for proposal submission, the Front Desk staff shall immediately deliver all date and time stamped proposals to the SPR Assistant General Manager or designated Procurement Coordinator.

4. Proposals not received by the deadline, as set forth in the procurement document, shall not be accepted.

Review of Proposals

1. The Procurement Coordinator shall coordinate the review and evaluation of proposals, and assign staff responsibilities.

2. SPR staff shall prepare and maintain a log that identifies all proposers, funds requested, collaborators, services to be provided, area to be served, number of individuals to be served, proposed outcomes, and any other elements of the proposal that shall serve as the executive summary of all proposals received.

3. SPR staff shall conduct an eligibility and responsiveness review to determine if each proposer is eligible to apply, including whether the proposer has been debarred by the State of California and whether all sections of the proposal have been completed as identified on the proposal checklist.

4. SPR staff shall ensure that each proposer has complied with the City’s BAVN and Business Inclusion Program (BIP) requirements.

5. SPR staff shall review the documentation that all subcontractors identified in a proposal have been competitively procured by the proposer prior to submission of the proposal.

6. SPR staff shall be responsible for the review and evaluation of the non-narrative sections of the “Demonstrated Ability” and “Cost Reasonableness” categories of the proposals, and for the coordination of training sessions for all reviewers.

7. To the greatest extent possible, the review and evaluation of all narrative sections of proposals shall be conducted by individuals, outside and independent of EWDD, who are experts in the subject matter of the
procurement. All reviewers must be briefed on and agree to the Conflict of Interest requirements described in the Code of Conduct section of this policy.

8. Formal training sessions shall be conducted for all individuals who are to review proposals by the Procurement Coordinator in consultation with the City Attorney. Training materials shall include the procurement document, the evaluation instrument, and the conflict of interest declaration.

9. Reviewers shall be allowed up to two (2) weeks in which to review proposals assigned to them.

10. Review teams shall be comprised of at least two (2) reviewers with each to score proposals independent of one another.

11. Reviewers shall provide written comments that support their scores in each scoring category.

12. Each review team shall be assigned to review and evaluate multiple proposals that focus on specific communities, populations, or services. For example, a team would be assigned to review proposals submitted to serve the East Region while another team would review proposals submitted to serve the North Valley Region.

13. Consensus meetings for the review and evaluation of proposals shall be convened and facilitated by EWDD staff.

14. EWDD staff shall review all scores provided by the outside independent reviewers to ensure that there is consistency in the review of proposals and that consensus has truly been reached by the reviewers.

15. Copies of individual reviewer sheets shall be considered working documents.

16. The names of proposal reviewers shall be confidential as a means to protect reviewers from outside influence or retaliation in their review and evaluation of proposals. Under no circumstances are the names of proposal reviewers to be shared with the general public. EWDD is ultimately responsible for the final results.

17. To the greatest extent possible, and for existing EWDD contractors only, Demonstrated Ability shall be evaluated on the basis of past performance, as documented in records on file with EWDD.

18. To promote open competition, a performance exhibit shall be included in every procurement that allows non-City contractors to self-certify their Demonstrated Ability on performance measures that mirror those against which City contractors are evaluated. The self-certification shall include contact information of third parties that can verify the self-certified performance.

19. To the greatest extent possible, Cost Reasonableness shall be an objective, quantitative evaluation.

20. All proposed costs shall also be reviewed to determine that they are allowable, allocable and necessary in keeping with federal program procurement guidelines.
21. In conjunction of the Cost Reasonableness evaluation, reviewers shall conduct an analysis of the proposed contract price. This analysis shall include a comparison of each proposed contract price to: 1) all other proposals received; 2) current contract prices; 3) published market prices; 4) to EWDD’s own cost estimate; and 5) various metrics such as the cost per individual served.

22. Proposed costs that cannot be accurately determined, as a result of errors and/or omissions in preparation of the proposed budget, shall not be considered reasonable and shall not be scored.

23. All proposed indirect costs shall be supported by a letter from the cognizant federal agency.

24. All proposed profit must be reviewed to determine that it is in accordance with Directives that are current for the proposed contract period.

25. To maintain the integrity of the process, a minimum of two (2) staff members shall review sections of proposals that cannot be reviewed by outside reviewers.

26. In the event that the EWDD Operations (OPS) notifies SPR of its intent to respond to a procurement issued by SPR, a clearly defined boundary must be established between SPR as the administrator of the procurement and OPS as the proposer.

The following actions shall be taken:

   a. The EWDD General Manager and the Assistant General Managers of Workforce Development and Finance and Administrative Services shall be notified in writing of such intent;

   b. OPS staff shall be prohibited from participating, discussing, or inquiring of SPR staff in any way, regarding the development, review, and/or scoring of such proposal, with the exception of any publicly-held meeting of which the procurement and proposal are the subject; and

   c. SPR staff and OPS staff, including the respective Assistant General Managers, are prohibited from engaging in any discussions regarding the procurement until the procurement review has been concluded and the scores have been formally released to the proposers and to the CCFS, CAB and/or the WIB.

27. In the event that a City Department notifies SPR of its intent to respond to a procurement issued by SPR, a clearly defined boundary must be established between PRE as the administrator of the procurement and the City Department as the proposer.

The following actions shall be taken:

   a. The EWDD General Manager and the Assistant General Managers of Workforce Development and Finance and Administrative Services shall be notified in writing of such intent;

   b. City Department staff shall be prohibited from participating, discussing, or
inquiring of SPR staff in any way, regarding the development, review, and/or scoring of such proposal, with the exception of any publicly-held meeting of which the procurement and proposal are the subject.

c. SPR staff and City Department staff, including the respective Assistant General Managers, are prohibited from engaging in any discussions regarding the procurement until the procurement review has been concluded and the scores have been formally released to the proposers and to the CCFS, CAB and/or the WIB.

28. To be considered for funding, a proposal must receive a score of at least 70 points. However, a score of 70 points, or more, shall not be a guarantee of funding. In addition, a high score does not necessarily guarantee funding.

29. EWDD shall reserve the right to determine that a procurement process has failed. The basis for failure may include: a lack of sufficient responses; and/or a lack of responses that meet the requirements of the procurement document.

30. In the event that EWDD determines that procurement has failed, EWDD shall notify all proposers of such determination in writing.

Release of Results and Funding Recommendations
1. All proposers shall be notified in writing signed by the Assistant General Manager of Workforce Development of the outcome of the procurement.

2. Funding Recommendation Letters shall include: 1) the score awarded; 2) the amount of funds being recommended to the proposer; 3) the right to appeal the procurement process, and 4) a caveat that the recommendations remain subject to approval by the appropriate Commission or Board, City Council and Mayor, and are contingent upon the availability of funds.

3. The results of the procurement may be concurrently released to the appropriate Commission or Board.

Presentation of Scores and Funding Recommendations to Board
1. SPR shall present the results of the procurement, including the scoring, to the appropriate committee on the WIB in a Funding Recommendation Report addressed to the relevant Board president.

2. A Funding Recommendation Report shall be prepared and submitted to the Executive Committee of the WIB for its consideration. The Funding Recommendation Report shall provide:
   a. the summary of the facts pertaining to the procurement;
   b. the purpose of the procurement;
   c. when the procurement was conducted;
   d. the number of proposals received;
   e. the method of evaluating the proposals;
   f. the meetings conducted with proposers; and
g. The results of any Appeals Hearing(s).

3. The results of the procurement may be concurrently released to the proposers.

4. The relevant committee shall meet within a reasonable time following conclusion of the review process, and consider EWDD's recommendations.

Appeals Procedures

1. Appeals shall be limited to issues arising from the procurement process.

2. All proposers shall be advised of their right to appeal the procurement process.

3. For all WIA-funded procurements, the Appeals Board shall be established in accordance with the WIB/LEO (Local Elected Official) agreement.

4. For all CDBG-funded procurements, the Appeals Board shall be comprised of three (3) to five (5) members of the CCFS appointed by the CCFS Chair.

5. For all CSBG-funded procurements, the Appeals Board shall be comprised of three (3) to five (5) members of the CAB appointed by the CAB Chair.

6. For all jointly-funded procurements, the Appeals Board shall be comprised of a minimum of two (2) commissioners or board members from each body, as appointed by each Chair.

7. All Appeals Board members shall be provided with a copy of the procurement document, a copy of this document (Procurement Guidelines), a summary of facts regarding the specific procurement that includes a written summary of the procurement process, and each written appeal together with a departmental response.

8. In the Appeals Hearing, appellants shall have five (5) minutes to make their oral presentation that shall be followed by a question and answer period not to exceed fifteen (15) minutes at the discretion of the Board.

9. At the conclusion of the Appeals Hearing, the Board shall take one (1) of the following actions:
   a. Uphold the score awarded by EWDD; or
   b. Sustain the appeal and remand the proposal to EWDD with direction.

10. For WIA funded programs, the Appeal’s Board decision shall be considered final.

11. For CDBG and CSBG programs, the Appeal’s Board decision is subject to City Council and Mayoral approval.

12. The results of the Appeals Hearing shall be compiled into a report and submitted to the executive committee of the appropriate commission or board.

Approval of Funding Recommendations by Commission and/or Board

1. Upon approval of the funding recommendations by the Executive Committee of the appropriate Commission or Board, EWDD shall prepare a Council Committee transmittal that outlines the procurement process and results.
2. In accordance with EWDD policy, all transmittals shall be executed by EWDD executive staff and the General Manager at the regularly scheduled transmittal meeting.

3. Transmittals that pertain to the use of WIA funds shall be jointly addressed to the Mayor and City Council and signed by both the EWDD General Manager and the WIB Chair.

4. EWDD’s Contracts Section shall be provided a copy of the transmittal so that they can immediately identify the appropriate contract boiler plate to be used and assign temporary contract numbers.

5. Upon release of the Committee transmittal, SPR shall convene a meeting with EWDD OPS staff to determine how participant activity will be reported by contractors and tracked; how contractor performance is to be evaluated; and whether the SOFA Annual Evaluation Model shall be applied to the proposed contractor agreements.

6. At this meeting SPR shall also present to OPS a draft “Offer Sheet” to be issued to successful proposers. The Offer Sheet contains a summary of the services to be provided, the cost of such services, performance goals and the term of the agreement.

7. PRE shall also advise OPS of any elements of a proposal that are in need of negotiation.

8. PRE and OPS shall agree upon the content of the Offer Sheet prior to its release.

9. No proposer shall be recommended for funding if the State of California or the City of Los Angeles has established that there is a debt against a proposer that has not been repaid, or for which a repayment agreement has not been executed.

10. No proposer shall be recommended for funding that has been debarred, suspended or otherwise excluded from participation in federal assistance programs. All contracts shall include a self-certification by the contractor that it is not a debarred party. The federal government compiles a list of debarred parties. The federal list is published by the General Services Administration (GSA); and a copy of such information may be obtained by reviewing an online list of excluded parties at the Excluded Parties List System (EPLS) website (www.epls.gov).

11. Notwithstanding a designation of being “high risk,” a proposer may be recommended for funding where there is documentation of the proposer’s demonstrated ability to perform under the agreement.

12. High Risk is defined as having a demonstrated history of unsatisfactory performance, financially instability, poor administrative practices, or failure to comply with the terms and conditions of previously awarded agreements.

13. In the event a high-risk proposer is recommended for funding, special conditions shall be imposed and set forth in the agreement with the City. Such special conditions shall include:
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a. Compensation to the contractor solely on a cost-reimbursement basis with no opportunity for the receipt of advance payments for services performed.

b. Requiring the contractor to subcontract with a third party to perform those duties and responsibilities that the contractor has a demonstrated inability to perform, or to secure technical assistance.

c. Increased monitoring by the City and/or increased reporting by the contractor.

d. Requiring prior approvals of personnel and other actions.

e. The contractors shall be advised of any special conditions included in the agreement prior to the execution of the agreement with the City, and the reasons for the imposition of such special conditions. The process for requesting the reconsideration or termination of such special conditions shall be set forth in the agreement.

City Council and Mayor Approval

1. Upon approval by the City Council and Mayor of EWDD’s funding recommendations under the procurement, SPR shall notify all proposers in writing of the final results of the procurement.

2. The letter shall include an offer to contract, a.k.a. the Offer Sheet, to the successful proposers.

3. The letter shall include a request that the successful proposer accept, in writing, the terms set forth in the Offer Sheet within five (5) days of receipt. If the successful proposer does not accept the terms, the proposer may request a meeting to negotiate the outstanding terms.

Contract Negotiations and Execution

OPS is responsible for all contract negotiations and contract execution, in accordance with EWDD’s Contracting Procedures.

Maintenance of Records

EWDD shall maintain records documenting each procurement, including:

1. A copy of the procurement document.

2. The rationale for the method of procurement.

3. The cost analysis.

4. The guiding principles for the procurement as approved by the CCFS, CAB or WIB.

5. Research materials, meeting notes and other materials that were part of the development of the procurement.

6. The Committee transmittal and Council Action authorizing the release of the procurement document.

7. The scoring instrument.
8. A description of the scoring methodology.
9. The public notice of release of the procurement.
10. Technical assistance questions and answers.
12. Copies of the letters notifying the proposers of their scores.
13. A copy of the report to the CCFS, CAB or WIB seeking approval of the scores awarded.
14. A copy of the material provided to the Appeals Board.
15. Copies of the letters notifying the proposers of the Appeals Boards’ action(s) and their funding recommendations.
16. A copy of the report to the CCFS, CAB or WIB advising of the Appeals Boards’ actions(s) and requesting approval of the funding recommendations.
17. A copy of the transmittal to the Mayor documenting the procurement process and requesting approval of the proposal results.
18. A copy of the final City Council and Mayor action.
19. Copies of letters with contract Offer Sheets to the proposers notifying them of the City Council and Mayor approved action.

Such records shall be documented and placed in a location that is accessible for monitoring and auditing purposes. While all procurement actions should be electronically filed, at least one (1) hard copy of the above listed procurement documents shall be retained.

Records shall be retained for a minimum of five (5) years following termination of the agreement and after final disposition of pending matters. Pending matters include audits, litigation, and other business associated with the procurement process. EWDD shall consult with the City Attorney prior to the destruction of any records.

Public Records Requests

1. Requests to review scoring instruments, the scores of other proposals, time and date stamp logs, or any other documents that are part of the procurement process must be submitted in writing in accordance with the California Public Records Act.

2. The Communications Group of EWDD shall be notified of this request.

3. EWDD shall seek City Attorney guidance prior to responding to any such requests.

Code of Conduct

No staff of the Economic and Workforce Development Department (EWDD) who works in a decision-making capacity shall engage in any activity, including the participation in the selection, award, or administration of a sub-grant or contract where there is a conflict of interest, either real or perceived. A conflict of interest would arise where the EWDD staff member, any member of that person’s immediate family, domestic partner, or organization that employs, or is about to employ, a member of the staff member’s
immediate family has a financial or other interest in the firm or organization competing for an award under an EWDD procurement.

The term “immediate family” includes those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, son-in-law and daughter-in-law.

The term “financial or other interest” includes:

1. Any direct or indirect financial interest in a specific contract including a commission or fee, a share of the proceeds, the prospect of a promotion or of future employment, a profit, or any other form of financial gain.

2. Any of the following interests in the subcontractor ownership: a partnership interest or other beneficial interest of five (5) percent or more; the ownership of five (5) percent or more of stock; employment in a managerial capacity; or membership on the board of directors or governing body.

No EWDD staff member shall solicit or accept gratuities, favors, or anything of monetary value from proposers, contractors, potential contractors or parties to sub-agreements.

All Strategic Planning and Research section staff members that are assigned to participate in a procurement process shall participate in the City’s bi-annual ethics training.

Request for Proposals Format
The following shall serve as a general guideline for the content of a RFP document.

1. Cover Page – The cover page should identify the funding source, program, issuance date, submission deadline, anticipated term of contracts, submission address, and information on technical assistance.

2. Table of Contents

3. Background – The background shall include a discussion of EWDD as the administrative entity for the RFP, a brief overview of the solicitation and the purpose.

4. RFP Specifications and Information – This section shall include a discussion of the contract term, eligibility requirements, source of funds and funding request amounts, a preliminary schedule, the proposer’s conference, deadline for submission, proposal review process, proposal award, and appeals process.

5. Scope of Work – This section shall include a discussion of the scope of the work solicited.

6. Evaluation Criteria – This section shall include an overview of the major proposal evaluation categories and maximum points possible for award.

7. Proposal Package – This section shall include a description of the narrative responses to be prepared by the proposer, general proposal preparation guidelines, and the Proposal Contents Checklist. The Checklist is a form that identifies all documents that are to be submitted in order for a proposal to be
considered responsive.

8. General RFP Information – This section shall include a discussion of general proposal conditions including but not limited to:
   a. Standard Provisions for City contracts
   b. Costs Incurred by Proposers
   c. Best Offer
   d. Alternatives
   e. Proposal Errors
   f. Waiver of Minor Administrative Irregularities
   g. Optional Materials/Services
   h. Accuracy and Completeness
   i. Withdrawal of Proposals
   j. Addendum
   k. Multiple Proposals
   l. General City Reservations
   m. Pre-Award Negotiations
   n. Contract Negotiations and Execution of Contracts
   o. Standing of Proposer
   p. Contractor Responsibility Ordinance
   q. Proprietary Interests of the City
   r. Equal Benefits Ordinance
   s. Living Wage and Service Contractor Work Retention Ordinance
   t. Slavery Disclosure Ordinance
   u. Americans with Disabilities Act
   v. Child Support Assignment Orders
   w. Assurances
   x. First Source Hiring Ordinance
   y. Contractor Participation in Evaluating Future Proposals

This section shall also include a discussion of documents required to be submitted with the proposal including but not limited to:

   a. Articles of Incorporation and By-Laws
   b. Resolution of Executorial Authority
   c. Bidder Certification City Ethics Commission (CEC) Forms
   d. Certification Regarding American Disabilities Act
e. Business Inclusion Program Outreach
f. Nonprofit Status Documentation from the Internal Revenue Service
g. City Business Tax Registration Certificate
h. Contractor Responsibility Ordinance (CRO) Questionnaire
i. Equal Benefit Ordinance (EBO)
j. Living Wage Ordinance (LWO)
This section shall also include a discussion of contract execution and other contracting requirements including but not limited to:

a. Insurance Certificates
b. Secretary of State Documentation
c. Corporate Documents
d. City Business License Number
e. Proof of IRS Number
f. Certifications
g. Affirmative Action Plan
h. Collaboration
i. Contracting Method/Payment for Services
j. Program Income
k. Contract Cost
l. Records Retention
m. Security Clearance and TB Testing
n. Governing Law
o. Commitment to Carry Out all Contractor Responsibilities.
p. Incorporation of Proposal into Contract
q. Inability to Provide Services
r. Breach of Contract
s. Amendments/Modifications/Change Orders
t. Prime Contractor
u. Subcontractors/Joint Ventures
v. Copies of Subcontractor Agreements
w. Supplier Performance Feedback Meeting
x. Periodic Independent Audit
y. Financial Audit
z. Contractor Evaluation Ordinance
aa. Independent Audit
bb. Conflict of Interest
c. Business Inclusion Program (BIP) Requirements
dd. On-line Document Submission
e. Proposer Signature Declaration
ff. Contractor Evaluation

In drafting a Request for Proposals EWDD staff shall use the most recently released RFP as an exemplar. Given that City contracting requirements are subject to revision, the exemplar is to be reviewed by the City Attorney to ensure that it is current and accurate.
High Demand Industry Sectors Policy

Policy Statement

The goal of this strategy is to develop industry sector expertise within the WorkSource Centers (WSC) in order to fully utilize sector based employment strategies that lead to career pathways for program participants. A sector strategy is a dual customer approach because it meets the needs of employers while taking into consideration the needs of job-seekers. This strategy offers effective ways to create pathways to sustainable careers through job placements linked to post-secondary education and career ladders with opportunities for growth.

The Workforce Investment Board (WIB) identifies and prioritizes several industry sectors regionally in Los Angeles based on economic trends and indicators of growth industries that have the ability to create opportunities to meet the employment needs of businesses to help produce better employment outcomes. These sectors have included: Advanced/Clean Manufacturing, Construction, Financial Services, Green Technology, Healthcare, Hospitality/Entertainment, Logistics, Security, Utilities.

As part of the WSC redesign, individual WSCs are required to formally incorporate the High Demand Industry Occupation strategies adopted by the WIB into the WSC program design. Individual WSCs are required to specialize in a specific sector as approved by the Economic and Workforce Development Department (EWDD). WorkSource Centers specializing in a specific sector are expected to implement program designs that are inclusive of all city residents and businesses representing the specific sector. WSCs will collaborate with regional and system WSCs in the implementation of Sector Strategies.

WorkSource Centers must submit a developed sector strategy that includes formal partnerships with employers and training partners. This strategy should include flow charts illustrating the proposed partnership and demonstrating living wage career pathways for participants.

The WIB may prioritize additional sectors as long as it can be demonstrated through current labor market data that new initiatives meet the criteria for sector initiatives.
On-the-Job Training (OJT) Policy

Definition:
The Workforce Investment Act defines on-the-job training (OJT) as:

Training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs or providing the training and additional supervision related to training; *
- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate, for the agreed upon training period; and

In considering this definition, four key concepts should be noted:

- OJT is a training program;
- The trainee is referred to and hired by an employer;
- Productive work is defined by the employer and performed by the individual; and
- The work and required training are related to knowledge or skills that are essential to performing the job.

Subject to the approval of EWDD oversight, OJT length of training may vary based on the complexity of job, participant barriers to employment, funding allowances, etc. Length of training must be appropriate to the occupation for which the participant is being trained, taking into account the content of the training, prior work experience of the participant, and the service strategy of the participant.**

OJT Participants

An appropriate OJT participant:

- Has received core and intensive services and has been determined to be in need of training services.
- Has received an objective assessment and has completed the Individual Employment Plan (IEP) documents supporting the need for OJT as the best option for obtaining secure employment; and
- Is not already been hired in the same or similar job (except for skills upgrades); and
- Will not work for their previous employer unless the OJT is for the purpose of skills upgrade.

Before developing an IEP for each OJT enrollee, the participating WorkSource center
will work with the participating employer to identify needed, job-specific skills:

**Employer Requirements**

OJT is provided under an agreement with an employer in the public, private non-profit, or private sector. Prescreening will be conducted prior to an agreement to ascertain the employer meets the standards set forth in the OJT Agreement, and the employer can provide both training and long-term employment to the OJT participant.

**Regulations**

OJT will be in compliance with 20 CFR 664.700(c), WIA section 101 (31(c), City WIA Directives 03-15 and 06-14, all applicable state labor laws and city ordinances, including the City’s living wage regulations.

(Revised PY 13-14)

*In alignment with current State waivers, the City may adopt a sliding scale for employer reimbursement based on the size of the employers’ workforce. Special grants, i.e. National Emergency Grants (NEG), non-formula WIA funding, may allow a sliding scale for employer reimbursement based on employer size and/or a participant’s skills gap.

** Special grants, i.e. NEGs (non-formula WIA) may limit OJT training to six months.
Limited English Proficient (LEP) Policy

Background

The Workforce Investment Act (WIA) requires nondiscrimination on the basis of national origin in programs receiving Federal financial assistance. Denial of equal access to federally funded programs and activities based on national origin, including Limited English Proficient (LEP) is strictly prohibited. This policy is pursuant to Section 188 of WIA; Title VI of the Civil Rights Act of 1964; Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency;” the Dymally-Alatorre Bilingual Services Act; and the U.S. Department of Labor (DOL) Training and Employment Guidance Letter 26-02.

Purpose/Definition

This policy provides guidance and sets standards for the City of Los Angeles Workforce Development System and other agencies serving LEP individuals to ensure meaningful and timely access to WIA-funded programs and services.

For this purpose, no one will be denied access to information, services, or resources throughout the Workforce Development System because of their limited proficiency in the English language, or be subjected to unreasonable delays in the receipt of such services. A person can qualify as LEP if they are an adult or out of school youth, who has a limited ability to read, write, speak, or understand English, and a) whose native language is a language other than English; or b) who lives in a family or community environment where a language other than English is the dominant language.

Policy

1. Language Assistance Plan

The Workforce Development System through its WorkSource and YouthSource Centers must develop a language assistance plan that is annually updated and submitted to the City as part of the Request for Contract Renewal (RFCR). The contents of the Language Assistance Plan must at a minimum consist of the following elements;

- Limited English Proficiency Language Assessment Survey
- LEP client policy
- Current demographics showing the number of LEP individuals requiring language assistance during the prior program year
- Description of language assistance tools (e.g. “I Speak” Identification Cards)
- List of vital documents available for dissemination to LEP persons
- Updated information identifying staff who are bi-lingual or multi-lingual

The Centers have two primary ways to provide language services: Oral

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4 Workforce Development System includes the WorkSource Centers and the YouthSource Youth Opportunity System
5 Workforce Investment Act of 1998
interpretation, either in person or via a telephone interpretation service, and written translation. The correct mix of language assistance services should be based on demographic data reflected in the LEP Assessment and on what is both necessary and reasonable.

2. LEP Assessment

As the first key to ensuring meaningful access, each agency in the Workforce Development System will conduct a thorough annual assessment of the languages spoken by customers and potential customers in the communities it serves. In addition to identifying the current LEP makeup of the service areas, the Workforce Development System will also examine a) whether existing LEP resources and tools are adequate and, b) what improvements are needed to outreach to LEP populations that might be underserved relative to their proportion in the service area. This analysis and review of services will be made part of the annual Request for Contract Renewal (RFCR) package.

For the Workforce Development System to properly assess the significant LEP population, the Workforce Investment Board (WIB) promotes the use of the DOL’s four factors to determine the language needs of an area:

a. The number or proportion of LEP persons served or encountered in the eligible service population—the greater the number or proportion of LEP persons in a language group, the more language services needed;

b. The frequency with which LEP individuals come in contact with the program—higher frequency requires more services;

c. The nature and importance of the program, activity, or service provided by the recipient; and

d. The resources available to the recipient and costs—larger recipients with larger budgets must provide a higher level of language services.

In assessing the first factor, consider any temporary but significant changes in the community’s demographics. For example, in some communities, the population swells during peak vacation periods or seasonal influx for agricultural or manufacturing employment purposes.

The second factor, frequency of contact, should be considered in the light of areas or neighborhoods that may have concentration of LEP individuals. In such cases, even if the overall number of LEP persons in the area is low, the frequency of contact may be higher.

The third factor should be taken in the light of how the services available in the area impact the lives of its target population. The more important the program, or the greater the possible consequences of the contact for LEP individuals, the more likely the language assistance services will be necessary.

The fourth factor should be considered in promoting service quality and service

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6 Department of Labor, Civil Rights Center, Federal Register, issued May 29, 2003, p.32294-32295.
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integration that provide a seamless system with a responsive and comprehensive array of services.

3. Translation of Vital Documents
The language assistance plan should incorporate a plan to translate “vital” written materials into the languages that were identified through the LEP assessment. DOL has acknowledged the difficulty in identifying vital documents. However, the federal register states that “meaningful access” must be granted to all individuals. Thus, vital documents could include:

• Applications to participate in a Workforce Investment Act (WIA) program, activity, or services
• Written tests that do not assess English language competency, but test the competency for a particular license, job, or skill for which English language proficiency is not required
• Consent and compliance forms
• List of partners at a Center and services provided
• Letter containing important information regarding participation in a program or activity
• Notices pertaining to the reduction, denial, or termination of services or benefits and of the right to appeal such actions
• Notices that require a response from beneficiaries
• Information on the right to file complaints of discrimination
• Information on the provision of services to individuals with disabilities
• State wage, hour, safety, health enforcement, and information materials
• Notices advising LEP persons of the availability of free language assistance
• Other marketing and outreach information

Additionally, all translated documents must be reviewed for accuracy. Even though certified translators are not required, the Workforce Development System should have mechanisms in place to verify the accuracy of the translated document.

4. Interpreter Requirements
At a minimum all interpreters used by the Workforce Development System must meet the following requirements:

• Demonstrated proficiency in both English and another language
• Fundamental knowledge in both languages of any specialized terms or concepts peculiar to the Center’s program or activity
• Sensitivity to the LEP person’s culture
• Demonstrated ability to convey information in both languages accurately;
and if possible, use staff trained in the skills and ethics of interpreting

There may be cases where interpretation services are offered to the LEP person and these are declined. In such cases the LEP person may request the use of a family member or friend as an alternative. It is then appropriate for the Center to use this person to assist in the provision of services. However, the use of such a person should not compromise the effectiveness of services or breach confidentiality. In these cases, the Center should have a competent bilingual staff member observe the communication and interpretation to ensure the accuracy of the information being translated. The Center must also document in the LEP person’s file: the offer of an interpreter, the refusal of free language assistance services, and the witnessing of the communication using “Interpreter Services Statement” form.

Consistent with U.S. DOL’s federal register guidance, the WIB adopts the following hierarchy of methods to meet LEP needs as needed:

a. Ensuring the Workforce Development System hire multilingual staff
b. Paid interpreters that are on staff
c. Paid outside interpreters
d. Use telephone interpreter lines
e. Community volunteers-trained in both interpretation and in WIA programs
f. Not using children, family members, friends, and/or strangers as interpreters except in an emergency circumstances or when the LEP person decides to use them after being advised of free and competent interpreters being available.

5. LEP Customer Flow

After the Center identifies an LEP customer’s primary language through a language needs assessment, this information should be documented in the case files preferably using a language identification form such as the Oral and Written Language Designation Form. The choice of whether to use the LEP individual’s primary language for oral or written communication is the customer’s choice.

The Workforce Development System will serve LEP individuals in their service delivery areas and ensure that LEP customers are offered meaningful and equal access to WIA services. Each Center must be able to describe and document how LEP customers receive services. This will be subject to review by the City’s LEP Coordinator and reported to the WIB.

Furthermore, as the WIB develops new sector initiatives and other training programs, Vocational English as a Second Language (VESL) training should be incorporated in these programs to increase LEP customer participation. The WIB is committed to designing programs to ensure that limited English speakers are included in skills training as well as bridge programs as described in a WIB policy on Training and Supportive Services. Moreover, the Workforce Development System shall leverage resources to increase training opportunities in other languages where available.
6. Monitoring and Oversight

Both Workforce Development System and City staffs will be responsible for monitoring the quality of services to LEP persons.

The Workforce Development System must annually evaluate its language assistance plan to keep information current on the LEP makeup of its service area, the communication needs of LEP customers, whether assistance offered is meeting the needs of such persons, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of, and arrangements for, assistance are still current and viable. Oversight of the plan should include obtaining the LEP persons’ feedback in these areas.

Monitoring and evaluation of the Workforce Development System for compliance with Civil Rights legislation will be incorporated in the regular monitoring processes.

The City’s evaluation of the Workforce Development System’s efforts in serving LEP customers will be measured through the DOL 4-factor analysis and through the following activities:

- Outreach and enrollment activities
- Surveys of customers, clients, and advocates to determine customer satisfaction
- Periodic assessment of current data and local demographics
- Review of the effectiveness of agency policies and practices describing services to LEP individuals
- Review staff capacity by determining in-house linguistic resources, recruiting and hiring bilingual or multi-lingual employees and promote continuing education to enhance staff ability to serve LEP clients
- Review of the agency’s protocol in receiving and responding to complaints by customers.

References

1. Section 188 of the Workforce Investment Act of 1998
3. Dymally-Alatorre Bilingual Services Act, California Government Code Section 7290-7299.8
5. Department of Labor Training and Employment Guidance Letter 26-02
6. Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” (Revised PY 13-14)
WIB Support of Grant Applications

Background
The City of Los Angeles Workforce Investment Board (WIB) receives requests for letters of support for various workforce-related grant applications. At times the City may be submitting competing applications or multiple organizations are seeking the same grant opportunities. This policy is intended to set parameters in determining under which circumstances WIB letters of support should be provided.

Policy
A Requestor must request the support letter to WIB staff by written correspondence a minimum of five business days in advance for a signed support letter by the WIB Executive Director. The requestor must detail and demonstrate the intent to collaborate with the WIB and WIB supported organizations (i.e. Workforce Development System, YouthSource, BusinessSource), as appropriate. In addition, the request must include the following information:

- Nature of Grant
- Time period of Grant
- Intention for collaboration with WIB
- Funding amount
- Other partners
- Program Design, if applicable

Unless otherwise requested, the WIB staff will use a support letter template with minor modifications related to the specific grant.

The WIB will provide letters of support to organizations submitting workforce-related grant applications, (including occasions when the City may be submitting competing applications) under the following circumstances:

- If the City is included as a partner in the proposal with an intent to enter a formal MOU reflecting the partner roles/responsibilities
- The proposer is a current contractor within the City’s Workforce Development System
- If the proposer is not a current contractor, then the proposed program design should reflect an integration with the City’s Workforce Development System

As a supporter of and/or partner in the proposer’s grant application, the WIB may request successful awardees to report back regarding the status of the grant and proposed program.

(Revised PY 13-14)
Work Experience Policy

Background

Work experience, the planned, structured learning experience that takes place in a workplace for a limited period of time, is defined as a WIA “intensive service.” It is designed to provide specific behavioral and occupational skills appropriate for the workplace. It may be paid or unpaid, and located in the private, nonprofit, or public sectors. It primarily functions as a workplace-values activity, as opposed to a training activity, which is for the acquisition of specific occupational or job skills.

Work experience should be designed to promote the development of good work habits and basic work skills. When combined with other services, work experience should be provided concurrently or sequentially to these services to increase the basic education and/or occupational skills of the customer, as set out in the adult Individual Employment Plan (IEP) or youth Individual Service Strategy (ISS). Work experience may be combined with community service or conservation service corps programs.

Transitional Employment, designed to ensure that the people most in need of employment assistance transition to full participation in the labor market, is an allowable use of Work Experience. These individuals include, but are not limited to, the homeless, persons with a criminal record, long-term welfare recipient, disconnected youth, the long-term unemployed, and those with limited work experience.

Federal Regulations

WIA regulations state that WIBs are responsible for developing policies on the use and duration of both paid and unpaid work experience and internships. The regulations also state that unpaid work experience should be limited in duration, combined with other activities, and based on a service strategy identified in the IEP or ISS.

Contractors and city staff will monitor and evaluate the effectiveness of intensive services, including work experience, in addressing the needs of customers and customer outcomes, including the needed experience to secure higher paying, higher-skilled employment.

Labor standards apply to any work experience where there is an employee-employer relationship, as defined by the Fair Labor Standards Act.

The City recommends that work experience be paid, and should be provided to individuals lacking a significant work history. Participation in work experience should be linked to achievement of a necessary skill level (skill competencies attained). Work experience shall be limited in duration, integrated in the individual’s employment plan, and combined with other intensive services. The goal of work experience is for an individual to gain employment, and if this intensive service does not assist a customer in obtaining a job, there should be further consideration of on-the-job or classroom training. The Workforce Development System operators (contractors) shall ensure that paid work experience does not result in the loss of public benefits.

POLICY

Should a contractor decide to provide work experience to a participant, the following activities/processes/conditions must occur/exist:
Orientation
The contractor must conduct an Orientation to both the participant and the worksite training provider before the start of the Work Experience or Internship program. This should include a visit to the actual job site, a review of the tasks and/or skills to be gained during the training, a discussion of the wages and benefits to be paid to the participant, and a review of the other conditions within the Worksite Training Agreement, including reimbursement to the employer and the submission of progress reports by the employer.

Work-Based Training Payments
Individuals participating in work experience or limited internships may receive work-based training payments, which may be in the form of wages.

Benefits and Working Conditions
In the development and conduct of work experience and internships, contractors must ensure that participants are not assigned to work for employers that do not comply with applicable labor laws, including wage and hour provisions, occupational health and safety provisions, and child labor laws. To the extent applicable, worker’s compensation benefits should be available with respect to injuries suffered by participants while on the job.

Participants shall not be required to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous, or dangerous to the participant’s health and/or safety. A participant employed or trained for inherently dangerous occupations shall be assigned to work in accordance with reasonable safety practices.

Worksite Training Agreement
The City has developed a standard worksite training agreement, and this document is to be used by the contractors when providing Work experience to a participant.

Monitoring Responsibilities
Monthly on-site monitoring of the work experience and internships is the responsibility of the contractor and shall be done by a person other than the designated staff who developed the work experience/internship agreement. The contractor must ensure that the following requirements are met:

Participant receives the training/services/skills as specified in the training outline/plan of the Worksite Training Agreement.

Participant acknowledges training and services received as reported on the invoices submitted for training wages, if applicable.

Participant and employer receive copies of the executed worksite training agreement prior to the start of the work experience.

Worksite supervisor shall prepare and submit a progress report, which has been discussed and signed by the participant, at least once monthly, or as negotiated with the worksite supervisor by the contractor staff.
Completion of Work Experience

Worksite training provider certifies in writing that the participant has completed the work experience and has acquired the skills necessary for competency in the field they were trained for.

The contractor shall issue a certificate of completion to the participant upon completion. A copy of the certificate shall be placed in the client file together with all the paperwork connected with the training.
Resource Sharing Agreement Policy

BACKGROUND

The Workforce Investment Act (WIA) requires that an agreement(s) be executed between the One-Stop operators (WorkSource Centers) and the co-located partners at each site, with the objective to ensure that the costs of operating a One-Stop are shared between the partners. Examples of such costs are rent, utilities, security, telecommunications, supplies, and equipment.

At the inception of WIA, the City of Los Angeles executed a Memorandum of Understanding (MOU) with partners mandated by WIA. This original MOU did not address the issue of cost sharing. To ensure compliance, the original document, also known as the umbrella MOU, was amended to address resource sharing. The amended MOU provides guidance for determining the expected contribution of WorkSource Center (WSC) co-located partners through language that establishes the method, or formula, by which the WSCs and their partners can calculate the “fair share” that each partner should contribute. CFR Section 662.270 states that partners of the One-Stop system must contribute a fair share of the operating costs proportionate to the use of services at the One-Stop by individuals attributable to the partner’s program.

Contributions may be provided on a cash or in-kind basis and may include goods, services, personnel, and/or payment for space usage. Since most partners cannot bring actual cash to the table, the MOU uses an approach whereby the Full Time Equivalent (FTE) of partner staff (personnel) hours at each WSC is used as the basis for calculating a partner’s fair share contribution. The document being used to capture this information is the Resource Sharing Agreement (RSA).

POLICY

The City conducted training on September 24, 2012, to inform the WSC operators on how to create a “shared costs budget” to be used in the creation and negotiation of each WSCs RSA. Each WSC will be required to have an RSA for each program year, which begins July 1, and ends June 30. Similar to the budget process, whereby each agency submits a preliminary budget in their RFCR but then can submit their first official budget for approval in July or August of each year once funding amounts are confirmed, each agency will need to submit their signed RSA when they submit their budget(s) for first approval.

The logic behind this is that once funding amounts are confirmed, agencies will be able to prepare their “shared costs budget” portion of the RSA as they do their WIA budget calculations, since partner contributions should be figured into each agency’s annual WIA budget. The partner contributions will be reflected in the RSA, and may be used as a comparison tool for analysts when approving the Formula WIA budgets.

(Adopted PY 13-14)
Rapid Response Services Policy

BACKGROUND:

The City’s rapid response strategy is designed to provide assistance to employers and employees affected by industry declines, economic dislocations, and natural disasters by quickly maximizing public and private resources. Through linkages with the U.S. Department of Labor (DOL), various divisions of State of California Employment Development Department (EDD), City of Los Angeles WorkSource Center system, and other public and private partners, the City’s deployment of its Rapid Response Coordinators (RRC) mitigate the disruption of layoffs by providing affected workers with early intervention, information on private resources and public assistance, and information on economic opportunities that can lead to them quickly reentering the job market. The RRC also provides assistance to employers by exploring human resource solutions that offer alternatives to layoffs, and referrals to other business service needs.

This strategy complies with the State’s required activity which directs the LWIA to provide a “rapid response” to Worker Adjustment Retraining Notifications (WARNs) that are issued by employers whenever there are impending business closures and/or worker layoffs of fifty or more individuals. The RRC, however, responds to all layoffs, plant closures, and/or hour reductions regardless of the number of affected employees (Non-WARNs).

POLICY

City of Los Angeles Rapid Response Coordinators (RRC) will contact affected employers within 48 hours of WARN or Non-WARN notification. RRCs will coordinate with EDD (Workforce Services & Unemployment Benefits), Department of Labor, City of Los Angeles WorkSource System, Labor Unions, and other relevant partners to schedule a planning meeting, orientations, and any other services requested by the affected employer and employees at times and dates convenient to them. In addition, Rapid Response Coordinators will:

1. Provide WSCs who attend a Rapid Response Orientation with copies of the Rapid Response Questionnaires (forms collecting basic contact, employment & education information, and service needs) completed by affected workers (within 48 hours), along with a copy of the sign-in sheet for verification of a “business service” rendered. If more than one WSC attends, the Questionnaires will be divided in equal numbers.

2. Provide a Rapid Response roster with contact information of all individuals completing a Questionnaire who live within their designated zip codes on a quarterly basis (City & County zip codes have been pre-assigned to each WSC based on location).

3. Provide, on a quarterly basis, a list of the employers who may be experiencing layoffs to further identify potential Dislocated Workers (DWs) – individuals who have lost their job through no fault of their own - who have not attended a Rapid Response orientation.

4. As needed, provide talking points to the WSC representative participating in the RR Orientation to ensure the message is clear and consistent throughout the presentations, and provide any other technical assistance as requested.
by the WSC in support of services to DWs (provided resources are available to meet request).

5. Provide WSCs with “Rapid Response Re-employment Tool Kits” to give to every DW who attended a Rapid Response Orientation. The “Tool Kit” is a flash drive preloaded with information and resources and is intended to serve as an incentive for the DWs to stay focused on their job search while ensuring that they visit a WSC as soon as possible to start on “the road to reemployment.” The flash drive also gives each DW entering the WorkSource System the capacity to safely store all job search related information they will be using, and quickly and remotely modify files as needed.

6. Provide postage-paid WorkSource Center Visit Feedback cards to be given to each DW who attended a Rapid Response Orientation. Cards are intended to provide the Rapid Response Unit with successes and challenges encountered at each of the WSCs.

7. Partner with WSC to ensure the best available services are provided to the Dislocated Workers and promote each of the City’s WSCs cadre of services available to DWs and their families beyond the WIA required activities.

8. Attend WSC staff meetings when “Dislocated Workers” is a topic on the agenda and at intervals visit the WSC to observe client flow and WSC’s processes.

WORKSOURCE CENTERS (WSCs) form an integral partnership with the City and are key to the effectiveness of its rapid response strategy. The WSCs shall support rapid response activity by sharing pertinent information with the RRC, participating in rapid response activities, and by engaging workers who may potentially be laid-off or dislocated workers who have been recently separated from employment. WSCs are to notify their designated RRC of impending layoffs, plant closures, or hourly reductions for workers as this information becomes available. Further, the WSCs are required to:

1. Participate in Rapid Response Planning Meetings and/or Orientations to present the WorkSource System, upon confirmation with the employer, and as requested by the RRC. In addition, participate, as needed in other Dislocated Worker-related Rapid Response activities (such as Job Fairs, workshops, etc.).

2. Contact potential DWs within 48 hours of having received copies of the questionnaires collected during a Rapid Response Orientation by the RRC.

3. Contact the individuals appearing on the quarterly rosters (generated by zip codes) and report their status within 2 weeks of receipt (e.g. employed, unemployed, retired, name of WSC visited, etc.). Individuals who are contacted and express a need for dislocated worker services shall be assessed for eligibility and enrolled in the DW program.

4. Track the number of DWs visiting the City’s WorkSource System following a Rapid Response Orientation by disseminating and logging the issuance of “Rapid Response Reemployment Tool Kits” and postage-paid “WorkSource Center Visit Feedback Cards” provided to each WSC by the RRC. WSCs are to provide a copy of the log to the RRC on a monthly basis, and the original
log when the sheet is complete.

5. Provide the RRC, WSC-specific promotional flyers, etc., they want to be made available at all Orientations regardless of the session location (RRCs can provide further outreach as participants in each Rapid Response Orientation come from the Greater L.A. area)

6. Designate a key staff member to act as their Rapid Response Liaison (RRL) who will be responsible for coordinating services and maintaining on-going communication with the RRC.

(Adopted PY 13-14)
America's Job Center of California Branding Policy

Policy Statement

All Workforce Investment Act (WIA) funded contractors must adhere to the WIB's branding policy including the WorkSource, YouthSource and co-branding with the U.S. Department of Labor's (USDOL) American Jobs Center brand.

More specifically, all Adult/Dislocated Worker and Youth contractors shall adhere to the co-branding of "A proud partner of America's Job Center of California" as directed by the USDOL Training and Employment Guidance Letter TEGL 36-11 issued on June 14, 2012 and the State of California Employment Development Department’s Workforce Services Information Notice WSIN12-43 released on March 15, 2013.

All contractors shall ensure that logos, taglines and graphics of all collateral materials, websites, and signage utilized for WIA programs conform to the Branding Toolkit and Style Guide, issued by the California Workforce Investment Board effective July 1, 2013.

All Adult/Dislocated Worker operator contractors shall adhere to the guidelines and protocols of implementing the WorkSource Center brand, as directed through their contractual obligations and related directive(s).

All Youth operator contractors shall adhere to the guidelines and protocols of implementing the YouthSource Center brand, as directed through their contractual obligations and related directive(s).

In addition, all contractors shall adhere to the EEO requirements in terms of accessibility language on all websites, collateral materials and media outreach.

(Adopted PY 13-14)
Authorization to Work Verification to Work Policy

BACKGROUND:

Under California law, an individual must have authorization to work in the United States to be eligible to receive Wagner-Peyser Act (WPA) and/or WIA employment services. Section 9601.5 of the California Unemployment Insurance Code requires that “each state or local government agency or community action agency, or any private organization contracting with a state or local government agency, that provides employment services, including, but not limited to, job training, retraining, or placement, shall verify an individual’s legal status or authorization to work prior to providing services to that individual in accordance with procedures established under federal law.”

The federal procedures for verifying an individual’s authorization to work are included in Title 8 CFR, Section 274a.2. This section specifies that the requirements published in the USCIS Form I-9, Employment Eligibility Verification, are to be used in verifying and documenting that an individual is authorized to work in the United States.

POLICY AND PROCEDURES:

WorkSource Centers Staff providing WPA and/or WIA employment services must verify an individual’s authorization to work in accordance with the requirements of the USCIS Form I-9, Employment Eligibility Verification. As specified in the Form I-9, staff must accept as evidence of employment authorization, any of the documents listed on the last page of Form I-9. Individuals may present any List A document or a combination of a List B and a List C document. To view frequently asked questions regarding acceptable Form I-9 documents, see the State of California Employment Development Department (EDD) Workforce Services Directive 13-1 (WSD 13-1), Attachment 1, Questions and Answers – Authorization to Work Verification. To view representative images of acceptable Form I-9 documents, see WSD 13-1, Attachment 2, Samples of Acceptable Documents for Authorization to Work Verification.

The differences between the WPA and WIA programs necessitate separate guidance for each program as provided below. However, whenever possible, EDD and partner agency management are encouraged to coordinate verification between the two programs to increase efficiency of the process and prevent participants from having to repeatedly present Form I-9 documents.

Staff must verify an individual’s authorization to work prior to providing staff-assisted services. The three WPA service delivery modes are briefly described below.

- **Self-service:** An individual uses services in a WorkSource Center with minimal or no staff assistance (e.g., self-service labor market research, résumé preparation, job search, etc.). Self-service includes staff establishing access to New CalJOBS℠ for an individual or looking up a password.

- **Facilitated self-help service:** An individual asks for, or indicates a need for, short term or specific program information that is provided either:
  - Individually by staff
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- In a group setting (e.g., orientation)
- Directed and guided by staff (e.g., provision of labor market information or information on training providers)

- **Staff-assisted service:** One-on-one assistance (e.g., counseling, bonding assistance, case managed services, etc.) that may be long term or a one time in depth service, and is usually given by a program specialist.

The three WPA service delivery modes correlate with the New CalJOBSSM service code categories as provided in the table below.

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<thead>
<tr>
<th>WPA Service Delivery Mode</th>
<th>New CalJOBSSM Service Code Category</th>
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<tbody>
<tr>
<td>Self-service</td>
<td>Housekeeping</td>
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<td>Informational Core A</td>
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<td>Core A – Self Service</td>
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<tr>
<td>Facilitated self-help</td>
<td>Core A – Staff Assisted</td>
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<td>Staff-assisted</td>
<td>Core B</td>
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<td>Intensive</td>
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For definitions of the New CalJOBSSM service code categories, and a list of the New CalJOBSSM service codes, visit Workforce Services Information Notice.

WorkSource Center Staff must verify an individual’s authorization to work no later than time of application for a WIA funded program. Verification is not required for self-service or informational activities.

(New PY 14-15)
Criminal Record Restrictions and Impact Based on Race and Nationality Policy

BACKGROUND:
In recent decades, the number of Americans who have had contact with the criminal justice system has drastically increased. In California, it is estimated that about one in four adults now has a criminal history record which often consists of an arrest that did not lead to conviction, a conviction without incarceration, or a conviction for a non-violent crime. Because of this increase, racial and ethnic disparities have arisen, which may be reflected in incarceration rates, as well as in other criminal history records. Federal and state programs have devoted significant resources to reducing barriers to employment of people with criminal records in an effort to also increase public safety.

POLICY AND PROCEDURES:
Employers and agencies within the City of Los Angeles Workforce Development System should be aware of federal antidiscrimination laws if they choose to rely on job applicants’ criminal history records to help assess potential risk to employees, customers, and business assets. Hiring policies and practices that exclude individuals with criminal records may conflict with laws which prohibit intentional discrimination on the basis of race, national origin, or other protected groups, and policies or practices that have a disparate impact on these protected groups and cannot be justified as job related and consistent with business necessity.

Policies that exclude individuals from employment or other services based on the existence of a criminal history record, and do not take into account the age and nature of an offense, or the relationship of the record to the specific job duties, are likely to unjustifiably restrict the employment opportunities of individuals with conviction histories and, due to racial and ethnic disparities in the criminal justice system, are likely to violate federal antidiscrimination law.

Accordingly, employers and agencies should carefully consider their legal obligations before adopting such policies. Covered entities may also wish to direct employers to the Equal Employment Opportunity Commission (EEOC) Reentry Myth Buster (Attachment 1) which clarifies that an arrest or conviction record will not automatically bar individuals from employment.

The nondiscrimination provisions that apply to the federally-assisted workforce system prohibit:

- Disparate treatment - intentionally treating members of protected groups differently based on their protected status.
- Disparate impact - the use of policies or practices that are neutral on their face, but have a disproportionate impact on members of protected groups, and are not job related and consistent with business necessity.

Title VII of the Civil Rights Act of 1964, as amended applies to employers with 15 or more employees, and prohibits employment discrimination based on race, color, religion, sex, or national origin. Title VII also contains provisions that specifically address employment agency activities. Entities within the public workforce system like
One-Stop Career Centers may be regarded as “employment agencies” under the law and are not permitted to:

- Print, publish, or cause to be printed, any job announcement that discriminates based on race, color, religion, sex, or national origin unless there is a bona fide occupational qualification for a preference based on religion, sex, or national origin.
- Refuse to refer an individual for employment or otherwise to discriminate against any individual based on race, color, religion, sex, or national origin.
- The EEOC, the federal agency that administers and enforces Title VII, has issued guidance on the use of arrest and conviction records in employment decisions (Attachment 2). Based on this guidance:
- An employer’s neutral policy (e.g., excluding applicants from employment based on certain criminal conduct) may disproportionately impact some individuals protected.
Definition of High School Dropout

Background

Under WIA, at least 30 percent of available youth funds are to be used for out-of-school youth. An out-of-school youth is defined as an individual who is a) an eligible youth (WIA Final Rules 20 CFR Part 664.200) who is a school dropout; or b) an eligible youth who has either graduated from high school or holds a GED, but is basic skills deficient, unemployed, or underemployed [WIA Sec. 101(33)]. 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 [WIA Sec. 101(39)].

The WIA regulations allow the local WIBs to further define “no longer attending school”. The WIB will use the following criteria to determine whether a youth is no longer attending school, and therefore is considered a High School Dropout.

High School Dropout:

1. A youth who is chronically absent (as defined by LAUSD or other school district), meaning a youth who has missed 25 or more days of school year and who is at least 110 credits behind. Refer to CDE Bulletin 3720.0 & LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools.

2. A youth in the twelfth grade, who lacks sufficient amount of credits to graduate with in the cohort year (as defined by LAUSD or other school district). Refer to CDE Bulletin No. 2-74 and LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools.

3. A youth attending an Adult Education program, who is not enrolled in an adult education program leading to a High School diploma or equivalent. Refer to CDE Bulletin No. 2-74, Bulletin No. 4926.2 and LAUSD Attendance Manual and Policy & Procedures for Elementary, Secondary & Options Schools
Incident Reporting Policy

Policy Statement

The City of Los Angeles, Economic and Workforce Development Department (EWDD) has developed a procedure whereby upon being notified or finding any suspected incidents of WIA related fraud, abuse, or other criminal activity, EWDD notifies the Compliance Review Division (CRD) of the Employment Development Department (EDD) and the Department of Labor’s (DOL) Office of Inspector General (OIG).

Background

First Tier Reporting

As per EDD Directive number WSD12-18, all subrecipients that receive WIA funds shall promptly report to the CRO and OIG, all allegations of WIA-related fraud, abuse, and other criminal activity.

“Each subrecipient shall establish appropriate internal procedures to prevent and detect fraud, abuse, and criminal activity. These procedures must include a reporting process to ensure that the CRO and OIG are notified immediately of any allegations of WIA-related fraud, abuse, or criminal activity. Internal procedures must be in writing and include the designation of a person on the subrecipients’ staff who will be responsible for such notifications.”

The City of Los Angeles, Economic and Workforce Development Department (EWDD) is a subrecipient referenced in EDD Directive WSD12-18 and maintains internal procedures in writing, to gather, respond/report and resolve complaints and/or any allegations of WIA-related fraud, abuse, or criminal activity. EWDD enforces EDD Directive number WSD12-18 by requiring subrecipient contractors to comply with required reporting.

Second Tier Reporting

EWDD issued WDS Directive No. 11-13; Incident Reporting, dated March 15, 2011, which provides procedures for reporting incidents, including but not limited to criminal fraud, criminal abuse or other criminal activity, and noncriminal complaints, such as waste of WIA funds, to the Compliance Review Division (CRD) of the Employment Development Department (EDD) and the Department of Labor’s (DOL) Office of Inspector General (OIG).

The City’s Contractors are advised by EWDD that all recipients of Workforce Investment Act (WIA) funds have the responsibility to be alert for, and report, any suspected fraud, abuse, or other criminal activity, or non-criminal activity, including gross waste of funds, mismanagement, and dangers to the public health or safety. In addition, all “lower tier subrecipients”, i.e. Contractors have the responsibility to the Office of Inspector General (OIG), the Employment Development Department (EDD) and Compliance Resolution Unit, and their funding agency, e.g., City of Los Angeles LWIA, to report all suspected incidents of WIA related fraud, abuse, or other criminal activity immediately or within one workday of detection or discovery of information alleging fraud, abuse or criminal activity involving WIA funds.

Additionally, Contractors are required to bring WDS Directive No. 11-13 to the attention
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of all WorkSource/OneSource Center staff by providing a copy of the directive to all staff funded by WIA and for them to also acknowledge receipt of the Directive by signing an acknowledgement receipt (Attached).

Procedure

Upon receiving information reporting suspected incidents of WIA related fraud, abuse or other criminal activity, report the finding(s) as follows to:

Report submission information:

To the State of California Employment Development Department:

Compliance Review Unit
Program Review Branch
Employment Development Department (EDD)
722 Capitol Mall, MIC-22
P.O. Box 826880
Sacramento, CA 94280-001

ATTENTION: Jessie Mar, Chief
Compliance Review Office

And, to the OIG at its Web Site:  www.oig.dol.gov/hotnet.htm

Or by mail to:
Office of Inspector General
United States Department of Labor
200 Constitution Avenue, N.W., Room S-5506
Washington, D.C. 20210

And, to the Economic and Workforce Development Department

Equal Employment Opportunity Section
1200 W. 7th Street, 4th Floor
Los Angeles, CA 90017
Attn: Maureen Brown, EO Compliance Officer

(New PY 14-15)
Selective Service Registration

BACKGROUND:
Only those males who are subject to, and have complied with, the registration requirements of the Military Selective Service Act are eligible for participation in WIA funded programs and services. Section 189(h) of the WIA requires the Secretary of Labor to ensure that each individual participating in any WIA program, or receiving any assistance under the Act, has not violated the requirements of Section 3 of the Military Selective Service Act. This section requires that every male citizen and every other male residing in the United States must register with Selective Service between their 18th and 26th birthday. This section also requires the Director of the Selective Service System and the Secretary of Labor to cooperate in carrying out these provisions.

POLICY AND PROCEDURES:
All programs and services established or receiving assistance under WIA Title I must comply with the Selective Service registration requirements. These requirements apply to both formula and discretionary grants awarded by the Employment and Training Administration under WIA. They do not apply to programs funded or solely authorized by the Wagner-Peyser Act.

Selective Service Registration Requirements
Males born on or after January 1, 1960, are required to register with the Selective Service within 30 days of their 18th birthday and up to, but not including their 26th birthday.

This includes males who are:

- Citizens of the U.S.;
- Veterans discharged before their 26th birthday;
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. prior to their 26th birthday; and/or
- Dual nationals regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Males who are serving in the military on full-time active duty;
- Males attending the service academies;
- Disabled males who were continually confined to a residence, hospital or institution;
- Males who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday; and/or
For non-U.S. citizens, Selective Service registration is not required if the male falls within one of the following categories:

- Non-U.S. male who entered the U.S. for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. Letter from the U.S. Citizenship and Immigration Services indicating the date the male entered the U.S. (shown along with documentation establishing the male’s age).
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.

NOTE: The requirement for transsexual, transgendered, and intersex individuals to register with the Selective Service depends upon the gender recorded on their birth certificate. If an individual is recorded as a male, that individual would need to register for the Selective Service regardless of their present sexual identity (e.g. sex change from male to female). However, if that individual’s birth certificate is later changed to reflect a female identity, that individual would not be required to register.

This list of Selective Service registration requirements is not exhaustive; however, additional information regarding these requirements can be found on the Selective Service website at www.sss.gov. This website also provides a quick reference chart listing who must register at www.sss.gov/PDFs/WhoMustRegisterChart.pdf.

**Acceptable Documentation**

In order to be eligible to receive WIA-funded services, all males born on or after January 1, 1960, must present documentation showing compliance with the Selective Service registration requirement. Acceptable documentation to determine a person’s eligibility for WIA Title 1 programs include:

- Selective Service Acknowledgement letter
- Form DD-214 “Report of Separation,” (use only if veteran was discharged after his 26th birthday)

For males who already registered, this website can be used to confirm their Selective Service number as well as the date of registration, by entering a last name, social security number, and date of birth.
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- Selective Service Registration Card
- Selective Service Verification Form (Form 3A) and/or
- Stamped Post Office Receipt of Registration

Registration Requirements for Males Under 26

Before being enrolled in WIA-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov. If a male turns 18 while participating in WIA-funded services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIA-funded services. If a male under the age of 26 refuses to register with Selective Service, WIA-funded services must be suspended until he registers.

Non-Registration by Males 26 and Older

Grantees, subgrantees or contractors, funded or authorized by WIA Title I, must establish a policy for those potential participants who are 26 or older that failed to register with the Selective Service. This policy may request either a Status Information Letter from a potential participant before making a determination of knowing and willful failure to register; or (2) initiate the process to determine if the potential participant’s failure was knowing and willful without first requesting a Status Information Letter. The second option may be preferable for entities that have time limits for enrolling participants (e.g. individuals recently released from incarceration).

Before enrolling in WIA-funded services, all males 26 and older, must provide either:

- Documentation showing they were not required to register; or
- If they were required to register, documentation establishing that their failure to register was not knowing or willful.

Individuals who did not register for the Selective Service or who cannot provide any of the documentation listed in the “Acceptable Documentation” section of this directive must obtain a Status Information Letter from the Selective Service indicating whether they are required to register. The Request for the Status Information Letter form can be accessed at www.sss.gov/PDFs/infoform.pdf and the instructions can be accessed at www.sss.gov/PDFs/instructions.pdf. The individual will need to describe, in detail, the circumstances that prevented him from registering (e.g., hospitalization, incarceration, military service) and provide documentation of those circumstances. The documentation should be specific as to the dates of the circumstances.

Status Information Letter

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in a WIA-funded service. If the Status Information Letter indicates that the individual was required to register and did not register, he is presumed to be disqualified from participation in WIA-funded activities and services until it can be determined that his failure to register was not knowing and
willful. All costs associated with grant-funded services provided to non-eligible individuals may be disallowed.

An individual may obtain a Status Information Letter from the Selective Service if he:

- believes he was not required to register; or
- did register but cannot provide the appropriate documentation.

**How to Determine “Knowing and Willful” Failure to Register**

(Documentation and Model Questions)

If the individual was required but failed to register with the Selective Service, as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he establishes by a preponderance of the evidence that the failure to register was not knowing and willful. The grantee, subgrantee or contractor that enrolls individuals in WIA-funded activities, and is thereby authorized to approve the use of WIA grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was knowing and willful.

**Documentation**

Evidence presented may include the individual’s written explanation and supporting documentation of his circumstances at the time of the required registration and the reason(s) for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

- Service in Armed Forces. Evidence that a male has served honorably in the U.S. Armed Forces such as a Form DD-214 or his Honorable Discharge Certificate. These documents serve as evidence that his failure to register was not knowing and willful.
- Third Party Affidavits. Affidavits from parents, teachers, employers, doctors and others concerning reasons for not registering may help grantees in making determinations in cases regarding willful and knowing failure to register.

**Model Questions**

In order to establish consistency regarding the implementation of the requirement, local areas should consider the following questions as a model when determining whether a failure to register is knowing and willful.

In determining whether the failure was “knowing,” authorized organizations should ask:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g.
veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?

- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?
- In determining whether the failure was “willful,” authorized organizations should ask:
  - Was the failure to register done deliberately and intentionally?
  - Did the individual have the mental capacity to choose whether or not to register and decided not to register?
  - What actions, if any, did the individual take when he learned of the requirement to register?

Finally, a participant’s claim of ignorance (e.g. “I did not know…”) regarding Selective Service registration requirements should not suffice as enough evidence to make a determination if his failure was knowing and willful. Ask him for more evidence to support his claim.

Results of Findings

If an authorized organization determines that an individual’s failure to register with the Selective Service was not knowing and willful and the individual is otherwise eligible, services may be provided. However, if the authorized organization determines that evidence shows that the individual’s failure to register was knowing and willful, WIA services must be denied. Individuals denied services must be advised of available WIA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations on Selective Service.
Services and Referrals to Victims of Human Trafficking Policy

BACKGROUND:
Trafficking in persons affects millions of individuals worldwide. Individuals may be lured into trafficking networks through false promises of good working conditions and high pay as domestic, factory and farm workers, childcare workers, wait staff, sales clerks, models, or other occupations. Others are kidnapped. Many victims of trafficking may remain undetected because strategies used by the perpetrators isolate victims and prevent them from coming forward. Additionally, many victims of trafficking do not self-identify and may be unaware of resources and services that are available to assist them. The DOL plays a role in the U.S. Government’s efforts to combat human trafficking. These methods include:

- Identifying and seeking restitution for unpaid labor performed by victims of trafficking;
- Providing training and employment services to victims of trafficking who qualify for those services, and helping them to become self-sufficient;
- Funding research and technical assistance to combat the worst forms of child labor overseas; and
- Maintaining lists of goods, including their countries of origin that are made using forced labor or forced child labor.

Local areas are being asked to review this directive in order to be able to recognize the characteristics of human trafficking, and refer those individuals to the proper authorities and resources, provide employment and training services, and offer information and referral to other wraparound services or law enforcement.

POLICY AND PROCEDURES:
Definitions:
Section 103(8) of the TVPA defines the term ‘severe forms of trafficking in persons’ as:

1. Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

2. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Employment is an essential step in integrating victims of trafficking into society, and therefore, WorkSource Center Staff is reminded that they can assist trafficking victims in the following ways, as applicable:

Recognize the characteristics of victims of trafficking and refer individuals to proper authorities and resources:
Many victims of trafficking do not self-identify. It is important for WorkSource Center staff to recognize the characteristics of potential victims of trafficking and refer them to the proper authorities and resources. For information on how to identify potential victims
of trafficking, see “Characteristics of Potential Victims of Trafficking” (Attachment 1). For information about hotlines that frontline staff can call to get help for potential victims, see “Trafficking Hotlines” (Attachment 2). If an individual is under immediate threat or states that they are in danger, staff should call 911.

Provide employment and training services:

United States citizens or lawful residents who are victims of trafficking can receive the same WorkSource Center services that are provided to the general public under WIA. Specifically, Section 188(a)(5) of the WIA further prohibits discrimination against certain non-citizens and indicates that participation in programs, activities, and receiving funds shall be available to citizens and nationals of the U.S., lawfully admitted permanent resident aliens, refugees, and parolees, and other immigrants authorized by the Attorney General to work in the U.S. Also, this is discussed under Section 107(b) of the TVPA where it is indicated that certain foreign nationals are also eligible for WIA Title I services. This includes:

- Victims of a severe form of trafficking in persons, or
- Individuals granted a nonimmigrant “T” visa.

The T nonimmigrant Status (T visa) is available to individuals who are, or have been victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the U.S. to assist in an investigation or prosecution of human trafficking. Additional information about T visas and the Department of Health and Human Services (HHS) certification process can be found in TEGL 19-01 Change 1. Individuals who are granted T visas from the Department of Homeland Security are also eligible for WIA Title I services.

For purposes of being eligible for WIA Title I services, as a victim of a severe form of trafficking:

- Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of “severe forms of trafficking in persons” and have received a letter of certification issued by the HHS 22 U.S.C. § 7105(b)(1).
- Children under 18 years old who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to victimized children of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIA Title I services.

Employment and training services for victims of trafficking should follow the same procedures and case management processes as given to other WorkSource Center customers. However, in the case of victims of trafficking, services may need to be tailored and adapted to match the particular needs of this population. For instance, victims of trafficking may have Limited English Proficiency (LEP), criminal records (e.g. prostitution), or limited resumes.

Victims of trafficking who have LEP will likely require referrals to courses in English as a Second Language (ESL) in order to enhance job readiness. WorkSource Center staff should work with local training providers and community colleges to find ESL course...
offerings, as needed. The TEGL 26-02 ("Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons") and TEN 14-05 ("Release of On-Line Training Resources and Census Data on Limited English Proficiency Individuals in Local Workforce Areas and a translatable Glossary of Workforce Terms") provide some resources and guidance on working with LEP persons.

Offer information and referral to other wraparound services and/or law enforcement:

In most cases, victims of trafficking will approach WorkSource Centers toward the end of their rehabilitation process and will have already been working with other nonprofit organizations and governmental agencies.

In the event that the victim has not yet received services, it is important for WorkSource Center staff to be aware and utilize local resources and service providers, particularly non-profit organizations that provide services to trafficking victims. Service providers for trafficking victims can also refer or accompany their clients to the nearest WorkSource Center when they are ready for employment and training services.

A description of available services for victims of trafficking offered either directly by federal agencies or provided by local service providers with funding from the U.S. Government can be found in the “Services Available to Victims of Human Trafficking” (Attachment 3).

If no local service providers are known, the National Human Trafficking Resource Center (NHTRC) at 1-888-3737-888 can help determine best steps for assisting the individual. See Attachment 2, “Trafficking Hotlines,” for additional information. One-Stop Career Center staff may also call the NHTRC to inquire about local service providers and familiarize themselves with what is available for victims in the local community.

Attachments are available on the Internet:

1. Characteristics of Potential Victims of Trafficking
2. Trafficking Hotlines
3. Services Available to Victims of Human Trafficking

(NeW PY 14-15)
Veterans Gold Card Participation

On August 5, 2011 the President directed the Department of Labor to launch a new initiative called the Veterans Gold Card Initiative. This initiative enables post 9/11 Veterans to receive customized priority job search services thought One Stop Career Centers. Veterans are provided Gold Card Certificates through the Transition Assistance Program and through the E-benefits portal administered by the Department of Veterans Affairs and Department of Defense (a central access point to online benefits and relates services). Veterans are also able to download the Gold Card by visiting www.whitehouse.gov/vets. The Gold Card will entitle post 9/11 veterans to a range of priority services at their local One Stop Career Centers. Including;

- Six months of personalized case-management services provided by Disabled veterans Outreach Specialist, Local Veterans Employment Representatives and other One Stop Staff.
- Career guidance through group and Individual counseling to help veterans make training and career decisions.
- Provision of labor market, occupational, and skills transferability information to inform education and training decision.
- Explanation of GI Bill benefits.
- Referral to job banks, job portals, and job openings.
- Referrals to employers and registered apprenticeship sponsors.
- Referrals to training opportunities.
- Assessment, including interviews, testing, employment preparation, and direct placement.