

Attachments H-O

- H Youth RFP**
- I Guidance Letter 16-16 Case Management/Follow Up**
- J Bookkeeping Services Statement of Work**
- K Procurement Methods**
- L Guidance Letter 3-15, R-10 On-the-Job Training Policy**
- M Guidance Letter 13-16, R-7 Transitional Training Policy**
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H
Youth RFP



**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
In School/Out of School Youth Services Combined**

**Request for Proposal
Issued by the**

**Region VI Workforce Development Board
17 Middletown Road
White Hall, WV 26554
304-368-9530
www.regionviwv.org**

Issue Date: February 1, 2023

**Submission Deadline: In Region VI WDB office by 4:00 pm, March 2, 2023
Program Operation: July 1, 2023 – June 30, 2024**

100% Federally funded program.

**Equal Opportunity Employer/Program.
Auxiliary aids and services are available upon request to individuals with
disabilities. WV Relay 7-1-1**

I. Time Frame

February 1, 2023	Release RFP
February 13, 2023	Bidder's Conference 1:00 pm (Attendance Required)
March 2, 2023	Proposals due to Region VI WDB office by 4:00 pm
March 3-7, 2023	Proposals reviewed by appointed Committee Members
March 9, 2023	Full Board Mtg. - Vote on RFP Award Recommendation to LEO
March 10, 2023	LEO Mtg. – Vote on final RFP Awards
March 14, 2023	Award notification to approved Proposer
By June 30, 2023	Contract Negotiated
July 1, 2023	Program activities begin

II. Geographic Area

The Region VI Workforce Development Board (WDB) funds the provision of services for eligible Youth who reside in: Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Preston, Randolph, Taylor, Tucker, and Upshur. It is a requirement that the Proposer provide services to eligible Youth in all 13 counties.

III. Available Resources / Budget

Funds available for the Program Year 2023 period of July 1, 2023 through June 30, 2024 will be allocated from the Region VI WDB Workforce Innovation and Opportunity Act (WIOA) youth federal funds. The Proposer must present a budget outlining the costs to provide the services as outlined in this RFP.

20% of all youth funds must be allocated to provide In School and Out-of-School youth with paid and unpaid work experiences that have academic and occupational education as a component of the work experience.

The final award amount will be negotiated based upon the Region VI WDB WIOA funding for the program year and the proposed budget submitted by the winning Proposing agency.

A detailed line-item budget must be submitted with each proposal (Use the Attachment B format only.) When submitting your budgets, please attach your cost allocation plan *or indirect cost proposal from a CPA firm* to the budget. * Administrative costs are limited to a maximum of 10% of the total contract award.

IV. General Information

The Workforce Innovation and Opportunity Act of 2014 (WIOA) was signed into Law on July 1, 2014. The Region VI Workforce Development Board is responsible for, among other activities, the administration and oversight of Youth services and funds in the thirteen counties comprising Region VI.

The mission of the Region VI WDB is to encourage the development of comprehensive programs and services to ensure that Region VI youth have the necessary skills and personal qualities to become successful, productive adults.

This Request for Proposal (RFP) is issued to solicit proposals from a single agency for the provision of innovative workforce development programs serving In School and Out-of-School Youth under the provisions of the Workforce Innovation & Opportunity Act.

Targeted populations include Braxton County In School youth who are ages 16-18, and region wide Out of School youth ages 16 -24, and who have one or more barriers as defined by the Workforce Innovation & Opportunity Act.

The WDB currently contracts with an agency to provide, among other services, eligibility determination for youth. The proposing agency will provide all other services as part of the program proposal, i.e.- recruitment, outreach, case management, follow up, etc.

The desire of the Region VI WDB is to supplement existing services, programs and staff, and where possible, to leverage existing funds in order to operate a system that emphasizes partnership, community involvement, and system integration.

This request covers the base period from July 1, 2023, through June 30, 2024. This RFP contains the provision for up to two (2) additional option years. The proposing organization initially selected to operate the program may be approved to continue In School and Out-of-School Youth services contingent upon successful negotiation of succeeding years' operating budgets, satisfactory performance during the initial and succeeding contract periods, and availability of yearly funding.

Per requirements of 2 CFR 200.300 (a), the Region VI WDB is advising all proposers that they must be familiar with all federal, state and local requirements of the Workforce Innovation & Opportunity Act. This includes, but is not limited to, specific information that can be found in the Workforce Innovation & Opportunity Act, Section 129 and 134, and 20 CFR Parts 680 and 681. Additional informational resources are:

US Department of Labor, Employment and Training <https://wdr.doleta.gov/directives/>
Workforce West Virginia workforcewv.org/public-information/guidance-notice-and-policies
Region VI Workforce Development Board regionviwv.org/about/guidance-policies/

Youth eligibility requirements can be found in **Section VI. Participants Eligibility** of this RFP. Youth program providers must ensure that any applicants who meet WIOA eligibility enrollment requirements, but cannot be served by their program, are referred for additional assessment to other appropriate agencies and or Region VI One Stop Centers (American Job Centers) partner programs.

All youth service proposals must be designed around the 14 key elements outlined within **Section IX. Technical/Management Proposal** of this RFP. Successful proposals will not create or duplicate services that already exist and are accessible in Region VI.

Youth service proposals also are required to meet specific performance measures outlined in **Section VIII. Performance Goals** of this RFP.

V. Who Can Submit a Proposal

All public or private not-for-profit corporations, local education entities, governmental units, public agencies, community-based organizations, faith-based organizations or private-for-profit corporations properly organized in accordance with State and Federal law and who have been in existence for a minimum of five (5) years, may submit a proposal for funding.

The Region VI Workforce Development Board will not discriminate against any firm or individual on the grounds of race, creed, color, sex, age, handicap status or national origin in the contract award.

VI. Participant Eligibility Requirements

In accordance with the WIOA, an eligible Youth is defined as an individual who at the time of application has been determined eligible by a Region VI Career Planner under the following:

Out-of-School Youth Eligibility Requirements

Eligibility for out-of school youth, who at the time of enrollment, is:

- a. Not attending any school;
- b. Not younger than 16 or older than age 24; and
- c. Has one or more of the following barriers:
 - A school dropout;
 - A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
 - A recipient of a secondary school diploma or its recognized equivalent who is a low income individual and is basic skills deficient or an English language learner;
 - An individual who is subject to the juvenile or adult justice system;
 - A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
 - An individual who is pregnant or parenting;
 - A youth who is an individual with a disability; or
 - A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment as defined by the local area.

In-School Youth Eligibility Requirements

Eligibility for in-school youth, who at the time of enrollment, is:

- a. Attending school;
- b. Not younger than 14 or (unless an individual with a disability who is attending school under state law) older than age 21;
- c. Is a low-income individual; and
- d. Has one or more of the following barriers:
 - Basic skills deficient;
 - An English language learner;
 - An offender;
 - A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
 - Pregnant or parenting;
 - An individual with a disability; or

- An individual who requires additional assistance to complete an education program or to secure or hold employment as defined by the local area.

VII. General Guidelines

Requirements:

- Must have or will establish a physical administrative office in the Region VI geographical area as of June 1, 2023.
- Must assign a staff person to be located in or in close proximity to the Fairmont Comprehensive One Stop Center (American Job Center).
- Meet all administrative requirements of the RFP.
- Execute an MOU with the Region VI One Stop Partner Network. (A letter of agreement to execute the MOU will satisfy this requirement prior to grant award. Documentation must be included in the proposal. Contact April Pierson, Region VI One Stop Coordinator, apierson@hrdfwv.org to obtain the information needed to meet this requirement.)
- Provide outreach and public promotion of the program and other WIOA activities. All outreach materials must be approved by the Region VI WDB prior to publication.

NOTE: The In School program will be a limited special event. The proposer will provide an In School program targeting Braxton County youth ages 16-18. An estimated 25 youth will be served within 2 priorities:

1st Priority- Graduating High School Seniors

2nd Priority- High School Juniors

The proposer will WorkKeys test all participants at registration.

The proposer will provide a 2-week activity for all participants which will include 1 week of career exploration opportunities and 1 week of work experience for each participant.

VIII. Performance Goals

All providers will be subject to WIOA federal performance measures effective July 1, 2023. The PY 23 current levels of performance are included in this RFP as Attachment J for reference.

WIOA Performance Measures

- 1) Percentage of program participants who are in education or training activities or in unsubsidized employment, during the second quarter after exit from the program.
- 2) Percentage of program participants who are in education or training activities or in unsubsidized employment, during the fourth quarter after exit from the program.
- 3) Median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program.
- 4) Percentage of program participants who obtain a recognized post-secondary credential or a secondary school diploma or its recognized equivalent during participation in or within one (1) year after exit from the program.
- 5) Percentage of participants who during a program year are in an educational or training program that leads to a recognized post-secondary credential or employment AND who are achieving measureable skill gains toward such a credential or employment.
- 6) Indicators of effectiveness in serving employers as outlined in WIOA.

In addition to the WIOA measures, Region VI has set real time outcome goals for proposers to meet. Meeting the real time outcome goals will be financially tied to contract renewal for the option year(s).

Region VI Real Time Outcome Goals for PY 23

1. Provider should enroll a minimum of 80% of their youth in a work experience activity

during the program year.

2. Provider will be in contact with every active youth during the program year at a minimum of 2 times a month, with one contact being in person. The other contact may be by phone or social media. The contacts will be documented in the youth files and in the MACC as case notes for verification at scheduled file review visits by WDB staff.

Note: Deliverables and performance measures for providers may be modified at any time if the Region VI WDB, the State of West Virginia, and the Department of Labor re-negotiate performance standards.

IX. Subcontracting / Collaboration

Services may be subcontracted or achieved through collaboration with one or more qualified agencies in Region VI, but the Grant Recipient(s) must accept responsibility for contract performance and monitoring of subcontractors and collaborators. All subcontractors must:

- Be a public or private not-for-profit corporation, an education organization, a governmental unit, a public agency, a community-based organization, a faith-based organization, or private-for-profit corporation properly organized in accordance with State and Federal law.
- Meet the same administrative and reporting guidelines as the Grant Recipient(s).
- Have written approval of the WDB to act as subcontractor.

X. Bidders Conference

All parties interested in submitting proposals for Youth Services in Region VI **MUST** attend the bidders conference to be held at 1:00 pm on Monday, February 13, 2023 at the Region VI Workforce Development Board offices at 17 Middletown Road, White Hall, WV. (Directions to the Region VI WDB office included as Informational Attachment K). For those proposers who may not be able to physically attend the bidder's conference, you may request a zoom option. Please email Amy Hall at ahall@region6wv.org by 12 pm February 10, 2023 and request to be sent a zoom invite to the bidder's conference. Questions to be addressed at the Bidder's conference **MUST** be submitted electronically by 12:00 pm, February 10, 2023, to ahall@region6wv.org. Further questions will not be addressed after the Bidder's Conference and proposals from parties who did not attend the bidder's conference will not be considered.

Notes from the bidder's conference will be posted on the Region VI website at www.regionviwv.org within 48 hours after the meeting.

XI. Disclaimers

In the event policy, procedure, program design, or regulatory changes occur, entities submitting a proposal may be requested to modify program design or the delivery of services. Should a request for a change in program design or services occur, staff of the Region VI Workforce Development Board office will be available to assist entities submitting a proposal with the interpretation and suggestions for changes in redesign.

The Region VI Workforce Development Board and Local Elected Official Board (LEO) are under no obligation to award a contract to any entity submitting a proposal in response to this Request for Proposal.

The Region VI Workforce Development Board and Local Elected Official Board (LEO) are under no obligation to reimburse any party for the fees involved in the submission of any such proposals.

An entity may not be recommended for funding, regardless of the merits of the proposal submitted, if the entity has a history of contract non-compliance with the Region VI WDB, or any other funding source, and/or poor past or current contract performance with the Region VI WDB, or any other funding source.

No entity may compete for funds if (1) the entity has been debarred or suspended or otherwise determined to be ineligible to receive federal funds by an action of any governmental agency; (2) the entity's previous contracts with the Region VI WDB have been terminated for cause; (3) the entity has not complied with an official order to repay disallowed costs incurred during its conduct of programs or services.

XII. Protests, Disputes, and Outbriefings

If a proposal is denied, a written appeal regarding the non-award of funds may be submitted within 10 calendar days of receipt of the non-award notice. The appeal may include a request for reconsideration of funding. The written appeal shall be submitted to: Executive Director, Region VI Workforce Development Board, 17 Middletown Road, White Hall, WV, 26554. After consideration by the Executive Director, the written notice may be submitted to the Workforce Development Board, or designated committee of the Board for consideration. Further requests for appeals shall follow the Region VI grievance complaint procedures. Bidding organizations may request a copy of the complaint procedures at any time by contacting the Region VI WDB office.

An Outbriefing for non-selected Proposer's may be requested in writing from the Region VI WDB within thirty days of notification of non-selection.

XIII. General Contract Conditions

A cost-reimbursable contract will be negotiated after final award approval of the proposal which meets the requirements of the RFP and has been deemed to be in the best interests of the WDB.

All Grant Recipients must provide a certificate of insurance for comprehensive general public liability insurance with combined single limit coverage of at least \$1,000,000 with the Region VI Workforce Development Board, Inc. and the Region VI Local Elected Officials (LEO) Board becoming "also insured" at the time of contract implementation. Proof of Workers Compensation Insurance coverage must also be included with the proposal. Other insurance coverage may be required and is subject to negotiation.

XIV. Proposal Submission Deadline

In order to be considered for funding in the program period July 1, 2023 – June 30, 2024 only those interested entities who attended the Bidder's Conference on February 13, 2023, may submit a proposal, and the proposal must be submitted no later than March 2, 2023, by 4:00 p.m. An original and four (4) copies must be submitted to the Region VI Workforce Development Board office at 17 Middletown Road, White Hall, WV, 26554. The proposal packet must be sealed and clearly marked "Youth Services Proposal" on the outside.

FAXED OR ELECTRONIC COPIES WILL NOT BE ACCEPTED. The Proposer assumes all responsibility for the submission of the proposal and meeting of the required deadlines.

A proposal received after the closing date, incomplete proposals, and/or proposals submitted from an entity, which did not send a representative to the Bidder's Conference, will be considered non-responsive, will not be considered for review, and will be returned to the sender.

XV. Evaluation of Proposals

All proposals submitted in accordance with this RFP will be rated based on the criteria outlined below. The Region VI Workforce Development Board RFP Review Committee will rate the proposals. This committee will then either inform the WDB that no award recommendation can be made, and the basis for non-award, or the committee will recommend for award one of the Proposers and the basis for the award (meeting all requirements and points scored). The WDB will either reject the recommendation or approve the recommendation and submit it for approval to the LEO board, who will have the final approval over the awarding of the contract.

All individuals involved in the development, evaluation and award process of this RFP must adhere to the Region VI Conflict of Interest Policy. Proposers should disclose potential conflict of interest issues by identifying any relationship to a board or committee member in a letter submitted with the original proposal.

Proposals will be evaluated using the following criteria:

TARGET GROUP/GEOGRAPHICAL SERVICE AREA	5 Points
WORK PLAN	85 Points
PROPOSER INFORMATION	20 Points
TRANSITION PLAN	10 Points
Total	120 Points

XVI. PROPOSAL FORMAT

Proposers must follow the instructions outlined in this RFP package and submit all appropriate package forms. All forms and narratives must be typewritten, single-spaced, single-sided, on 8.5" X 11" paper in a 12-point font and a binder clip or paper clip used for each individual copy. **DO NOT USE STAPLES OR ANY OTHER TYPE OF BINDING.** For proposals that exceed the section page limitations, only the number of pages that are within the set page limits for each section will be considered. Evaluators will not read proposals beyond the set page limit.

The forms included with this packet, (with the exception of the Proposal Narrative for which no forms are provided) are the only forms, which will be accepted. Proposals must be assembled in the following order:

- Cover Page. This should be the cover page of the proposal. No title page is needed or required. Must use the "Proposal Cover Page" included with packet.
- Proposal Narrative. The Narrative should begin with a Table of Contents, followed by a one (1) page Executive Summary (neither of which will count towards the final page count), and then present the necessary information in the sequence outlined,

using the section headers and sub-section numbers/letters provided, in Section XVII. Technical/Management Proposal “Statement of Work” section.

(Maximum of 31 pages plus allowed Attachments outlined in each section).

Attachment A – Proposer Questionnaire

Attachment B – Budget Summary

Attachment C – Personnel Summary and Detail

Attachment D – Past Experience

Attachment E – Certification Regarding Drug-Free Workplace Requirements

Attachment F – Equal Opportunity Non-Discrimination Notice

Attachment G – Certification Regarding Debarment, Suspension

Attachment H – Certification Regarding Lobbying

Attachment I – Certification of Compliance with Additional Requirements

XVII. Technical/Management Proposal

The Technical/Management Proposal is the Proposers’ response to the following Statement of Work and is the primary criteria from which this proposal will be judged. It should give reviewers a clear picture of the design and cost of the project, activity or service, the anticipated outcomes, and the Proposers’ capability of delivering the youth services being proposed. This information must be presented in the following sequence, using the number and title of each section listed below, along with the sub-section letter/number:

Statement of Work

1. TARGET GROUP/GEOGRAPHIC SERVICE AREA (5 points): Briefly, but clearly, describe both the youth population that you intend to serve, and the demographics of the 13 counties comprising Region VI workforce area. Section one should be no longer than one page.

2. WORK PLAN (85 points): Describe the technical plan in narrative form for accomplishing the work proposed, indicating which components are already in place and a timeline for implementation of planned components. Include the following components, using the letter/number as the header for each component narration. (Note – Components in **Bold** indicate those areas which will carry more weight in the total points awarded for this section.)

a. A description of your plan to provide the 14 key elements as required by the Workforce Innovation & Opportunity Act. If the proposing agency cannot directly provide any one or more of the 14 elements, please describe how the element(s) will be provided. Include a letter(s) of agreement with any other organization which will be providing the element(s). The 14 elements are:

1. Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;
2. Alternative secondary school services, or dropout recovery services, as appropriate;
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the

following types of work experiences: Summer employment opportunities Pre apprenticeship programs; Internships and job shadowing and On-the-job training opportunities;

4. Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the Local Board determines that the programs meet the quality criteria described in WIOA sec.123;
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;
7. Supportive services including the service listed in 681.570;
8. Adult mentoring for a duration of at least 12 months, that may occur both during and after program participation;
9. Follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling as well as referrals to counseling, as appropriate to the needs of the individual youth;
11. Financial literacy education;
12. Entrepreneurial skills training;
13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
14. Activities that help youth prepare for and transition to post-secondary education and training.

- b. Description of Measurable Goals and Objectives designed to meet WIOA performance and Region VI real time outcomes (see Section VIII of this RFP);**
- c. A description of the methods to be employed in achieving the stated goals and objectives and why these methods will work.**
- d. A description of existing or planned strategic collaboration among multiple service providers, including community involvement (Memorandums of Understanding, contracts or agreements of existing collaborations with service providers or evidence of existing community development can be included as attachments to your proposal. Attachments are not included in the page limit.)**
- e. Description of how the Grant Recipient plans to leverage funds and link with existing programs. Define how your proposed program builds on existing services in your agency and what their funding source is, which services will be funded with WIOA dollars; emphasize how you will leverage other funding sources and how you plan to generate additional funds to support your program outcomes.
- f. A description of how the Grant Recipient will link with the local Region VI One Stop Centers (American Job Centers) to handle cross training of Center staff on available youth services, participant eligibility determination, enrollment and tracking.**
- g. A description of how the Grant Recipient will ensure that participant information is

tracked internally so that reports of program progress can reflect at-the-moment information when requested by the WDB and for monthly reporting to the WDB.

- h. **A description of how the Grant Recipient will ensure that information in the MACC accurately reflects services received by and progress made by program participants.** (The MACC, or Mid-Atlantic Career Consortium, is the statewide information data system from which performance reports are generated to the Department of Labor.)
- i. A description of how the Grant Recipient will coordinate its services with the community based organizations in Region VI.
- j. A description of how your agency plans to reach the Out-of-School Youth population. **Describe your recruitment techniques for Out-of-School Youth and your ability to serve this population. Please be specific.**
- k. In School Youth recruitment will be limited to targeting students ages 16-18 attending Braxton County High School. An estimated 25 youth will be served within 2 priorities:
1st Priority- Graduating High School Seniors
2nd Priority- High School Juniors
All participants will be WorkKeys tested at registration.
The proposer should describe how they will provide a 2-week activity for all participants which will include 1 week of career exploration opportunities and 1 week of work experience for each participant.
Include information on how your agency plans to reach this population.
Describe your recruitment techniques for In-School youth and your ability to serve this population. Detail how you will work with the county high school and other local agencies if applicable. Please be specific.
- l. A description of how you will ensure: compliance with local, state, and federal child labor laws, and the safety of all work sites for youth.
- m. Include a staffing plan of those personnel who will be providing the services as outlined in this section. The competency of the professional personnel involved in the delivery of the service requested in the proposal will be evaluated. (Resumes may be attachments and should not be included in page count.)
- n. Describe how the proposer will provide for federal and state criminal background checks and child clearances for all staff directly involved with the provision of services to youth during this program.
- o. Description of your record keeping methods and how you will maintain the confidentiality of youth participants.
- p. State the projected number of eligible youth the proposed program will serve. State the staff to youth served ratio.

Section Two should be no longer than twenty-seven pages (not including attachments).

3. Proposer Information (20 points) This section should form the basis for determining whether or not your agency is qualified and credible to deliver the program as proposed.

- a. Provide a narrative description of your agency to include when, how, and why the organization was started: its purpose, goals and philosophy; prior and current relevant activities; accomplishments, size and characteristics of clients served; and/or current linkages and/or coordination with other agencies and services in the community.
- b. **Describe the administrative capability of your organization in regard to the financial and reporting requirements related to the administration of federally funded programs.**

- c. Past Experience: The Proposer is required to provide up to three examples of contracts performed within the past five years that are similar in size, scope, and performance to the work outlined in this RFP. Note: A contract awarded by the Region VI WDB for youth services will only count as one example, regardless of the number of years the contract was awarded for during the past five years. Attachment D, provided in this packet, is to be used to complete this information.

Section Three should be no longer than two pages plus personnel narratives and/or resumes, and Attachment D – Past Performance.

D. Transition Plan

In the event the proposer awarded this contract is not the current provider of these services in Region VI, a transitional period will be necessary in order to start the program year on July 1, 2023, with minimal interruption in services to the customers of Region VI. The proposer should provide an estimated budget that will cover the costs of transitioning from the current provider. A separate budget for this transition period must be submitted with each proposal. Use the Attachments B and C format for this budget also.

The short-term transitional contract and budget will cover the period of April 1, 2023, through June 30, 2023. The proposer will be expected to hire staff and obtain office space and all supplies/equipment necessary in order to be ready to start services as of July 1, 2023. During the transition period, the proposer will also be expected to work with the Region VI WDB and the current contractor to train new staff in all aspects of the assessment and case management process in Region VI. Any unexpended funds left from the short-term contract may, at the discretion of the Executive Director of the Region VI WDB, be added to the PY 23 contract budget amount.

Detail the action steps, strategies, and the timelines (presented in text format) with specific dates for transitioning the services requested under this RFP.

It is important for Proposers to understand that the infrastructure for delivery of services is in place and that no break in services to current participants can be experienced as a result of a transition. *Section D should be no longer than one page.*

The current provider of these services need only address how they will assist the new provider in the transition process in the event a new provider is awarded the contract. No separate transition budget is required of current providers.

PROPOSAL COVER PAGE

I. PROPOSING AGENCY: _____

Address: _____

City/State/Zip: _____

Authorized Representative: _____

Telephone: _____ Fax Number: _____

Email Address: _____

Agency type: () Government () Commercial () Educational () Non-Profit

II. PROPOSED CONTRACT TYPE: (x) Cost Reimbursement () Fixed Rate

III. DOLLAR AMOUNT OF CONTRACT: \$ _____

IV. FEDERAL EMPLOYMENT IDENTIFICATION NUMBER: _____

V. DUNS #: _____

VI. Registration active in S.A.M.? _____ Yes _____ No
Unique Entity Identifier # _____

VII. CERTIFICATION: I, _____, the undersigned, duly authorized representative of this proposing agency, hereby certify that I have read, understand, and accept the terms and conditions of the solicitation as stated in the Region VI Proposal Package; that the enclosed package is a firm offer effective through 30 (thirty) days after March 2, 2023; and that the information contained herein is true and correct to the best of my knowledge. I am authorized by my Board of directors, Trustees, other legally qualified officer or as the owner of this agency or business to submit this proposal. I understand that if any information has been misrepresented or is found to be untrue, this proposal will be disqualified for consideration and may be grounds for contract cancellation.

Signature: _____

Title: _____ Date: _____

Attachment A

Proposer Questionnaire

Proposer Name: _____

Please check appropriate responses.

1. Organization

____ Corporation ____ Partnership ____ Individual Ownership or Sole Proprietorship
____ City Agency ____ State Agency ____ Educational Institution

2. Status

____ For Profit ____ Non-Profit

3. Experience/Information

____ Number of years in business
____ Number of years in "Training" business
____ Number of permanent employees (salaried and hourly)

4. Have any of the applicant's Federal, State or City contracts or grants ever been terminated or suspended (either totally or partially) for any reason?

____ Yes ____ No

If "YES", briefly explain on an attached sheet of paper.

5. Is applicant in receivership or bankruptcy, or are any such proceedings pending?

____ Yes ____ No

If "YES", briefly explain on an attached sheet of paper.

6. Has the applicant's organization ever been cited, fined or reprimanded for any law or code violation within the last three years or has any business license been suspended or revoked?

____ Yes ____ No

If "YES", briefly explain on an attached sheet of paper.

7. Are all of the applicant's required permits current?

____ Yes ____ No

List on an attached sheet all of your required permits and expiration dates.

8. Subcontracting

Will the applicant subcontract for any of the services?

____ Yes ____ No

If "YES", type in the page number(s) where the subcontracting is described in the proposal. Page(s) _____

9. Will the applicant utilize the services of a consultant in the operation of this program?

____ Yes ____ No

If "YES", type in the page number(s) where the consultant services are described in the proposal. Page(s) _____

10. Union Concurrence

**List any and all unions that may be associated with this training.
Does your agency have union approval of the proposed training?**

_____ Yes _____ No

If YES, please attach written proof of union concurrence.

11. Insurance Coverage

Are persons authorized to handle and disburse government funds fidelity bonded?

_____ Yes _____ No

If yes, attach proof of fidelity bonding. Note: If you cannot show proof of your ability to obtain fidelity bonding, Region VI WDB cannot contract with the applicant, and the proposal will be returned.

12. Does applicant carry General Liability Insurance?

_____ Yes _____ No

If yes, attach proof of General Liability Insurance. Note: If you cannot show proof of general liability insurance, Region VI WDB cannot contract with the applicant and the proposal will be returned.

13. Does the applicant carry Workers' Compensation Insurance?

_____ Yes _____ No

If yes, attach proof of General Liability Insurance. Note: If you cannot show proof of your ability to obtain workers' compensation insurance, Region VI WDB will not contract with the applicant and the proposal will be returned.

14. Is the applicant current with Unemployment Insurance?

_____ Yes _____ No

Note: If you cannot show proof of good standing with Unemployment Insurance, Region VI WDB will not contract with the applicant, and the request for proposal will be returned.

15. Fiscal Responsibilities

Does the applicant organization presently have any outstanding unresolved audit deficiencies with any Federal, State or Local agencies?

_____ Yes _____ No

If yes, please explain on attached sheet of paper.

16. Can the applicant provide, upon request, an AUDITED financial statement for the most recent accounting year which identifies all sources of revenue, donations, and income as well as the offsetting expenses?

_____ Yes _____ No

If your response is NO, your proposal will be returned to you.

17. Are the applicant facilities and other planned sites to be used accessible to individuals with disabilities?

_____ Yes _____ No

18. Certification and Compliance

Does the applicant certify and agree to provide assurances of Equal Opportunity and nondiscrimination and to develop appropriate mechanisms to ensure that affirmative action will be taken in all practices and program activities?

_____ Yes _____ No

If you answered "no" please explain on a separate sheet of paper.

19. Does the applicant agree to comply with all applicable Federal, State and local laws and directives relating to equal opportunity and affirmative action in services and program operations?

_____ Yes _____ No

If you answered "no" please explain on a separate sheet of paper.

20. Is a current copy of the organizations' cost allocation plan included, which will support all costs budgeted for this program that are not directly related to the project. These items are usually rent, utilities, insurance and other overhead items.

_____ Yes _____ No

If You answered "no", your proposal will be returned to you.

Typed Name of Authorized Representative

Original Signature of Authorized Representative / Date

Attachment B
_____ In School

Budget
_____ Out of School

Check One: Program Year July 1, 2023- June 30, 2024 _____
 Transitional April 1, 2023-June 30, 2023 _____

Cost Category	Budgeted Amount	WIOA Youth Funds	In-Kind or Cash Contribution (s) (Attach detailed summary)
Aministration Costs			
Salary & Wages			
Fringe Benefits			
Total Administration Costs			
Program Costs			
Salary & Wages			
Fringe Benefits			
Mileage/Travel			
Meeting Rooms/Conf Fees			
Telephone			
Postage			
Utilities			
Supplies			
Printing/Copies			
Subcontractor			
20% Work Experience			
Staff Salary & Wages			
Staff Fringe benefits			
Staff Travel			
Subtotal 20% Work Experience			
Total Program Costs			
Participant Costs			
20% Work Experience			
Participant Wages			
Participant Fringes			
1 20% Work Experience			
Other Participant Costs			
Incentive Payments			
Youth Travel Payment			
Support Service Payments			
Total Participant Costs			
TOTAL CONTRACT COSTS			

Attachment D - Past Experience – Please Complete for up to 3 Past Contracts

Federal / State Issuing Agency: _____
Agency Point-of-Contact Name and Title _____
Phone Number _____ **E-mail** _____
Contract Name and #: _____
Period of Performance: _____ **to** _____
Dollar Value: Awarded _____
Actual Expenditures at Closeout: _____

Federal / State Issuing Agency: _____
Agency Point-of-Contact Name and Title _____
Phone Number _____ **E-mail** _____
Contract Name and #: _____
Period of Performance: _____ **to** _____
Dollar Value: Awarded _____
Actual Expenditures at Closeout: _____

Federal / State Issuing Agency: _____
Agency Point-of-Contact Name and Title _____
Phone Number _____ **E-mail** _____
Contract Name and #: _____
Period of Performance: _____ **to** _____
Dollar Value: Awarded _____
Actual Expenditures at Closeout: _____

Attachment E

CERTIFICATION REGARDING DRUG –FREE WORKPLACE REQUIREMENTS

- A. The contractor certifies that it will or will continue to provide a drug-free workplace by:
- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor’s workplace and specifying the actions that will be taken against employees for violation of such prohibition:
 - b. Establishing an ongoing drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace.
 - 2. The grantee’s policy of maintaining a drug-free workplace.
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs, and
 - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - c. Making it a requirement that each employee is to be engaged in the performance of the grant to be given a copy of the statement by paragraph “a” above.
 - d. Notifying the employee in the statement required by paragraph “a” that, as a condition of employment under the grant, the employee will:
 - 1. Abide by the terms of the statement, and
 - 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction;
 - e. Notifying the agency in writing, within ten (10) calendar days after receiving notice under subparagraph “d.2.” from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose contract activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notices shall include the identification number(s) of each affected grant;
 - f. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph “d.2”. with respect to any employee who is convicted.
 - 1. Taking appropriate personnel action such as an employee, up to and including termination, consistent within the requirements of the Rehabilitation Act of 1973, as amended; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs “a”, “b”, “c”, “d”, “e”, and “f”.

Applicant Organization

Name of Certifying Official

Signature & Date

EQUAL OPPORTUNITY NON-DISCRIMINATION ASSURANCE

_____ (name of agency), as a recipient of Workforce Innovation and Opportunity Act (WIOA) financial assistance, shall provide initial and continuing notice that it does not discriminate on any prohibited ground, to: registrants, applicants, eligible applicants/recipients, participants, applicants for employment, employees and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients.

ASSURANCE

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws, and will remain in compliance for the duration of the award of federal financial assistance:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

TYPED NAME OF AGENCY OFFICIAL: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

Attachment G

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTION**

Applicant Organization: _____

This certification is required by the regulation implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (Pages 19160-19211).

- 1) The prospective primary participant (i.e., grantee) certifies to the best of its knowledge and belief, that it and its' principles:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal department or agency;
 - b. Have not within a three-year period preceding this renewal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicated for or otherwise criminally or civilly charged by a government entity (Federal, State, or Local) with commission of the offenses enumerated in paragraph (1) (b) of this certification; and
 - d. Have not within a three-year period preceding this application/renewal had one or more public transactions (Federal, State, or Local) terminated for cause or default.

- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this renewal package.

Name of Certifying Official

Signature & Date

Attachment H

CERTIFICATION REGARDING LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief that:

- 1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or any employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- 2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an office or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instruction.

- 3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, and U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Applicant Organization

Name of Certifying Official Signature & Date

Date Submitted

Certification of Compliance with Additional Requirements
(partners/sub-recipients may be subject to any one or more of the following):

1. Title I of the ADA-prohibits discrimination in employment based on disability;

2. Title II of the ADA- prohibits State and local governments from discriminating on the basis of disability;

3. Section 427 of the General Education Provisions Act- requires applicants for new grant awards under Department of Education programs (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs; and

4. West Virginia Anti-Discrimination laws.

Applicant Organization

Typed Name of Certifying Official

Signature

Date

**PY 2023 Negotiated Performance Levels for Region VI
WDB**

WIOA Youth	
Employment (Second Quarter after Exit)	64.5%
Employment (Fourth Quarter after Exit)	61.0%
Median Earnings	\$3,400.00
Credential Attainment Rate	61.0%
Measurable Skill Gains	45.0%

Attachment K

Directions to the Region VI WDB office at 17 Middletown Road, White Hall, WV 26554:

Directions Traveling South on I-79:

- Take the South Fairmont Exit 132 – stay in middle lane
- At the stop light turn left
- Stay in the right lane and turn right at the 3rd stop light onto Middletown Road
- Just after the turn, on the left is Rose Plaza. Make a left into Rose Plaza.
- We are in the section that has wood siding, through the white-colored double doors.

Directions Traveling North on I-79:

- Take the South Fairmont Exit 132
- The exit road splits - you will go right. Yield up the hill and stay in the right lane.
- At the next stop light turn right onto Middletown Road
- Just after the turn, on the left is Rose Plaza. Make a left into Rose Plaza.
- We are in the section that has wood siding, through the white-colored double doors.

I

Guidance Letter 16-16 Case Management/Follow Up

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Case Management/Follow up Updated February 24, 2020
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Region VI Guidance Letter No. 16-16

To: All WORKFORCE West Virginia Center Coordinators and Staff
All ACMC Staff
All Region VI Contracted Providers

From: Region VI Workforce Development Board

Subject: Case Management / Follow Up

1. **PURPOSE:** To provide guidance to local Workforce Development Boards on case management and follow-up services.
2. **REFERENCE(S):** Workforce Innovation and Opportunity Act (WIOA), Section 3, 129, and 134; WIOA Code of Federal Regulations (WIOA CFR), 20 CFR §680.110, 680.150, 680.180, 680.210, 680.220, 680.900, 680.910, 681.240, 681.310, 681.450, and 681.570; Workforce Innovation and Opportunity Act Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions, Workforce West Virginia WIOA Guidance Notices No. 7-16 /10-16, and 6-16, Change 2, Region VI Guidance Letter 7-15, R-3.
3. **BACKGROUND:** The term “career planner,” used in the Workforce Innovation and Opportunity Act (WIOA), replaces the term “case manager,” used in the Workforce Investment Act of 1998. Career planners assist in determining if the adult or dislocated worker has “the skills and qualifications to successfully participate in the selected program of training services.” (WIOA 134(c)) In 20 CFR § 680.340(c) of the WIOA NPRM, career planners are identified as having a consultation role in assisting the participant in selecting an eligible training provider. It is presumed that career planning is a service conducted from the time an individual is enrolled through the four quarters of follow-up after program exit. Career planning is a component of individualized career services, and is not a stand-alone activity. Career planning is a continual service provided to adult, dislocated workers and youth to ensure their success in WIOA.
- 4.. **ACTION:**
One-Stop operators must create or update an operation’s manual that outlines career planning best practices.

WIOA Section 3(8) defines **career planning** as the provision of a client-centered approach in the delivery of services, designed:

- To prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and

- To provide job, education, and career counseling during program participation and after job placement.

Initial Assessment for Eligibility

The initial assessment provides preliminary information about the individual's skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs. (WIOA 134(c))

As a basic career service for adults and dislocated workers, the initial assessment is intended to be a brief, preliminary information gathering process that, among other things, provides sufficient information about an individual's basic literacy and occupational skill levels to enable the One-Stop operator to make appropriate referrals to services available through the One-Stop operator and partner programs.

WIOA section 3(5) defines **basic skills deficient** as an individual who:

- Is a youth, who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- Is a youth or adult, who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

When choosing who shall participate in the Title I programs, refer to *WorkForce West Virginia Guidance Notice 6-16, Change 2*. In addition, special care must be exercised to not discriminate on the basis of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens.

Information and Referral

Local areas shall ensure that each participant or applicant who meets the minimum income criteria for consideration as an eligible youth be provided:

- Information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or One-Stop partners, including those receiving funds under WIOA Title I, Subtitle B Workforce Investment Activities and Providers; and Referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.(WIOA 129(c))

To meet the basic skills and training needs of a youth applicant, each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be served shall be referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant. (WIOA 129(c))

Registration and Participation

Registration is the process for collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. Participation occurs after the registration process of collecting information to support an eligibility determination and begins when the individual receives a staff-assisted WIOA service, which does not include self-service or informational activities. (20 CFR 668.110)

- Adults and dislocated workers who receive services funded under Title I other than self-service or informational activities must be registered and must be a participant. (20 CFR 668.110)

Enrollment

Enrollment in the WIOA youth program requires the collection of information to support an eligibility determination and participation in any of the fourteen WIOA youth program elements. (20 CFR 681.310)

- All youth who participate in the youth program must be enrolled in the WIOA program in order to receive any youth services. (20 CFR 681.310)
- A youth's dropout status is determined at the time of WIOA youth program enrollment. An individual who is out-of-school at the time of registration and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 75 percent expenditure requirement for out-of-school youth. (20 CFR 681.240)
- Employment Opportunity data must be collected on every individual who is interested in being considered for WIOA Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from a grant recipient or designated service provider. (20 CFR 680.110)

Eligibility for Training Services

Under Section 134(c)(3)(A) of WIOA training services may be made available to employed and unemployed adults and dislocated workers who:

- A One-Stop operator or One-Stop partner determines, after an interview, evaluation, assessment, and career planning are:
 - Unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - Have the skills and qualifications to participate successfully in training service; (20 CFR 668.210)
- Have selected a program of training services that is directly linked to the employment opportunities in the local area or the planning region, or in another area to which the individuals are willing to commute or relocate; (20 CFR 680.210)
- Are unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as State-funded training funds, Trade Adjustment Assistance, and Pell Grants, or require WIOA assistance in addition to other sources of grant assistance, including Pell Grants (provisions relating to fund coordination are found at 20 CFR § 680.230 and Section 134(c)(3)(B) of WIOA); and
- If training services are provided through the adult funding stream, are determined eligible in accordance with the state and local priority system, if any, in effect for adults under Section 134(c)(3)(E) of WIOA and 20 CFR § 680.600. (20 CFR 680.210)

Objective Assessment

An objective assessment of the academic levels, skill levels, and service needs of each participant will be provided. The assessment shall include a review of basic skills, occupational skills, prior work

experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participant, for the purpose of identifying appropriate services and career pathways for participants. (WIOA 129(c))

A new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program. (WIOA 129(c))

Individual Service Strategy Plan

The individual employment plan (IEP) is an individual career service, under Section 134(c)(2)(A)(xii)(II), that is jointly developed by the participant and career planner when determined appropriate by the One-Stop operator or One-Stop partner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and the appropriate combination of services for the participant to achieve the employment goals. (20 CFR 680.180)

- If determined appropriate based on the need of the individual participant, the “combination of services” includes supportive services.
- The development of an IEP is only one of the career services that may be provided to adults and dislocated workers determined to be in need of such service; it is not a condition to receive that service.
- The Region VI WDB youth contractor will develop Individual Service Strategies (ISS) for each participant that are directly linked to one or more of the indicators of performance described in Section 116(b)(2)(A)(ii) of WIOA, and that shall identify career pathways that include education and employment goals (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the objective assessment. (WIOA 129(c))
- A new service strategy for a youth participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant. (WIOA 129(c))

Supportive Services

The term “supportive services” means services such as transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities authorized under WIOA Title I. *Please refer to WorkForce West Virginia Guidance Notice 10-16 Support Services/Needs Related Payments and Region VI Guidance Letter 7-15, R-3 Supportive Services.*

Training Decisions for Adults and Dislocated Workers

After an interview, evaluation, or assessment, and career planning before deciding on training, the career planner must ask these questions:

1. Has the participant met the qualifications to be eligible for training services (i.e., received either an interview, planning or any other method through which the One-Stop operator or partner can obtain information and make an eligibility determination to be determined eligible for training service)? (WIOA 134(c) and 20 CFR 668.220)
 - There is no federally-required minimum time period for participation in career services before receiving training services. (20 CFR 680.220)
2. Does the participant have the skills and qualifications to successfully complete the selected training program?

3. Is the program of training services directly linked to the employment opportunities either in the local area or in another area to which the participant is willing to relocate?
4. Is there another funding source willing to pay the costs of the training, including such sources as state-funded training funds, Trade Adjustment Assistance and Federal Pell Grants?
5. If funding is limited in the local area, does the adult participant meet the priority requirements given to recipients of public assistance and other low-income individuals?

Exits

For purposes of performance calculations, exit is the last date of service after which an individual received services through the adult, dislocated worker, or youth program under WIOA Title I, the Adult Education and Literacy program under WIOA Title II, or the employment services authorized by Wagner Peyser as amended by WIOA Title III, and no future services other than follow-up services are planned. (20 CFR 677.150) Ninety days of no service does not include self-service or information-only activities or follow-up services. (20 CFR 677.150)

Follow-Up/Post Placement Contact

Adult and dislocated workers follow up services, as described in Section 134(c)(2)(A)(xiii) of WIOA and 20 CFR § 678.430(c), must be made available, as appropriate, for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment. (20 CFR 680.150) Follow-up services must be provided, as appropriate, including: counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment. (20 CFR 678.430)

The Region VI WDB will make follow-up services available to all youth participants for not less than 12 months after the completion of participation.(20 CFR 681.460) Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training.(20 CFR 681.580) A list of potential follow-up services for youth can be found at 20 CFR § 681.580(b). Follow-up services may be provided beyond 12 months. (20 CFR 681.580) However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. (WIOA 129(c))

The Region VI Workforce Development Board will make all stakeholders in the Region VI Workforce area aware of this policy.

A copy of this policy can be obtained from The Region VI Workforce Development Board.

EXPIRATION

DATE: Effective February 24, 2020, until rescinded or modified by the Region VI Workforce Development Board.

J

Bookkeeping Services Statement of Work

REGION VI WORKFORCE INVESTMENT BOARD
BOOKKEEPING AND TAX SERVICE COSTS QUOTE SHEET

SERVICE (Period of Service - 7/1/23 to 6/30/24)			
Fiscal and Accounting	Hourly Rate	Monthly Rate	Yearly Rate
PAYROLL			
Preparation of Payroll - Bi-Monthly (5 employees)			1700
Payroll Liabilities			
Federal Tax Deposits - Bi-Monthly			200
State Withholding - Monthly			200
Unemployment Compensation - Quarterly			200
Federal 941 & Sechedule B - Quarterly			200
IRA Calculation & Deposits - Monthly			200
Timesheet Review & Payroll Allocation			2500
Annual & Sick Leave Accrual Tracking			200
W-2's			300
RECEIVABLES			
Tracking of Bi-Weekly Drawdowns			1200
Tracking of Refund Checks			500
EXPENDITURES			
Process payments for all invoices to Service Providers (estimated 25 per month)			4500
Process payments for all invoices to vendors (estimated 50 per month)			5100
Process supportive service payments for training participants (estimated 25 per month)			3500
REPORTING			
Preparation of Monthly Financial Reports including payroll			5500
Preparation of any Federal/State Reports when required			3800
Preparation of various reports as requested, i.e. for audits			4400
Preparation of yearly 1099s			1100
Reconciliation of monthly bank statements and reports			1400
OTHER			
Process Budget Modifications			2000
Perform Duties associated with Region VI WIB's Approved Cost Allocation Plan.			6460
Assist with planning line item budgets, work with Private, State and Federal auditors, monitor budget for effectiveness, act as liason with Centra Bank (inquires, stop payments, cleared check,etc.), attend meetings on behalf of Region VI			3800
TOTALS			48960

Total for year is \$48,960 or \$4,080 per month.

CONLEY CPA GROUP, PLLC
Company Name

Jennifer K. Wade
Signature and Title of Authorized Company Representative

5-31-23
Date

I attest that this quote is valid for 30 days from the specified submission deadline date.

K

Procurement Methods

Procurement Methods – 2 CFR 200.320

Region VI Workforce Development Board (WDB) shall use one of the following methods of procurement, as appropriate for each type of procurement.

Procurements of goods, services, and property:

- 1.1 Procurements of *\$5000 or less* will be procured at the discretion of the Executive Director and Staff. {2 CFR 200.320 (a) (1)}
- 1.2 Procurement by *Small Purchase Procedures*. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost from *\$5001 to \$75,000* in the aggregate. If small purchase procurements are used, price or rate quotations will be obtained from at least three qualified sources. If there are not 3 qualified sources, a letter documenting an explanation of the circumstances will be attached in the file on that procurement. All procurements under this section will be approved by vote of the WDB and LEO boards. {2 CFR 200.320 (a)(2)}
- 1.3 Procurement by *Sealed Bids (formal advertising- Request for Quote (RFQ))*. For procurements of *\$75,001 or more*, “bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.” {2 CFR 200.320 (b)(1)}. “Any or all bids may be rejected if there is a sound documented reason.” {2 CFR 200.320 (b)(1)(ii)(E)}. All procurements under this section will be approved by vote of the WDB and LEO boards

Procurements for Programmatic activities:

- 1.4 Procurement by *Competitive Proposals* (A method in which either a fixed price or cost reimbursement type contract is awarded) shall be used for programs or services if the following conditions are present:
 - a. The nature of the item or service needed precludes developing a specification or a purchase description so precise that all interested parties have an identical understanding of the requirement;
 - b. Two or more responsible suppliers are willing and able to compete effectively for the award
- 1.5 Procurements by Competitive Proposals for programs for the Region VI Workforce Development Board shall be secured by: {2 CFR 200.320 (b)(2)}
 - a. Soliciting offers by distributing Requests for Proposals (RFPs) to an adequate number of qualified sources to ensure competition and by publicizing the RFP

and honoring requests for copies of the RFP to the maximum extent practicable;

- b. Ensuring that the RFP identifies all significant evaluation factors, including cost, or price, and the relative importance of each;
 - c. Providing technical evaluation of proposals received and determinations of responsible offerors for the purposes of holding written or oral discussions; for conducting negotiations with offerors deemed to be in the competitive range (offerors whose proposals, when evaluated, are believed to have a reasonable chance of being selected for award); and for selecting the contractor; and
 - d. Awarding a fixed-price or cost reimbursement award to the responsible bidder or whose proposal will be most advantageous to the Region VI Workforce Development Board, price and other factors considered; and notify unsuccessful offerors of the award.
- 1.6 Procurement by *Non-Competitive Proposals*. {2 CFR 200.320 (c)} Procurement occurs through solicitation of a proposal from only one source, the funding of an unsolicited proposal, or when, after solicitation of a number of sources, (which may include advertising for a letter of Request for Interest (RFI) to provide services in order to determine if an RFP is needed), competition is determined inadequate. The use of sole source procurements shall be minimized to the extent possible, but in every case the use of sole source procurements shall be justified and documented. If this method is used, the following requirements apply:
- a. The award is not feasible under any of the other procurement processes mentioned herein and one of the following circumstances applies:
 - The item or service is available only from a single source;
 - The public exigency or emergency need for the item or service does not permit a delay resulting from competitive selection
 - After solicitation of a number of sources, competition is determined inadequate process
 - b. A cost analysis is required. This entails verification of the proposed cost data and evaluation of the specific elements of costs and profits, including comparison with the agency's prior independent price estimate. Profit must be separately negotiated in the award, and cost plus a percentage of cost agreements are not allowable.
- 1.7 Transactions between units of government.

All procurement contracts and other transactions between Region VI WDB and units of the state or local governments must be conducted only on a reimbursement basis. No provision for profit is allowed.

- a. The Region VI WDB partnering with the State is responsible for managing the eligible provider process as specified under WIOA Section 122(a) through (i);
- b. When tuition charges or entrance fees are not more than the educational institution's catalogue price, necessary to receive specific training, charged to the general public to receive specific training, charged to the general public to receive the same training, and for training participants, the tuition and/ or entrance fee must be broken down by item of cost as specified under the State/Local eligible provider process.

Conflict of Interest

- 1.8 No Board Member, officer, employee or agent of the Region VI Workforce Development Board shall:
 - a. Cast a vote on the provision of service under the Region VI Workforce Development Board by that member, by any member of his or her family, or by any organization of which that member or any member of his or her family is an officer, owner, or employee, or
 - b. Vote on any matter which would provide direct financial benefit to that member, or
 - c. Participate in the award or administration of any grant or contract that is funded through the Region VI Workforce Development Board, where he or she knows that any of the following has a financial interest in the person or organization that will receive or has received that grant or contract: 1) the officer, employee, or agent; 2) any family member of the officer, employee, or agent; 3) any partner of the officer, employee, or agent or 4) any person or organization that employ, or is about to employ, any person described in 1), 2), or 3).
- 1.9 No Preclusion – Board Members shall not be precluded from conducting business with a partnership, firm or company with which one or more member is associated, provided that any business relationship is established and maintained on an arm's length basis and meets any otherwise legal requirements relating to conflicts.
- 1.10 Disclosure Requirements – If, during the course of a meeting of the Board, a member is aware that he or she has or may have an actual potential conflict of interest in the matter under discussion, the Board members shall immediately disclose the material facts about his or her interest in the matter to the Board, if not already known to the Board.
- 1.11 Procedure Determining the Existence of a Conflict – In the event that the Board concludes that a conflict exists, the President or the majority of disinterested members present may appoint a disinterested person or committee to investigate

alternatives to the proposed transaction or arrangement which presents the conflict. Alternatively, the Board may approve the transaction or arrangement which is the subject matter of the conflict by an affirmative vote of the majority of the members of disinterested members present, provided that they have determined 1) that the transaction or arrangement is in the Board's best interest and for its' own benefit and 2) that it is fair and reasonable to the Board.

- 1.12 Violation of Policy – Any Board member or employee who violates its' conflict of interest policy shall be subject to the disciplinary action by the Chair or the Board, up to and including termination of employment, if applicable, or removal from the Board or the committee thereof of the member.
- 1.13 *Award Provisions:* Each recipient and sub recipient agreement shall:
 - a. Clearly specify deliverables and basis for payment;
 - a. In the case of awards to sub recipients, contain clauses that provide for compliance with the Workforce Innovation and Opportunity Act (WIOA) and attendant Federal Regulation;
 - b. Contain assurance of nondiscrimination and equal opportunity as required under WIOA Section 188.
 - c. Contain all documentation required in the grant request for proposal packet.

Contracting with Small and Minority Businesses, Women's Businesses, and Labor Surplus Area Firms

- 1.14 Region VI will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Region VI will require subcontractors to abide by this requirement also.

L

**Guidance Letter 3-15, R-10 On-the-Job
Training Policy**

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Classification: On-the-Job Training Policy
	Date October 17, 2023

Region VI Guidance Letter No. 3-15, R-10

To: All Career Planners

From: Region VI Workforce Development Board (WDB)

Subject: On-the-Job Training Policy

1. **PURPOSE:** To establish policy on requirements and benefits available under Region VI Workforce Development Board Dislocated Worker/Adult funded On-the-Job Training activities.
2. **REFERENCE:** The Workforce Innovation and Opportunity Act (WIOA) sec 3(44), sec 134(c)(3)(G)(ii)(II),sec 134(c)(3)(H), and 20 CFR 680.700-750.
3. **BACKGROUND:** The Workforce Innovation and Opportunity Act provides for On-the-Job training activities (hereinafter referred to as OJT). OJT is training by an employer that is provided to a paid participant while engaged in productive work in a job that:
 - A) provides knowledge or skills essential to the full and adequate performance of the job;
 - B) provides reimbursement to the employer of up to 25%-75% of the wage rate of the participant for the extraordinary costs of providing the training and additional supervision related to the training; and
 - C) 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.
4. **POLICY:** The Region VI Workforce Development Board will authorize the use of WIOA Dislocated Worker (DW) monies (dependent upon the availability of DW funds in the current budget year) to fund OJT activities within the region for customers who: meet the definitions of a Dislocated Worker; and reside in Region VI; or reside out-of-state/out-of-region and whose most recent dislocation was from a business located in Region VI.

The Region VI Workforce Development Board will authorize the use of WIOA Adult (AD) monies (dependent upon the availability of AD funds in the current budget year) to fund OJT activities within the region for customers who: meet the definitions of an Adult; and reside in Region VI.

Region VI will write OJTs for eligible customers of the Region VI service area with companies located in or outside of the Region VI service area.

OJT's will only be written for positions providing full-time, permanent employment. (The only exception to this provision could be contracts written with employers for an apprentice participating in an apprenticeship program.)

Region VI will write OJT contracts for a maximum of 480 hours per position, per person.

Region VI will reimburse 50% - 75% of the training wages for those employers paying \$10 an hour or more to eligible OJT participants, based on the size of the employer at the specific location of training as follows:

EMPLOYER SIZE	MAXIMUM REIMBURSEMENT RATE
1-99 employees	75% of wages
100 + employees	50% of wages

OR

Region VI will reimburse 25% of the training wages for those employers paying less than \$10 hour, but not less than \$8.75 an hour to eligible OJT participants (regardless of the employer size).

OJT contracts will not be written with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work.

Funds provided to employers for OJT must not be used to directly or indirectly assist, promote or deter union organizing.

Funds provided to employers for OJT shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation).

An OJT contract cannot be written with an employer for a participant if: >Any other individual employed by the employer is on layoff from the same or any substantially equivalent job; or
>The employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the OJT participant; or
>The job is created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

In the event that Region VI WDB receives funding to provide NDWG (National Dislocated Worker Grant) programs and services, the NDWG grant provisions may supersede the provisions in this policy.

The Region VI Workforce Development Board Executive Director may waive provisions of this policy when the Executive Director determines it is necessary in order to serve individuals with special circumstances.

IMPLEMENTATION DATE: Effective October 17, 2023 until rescinded or modified by the Region VI Workforce Development Board.

M

**Guidance Letter 13-16, R-7 Transitional Jobs
Policy**

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Transitional Jobs
	Date October 17, 2023

Region VI Guidance Letter 13-16, R-7

To: Region VI Career Planners
Region VI Workforce Development Board Stakeholders

From: Region VI Workforce Development Board

Subject: Transitional Jobs

- Purpose:** The purpose for this guidance letter is to provide guidance on the use of Transitional Jobs as part of the regional service strategy of the Region VI Workforce Development Board.
- References:** Workforce Innovation and Opportunity Act of 2014 (WIOA), Section 134(d)(5); 20 CFR §680.830, §680.840, §680.900, §680.150, and Region VI Guidance Letter 7-15, R-5.
- Background:** A transitional job is one that provides a limited work experience, that is subsidized in the public, private, or non-profit sectors for those individuals with barriers to employment because of chronic unemployment or inconsistent work history; these jobs are designed to enable an individual to establish a work history, demonstrate work success, and develop the skills that lead to unsubsidized employment. The Region VI Workforce Development Board may use up to 10 percent of the combined total of adult and dislocated worker allotments for transitional jobs. Transitional jobs must be combined with comprehensive career services (§680.150) and supportive services (§680.900) when deemed appropriate.
- Action:** Region VI will use transitional jobs as an employment strategy that seeks to overcome employment barriers and transition people with labor market barriers into work using wage-paid, short-term employment that combines real work, skill development and supportive services. Transitional Jobs program participants will earn a paycheck, learn skills, may become eligible for the Earned Income Tax Credit, and receive intensive mentoring and support.

The Transitional Jobs program in Region VI will have at a minimum, the following 3 components:

1. Paid work experience reimbursed to the employer at a rate of 100%
2. Classroom training provided at the rate of 8 hours for every 32 hours of actual work performed. (The 8 hours will be in addition to the contracted hours of paid work experience and can be paid or unpaid time.)

Classroom training experience is defined as soft skills, occupational skills, financial literacy, etc.-including referrals to Adult Education and SPOKES as appropriate.

3. Supportive services necessary to enable an individual to participate in Transitional Job training services as determined appropriate through assessment of the needs of each individual.

Each individual participating in Transitional Training can utilize up to *480 hours with any one employer*. These training hours can be used with one or more employers as needed *for a maximum of 1040 hours*.

Transitional participants have a maximum of 2 years from WIOA registration date to participate in the program.

If an employer chooses to retain the participant after completion of the Transitional Job Training, an OJT contract may be developed if the position meets the guidelines governing OJT in Region VI.

The Region VI Workforce Development Board Executive Director may waive provisions of this policy when the Executive Director determines it is necessary in order to serve individuals with special circumstances.

In the event that Region VI WDB receives funding to provide NDWG (National Dislocated Worker Grant) programs and services, the NDWG grant provisions may supersede the provisions in this policy.

A copy of this policy can be obtained from The Region VI Workforce Development Board or by downloading from the website-www.regionviwv.org, About tab, Guidance Policies.

EXPIRATION

DATE: Effective October 17, 2023, until rescinded or modified by the Region VI Workforce Development Board.

N

Guidance Letter 8-15 Monitoring Policy

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Monitoring/Validation
	Date June 12, 2017

Region VI Guidance Letter No. 8-15

To: All WORKFORCE West Virginia Center Coordinators and Staff
All APMC Staff
All Region VI Contracted Providers

From: Region VI Workforce Development Board

Subject: Monitoring of WIOA Recipients and Sub-recipients

1. PURPOSE: This guidance letter outlines the policy covering how the Region VI Workforce Development Board (WDB) will comply with the monitoring requirements of the Workforce Innovation and Opportunity Act of 2014 (WIOA).
2. REFERENCE: Section 185, (c)(3).
3. BACKGROUND: The Workforce Innovation and Opportunity Act states that "...each local board...shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title."
4. POLICY: The Region VI WDB has established as policy that providers with whom the Region VI WDB has a contract with will be monitored annually to ensure compliance with the provisions of Title I of the WIOA.

Region VI defines providers to mean those entities with whom Region VI has contracted with through the Request for Proposal process and with whom a 2-part contract has been entered into.

5. ACTION: Staff of the Region VI WDB will perform monitoring/validation at least once yearly of providers (as defined above) operating under contract with Region VI to provide Adult, Dislocated Worker, and/or Youth programs. This is accomplished through monitoring of the case files to check for program compliance with WIOA and then validating the source documentation in the files. The monitoring/validation process flow as follows:

1. A monitoring/validation date is set with the program to be monitored/validated and a letter sent to the contractor advising of the process and aspects of the program to be monitored/validated and includes a copy of the monitoring/validation tool to be used and a list of files and other documentation to be available the day of the monitoring/validation. 2 weeks is usually given the contractor to gather the materials together;
2. WDB staff conducting the monitoring meet with the contractor staff on the day of the

monitoring/validation to address any questions and make sure all documentation is available;

3. WDB staff monitor/validate the files and documentation in order to determine compliance with WIOA and Region VI WDB policies and procedures.
4. Upon completion of the monitoring/validation, an exit interview is done with pertinent contractor staff to go over any issues and allow for resolutions of any dispute of issues found.
5. A letter outlining the results of the monitoring/validation visit is sent to the contractor within 30 days of the monitoring/validation date. The letter details issues found and corrective action to be done;
6. The contractor has 30 days to respond with a corrective plan of action if required.
7. Follow up and technical assistance will be given by WDB staff to the contractor if needed in order to bring them into compliance with WIOA and Region VI WDB policies.
8. All of this process is documented and kept in the Master contractor notebook in the WDB offices.

Fiscal monitoring is conducted separately from the programmatic monitoring/validation outlined here but follows the same process. Instead of monitoring individual files, the Fiscal Officer of the WDB looks over financial records pertaining to the program under contract to determine that expenditures have been made against the cost categories and within cost limitations specified in the Act and WIOA regulations.

The Region VI WORKFORCE West Virginia System will be made aware of this policy. Each WDB and LEO Board Member will be given a copy of this policy.

3. EXPIRATION DATE: This policy will become effective June 12, 2017, and shall be in effect until revised or cancelled by the Region VI WDB.

O

Grievance/Complaint Policy

**REGION VI WORKFORCE DEVELOPMENT BOARD (Region VI WDB)
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
GRIEVANCE/COMPLAINT POLICY AND PROCEDURES**

Purpose:

This document establishes the policy of West Virginia on the development, maintenance and implementation of programmatic grievance and complaint procedures. This policy and related procedures cover complaints alleging noncriminal violations of the requirements of Workforce Innovation and Opportunity Act (WIOA) in the operation of local WIOA programs and activities and transmits policy governing WIOA Title I related grievance and complaint procedures at the local and State level.

Scope:

Title 20 Code of Federal Regulations (CFR) Subpart F Section 683.600 requires that Local Workforce Development Boards (LWDB) and sub-recipients of WIOA Title I grant funds comply with the grievance and complaint provisions of the WIOA. This policy applies to programmatic grievances and complaints pursuant to WIOA Section 181(c) and does not address the procedures for processing complaints alleging discrimination under WIOA Section 188 and/or Title 29 Code of Federal Regulations (CFR) Part 37. Information and complaints involving allegations of fraud, abuse, or other criminal activity must be reported directly to U.S. Department of Labor's (DOL) Office of Inspector General.

REFERENCES:

- WIOA Section 181 (c)
- Title 20 CFR Part 683.600
- Title 29 CFR Part 37

FILING INSTRUCTIONS:

This policy implements the requirements of WIOA Section 181(c) and 20 CFR Part 683.600. Retain this policy until further notice.

BACKGROUND:

Title 20 CFR Section 683.600 requires each LWDB, State, and direct recipient of funds under Title I of WIOA to establish and maintain a procedure for grievances and complaints from participants and other interested parties affected by the local workforce development system, including American Job Center partners, service providers, and the statewide workforce development programs.

POLICY AND PROCEDURES:

Definitions:

Complainant means any participant or other personally interested or personally affected party alleging a non-criminal violation of the requirements of WIOA.

Complaint file is a file that is maintained in a central location within each office which includes a hard copy of each complaint filed along with pertinent documentation.

Days means consecutive calendar days, including weekends and holidays.

Grievance or complaint means a written expression by a party alleging a violation of WIOA, regulations promulgated under WIOA, recipient grants, sub-agreements, or other specific agreements under WIOA. All complaints, amendments to a complaint, and withdrawals shall be in writing. This policy is intended to resolve matters which concern actions arising in connection with the WIOA Title I grant program.

Hearing Officer means an impartial party who shall preside at a hearing on a grievance or complaint.

Local Workforce Development Board includes the Local Workforce Development Area's/Region's administrative entity and any sub-recipients to which the administrative entity has delegated the complaint and grievance resolution process.

Participant means an individual who has been determined to be eligible to participate in, and who is receiving services under, a program authorized by WIOA.

Participant case file means either a hard copy or an electronic file.

Recipient means an entity to which a WIOA grant is awarded directly from DOL to carry out a program under Title I of WIOA. The State is the recipient of funds awarded under WIOA Sections 127 (b)(1)(C), 132(b)(1)(B), and 132(b)(2)(B).

Sub-recipient means an entity to which a sub-grant is awarded, and which is accountable to the recipient (or higher tier sub-recipient) for the use of the funds provided.

Policy:

It is the policy of the State of West Virginia that:

- The principles and procedures set forth in this Policy 3-17, Change 1 shall be used by all West Virginia LWDBs in the development of local-level grievance and hearing procedures; and
- The principles and procedures set forth in this Policy 3-17, Change 1 shall govern the treatment and handling of all grievances or complaints in connection with all WIOA Title I grant programs and activities conducted by the State, or pursuant (directly or indirectly) to sub-grants from the State.

The State Workforce Development Board (SWDB) concurs with this policy and has approved the local policy and procedures contained in this document.

Procedures:

I. GENERAL PRINCIPLES AND REQUIREMENTS

These procedures will guide the receipt, hearing, and resolution of non-criminal grievances and complaints relating to WIOA Title I grant programs and activities that are funded with WIOA Title I grant monies provided to the LWDB by the State. These procedures will be available for use by all individuals and entities, including WIOA Title I grant participants, LWDB staff, sub-recipients of the LWDB, and other interested parties. Local procedures must include “a process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties so provides.” [Title 20 CFR Section 683.600(c)(3)].

Additionally, all LWDB’s and sub-recipients of WIOA Title I grant funds must make reasonable efforts to assure that information about the content of the grievance and complaint procedures will be understood by affected participants and individuals, including youth and those who are limited English-speaking individuals. Such efforts must comply with the language requirements of Title 29 CFR Section 37.35.

At all levels of the grievance or complaint process, complainants have the right to be represented, at their own expense, by a person(s) of their choosing.

Grievances or complaints must be filed within 30 days of the alleged violation. All grievances or complaints, amendments, and withdrawals must be in writing. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, or discrimination.

II. LOCAL GRIEVANCE AND COMPLAINT PROCEDURES

Pursuant to Title 20 CFR Sections 683.600 through 683.610, the State Workforce Development Board (SWDB) has established this procedure for resolving grievances and complaints alleging a violation of WIOA Title I, regulations, grants, or other agreements under WIOA. The following outlines the procedures for resolving issues arising in connection with WIOA Title I grant programs operated by the administrative entity for the LWDB and its sub-recipients. Any participant or other interested party adversely affected by a decision or action by the local workforce development system, including decisions by One-Stop partners and services providers, has the right to file a grievance or complaint with the LWDB.

A. Notice to Affected Parties

Initial and continuing notice of the local grievance and complaint procedures and instructions on how to file a complaint must be:

- Posted in a public location and be made available to any interested parties

and members of the public.

- Made available to each participant. A copy of the written description of the local grievance and complaint procedure shall include (1) Notification that the participant has the right to file a grievance or complaint at any time within 30 days of the alleged violation; (2) Instructions and timeline for filing a grievance or complaint; and (3) Notification that the participant has the right to receive technical assistance. Such information shall be modified, as needed, whenever the procedures are changed.

The LWDB has the responsibility to provide technical assistance to the complainants, including those grievances or complaints against the LWDB. Such technical assistance includes providing instructions on how to file a grievance or complaint, providing relevant copies of documents such as the Act, regulations, local rules, contracts, etc., and providing clarifications and interpretations of relevant provisions. This requirement shall not be interpreted as requiring the LWDB to violate rules of confidentiality.

B. Form and Filing of Grievance or Complaint

The official filing date of the grievance or complaint is the date the written grievance or complaint is received by the LWDB, its service providers, One-Stop partners, or sub-recipients. The filing of the grievance or complaint will be considered a request for a hearing, and the LWDB shall issue a written decision within 60 days for the filing of the grievance or complaint.

The grievance or complaint must be in writing, signed, and dated. For resolution purposes, the SWDB requires that the following information be obtained or provided for all complaints:

- Full name, telephone number, and mailing address of the complainant.
- Full name, telephone number, and mailing address of the respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the law, regulations, or contract; and
- The remedy sought by the complainant.

The absence of any of the requested information shall not be a basis for dismissing the grievance or complaint.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the time of the hearing. The 30-day period in which a grievance or complaint may be filed is not extended for grievances or complaints that are refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision. The LWDB shall send a copy of the grievance or complaint to the respondent and immediately (within

one business day) notify the State WIOA Unit.

C. Investigation

After the complaint has been filed and the State notified, the LWDB will assign a staff member to investigate the claims being brought forth. WorkForce West Virginia will provide at least one other investigator in all such matters. The scope of the investigation should be limited to the allegations within the grievance or complaint; however, other observable violations that may warrant further investigation can be noted by all parties involved. Each party to the investigation must do their due diligence in obtaining any evidentiary statements as there must be no coercion, leading, or otherwise interfering with the willful and unadulterated obtainment of statements from the complainant, respondent(s), and any witnesses.

The investigation and written summation of all statements and evidence should be completed within 10 working days to allow for a Hearing if an Informal Resolution cannot be reached between the parties.

D. Informal Resolution

The LWDB shall notify the complainant and the respondent of the opportunity for an informal resolution. Respondents must make good faith efforts to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either party in the grievance or complaint to exert good faith efforts shall not constitute a basis for dismissing the grievance or complaint, nor shall this be considered part of the facts to be judged in the resolution process. Where a complaint alleges a violation of the WIOA Title I grant or any agreements under WIOA, the LWDB must assure that every grievance or complaint not resolved informally or not withdrawn is given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

When a complaint is resolved through the informal resolution process, the LWDB must attempt to contact the complainant and have him or her provide a written withdrawal of the complaint within 10 days of the receipt of the notice of resolution or impasse where a complainant decides not to proceed to an administrative hearing. The LWDB shall maintain copies of correspondence in the local office complaint file and provide a copy of such materials to the State, when requested.

E. Notice of Hearing

Hearings shall be conducted within 30 days of the filing of a grievance or complaint. The complainant and the respondent must be notified, in writing, of the hearing 10 days prior to the date of the hearing. The 10-day notice may be shortened with the written consent of both parties. The hearing notice shall be in writing and contain the following information:

- The date of the notice, name of the complainant, and the name of the party against whom the grievance or complaint is filed.
- The date, time, and place of the hearing before an impartial hearing officer.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant; however, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

F. Conduct of Hearings

An impartial hearing officer shall conduct the hearing. The LWDB will seek impartial hearing officers from among the staff of legal offices or personnel departments of municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing will be conducted in an informal manner with strict rules of evidence not being applicable and according to the procedures established by the LWDB. Both parties will have the right to present written and/or oral testimony and arguments; the right to call and question witnesses in support of their position; the right to examine records and documents relevant to the issues; and the right to be represented. The hearing will be recorded electronically or by a court reporter.

G. Decision

Not later than 60 days after the filing of the grievance or complaint, the hearing officer shall mail a written decision to both parties by first class mail. The hearing officer's decision shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and issues related to the alleged violation.
- A statement of the facts.
- The hearing officer's decision and the reasons for the decision.
- A statement of corrective action or remedies for violations, if any, to be taken; and
- Notice of the right of either party to request a review of the decision by the State Review Panel within 10 days of the receipt of the decision.

H. Appeal

If a complainant does not receive a decision at the LWDB level within 60 days of the filing of the grievance or complaint, or receives an adverse decision, the complainant then has the right to file an appeal with the State.

The complainant may request an appeal hearing by submitting a written notice to:

WorkForce West Virginia
Office of the Commissioner
1900 Kanawha Boulevard East
Building 3, Suite 300
Charleston, WV 25305

III. STATE-LEVEL GRIEVANCE AND COMPLAINT PROCEDURES

Title 20 CFR Section 683.600(d) requires the State to provide a process for dealing with grievances and complaints from participants or interested parties affected by the statewide workforce development programs, resolving appeals of decisions issued at the LWDB level, remanding grievances and complaints related to the local WIOA Title I programs to the LWDB grievance process, and affording an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.

In cases where the State has imposed either administrative or financial/monetary sanction(s) resulting from monitoring, investigations, or audits, the complainant may file an appeal with the State through the procedures established in their Audit Resolution guidance.

A. State-Level Informal Resolution and Hearing Procedures

All complaints of noncriminal violations of the requirements of WIOA by the State, or complaints by individuals or interested parties affected by the statewide workforce development program shall be filed in writing with the Office of the Commissioner, WorkForce West Virginia. All requests for State hearings shall include the same basic elements necessary for local level hearings. These are:

- Full name, telephone number, and mailing address of the complainant,
- Full name, telephone number, and mailing address of the respondent,
- A clear and concise statement of the facts and dates describing the alleged violation,
- The provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, believed to have been violated,
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the WIOA law, regulation, or contract; and
- The remedy sought by the complainant.

Upon receipt of the request for a State hearing, the Commissioner or his/her designee shall review the grievance or complaint and shall provide an opportunity for an informal resolution. The Commissioner shall notify the complainant and the respondent within 10 days of receipt of the grievance or complaint and proceed with the informal resolution process. If the State cannot resolve the grievance or complaint informally, then a hearing will be held.

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of a grievance or complaint. The complainant and the respondent shall be notified in writing of the hearing 10 days prior to the date of hearing. The hearing notice shall advise the following:

- The date, time, and place of the hearing before an impartial hearing officer.
- The pertinent sections of the WIOA or any other federal regulations involved.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

B. Appeals of LWDB Decisions or Requests for WFWV Review

1. A complainant may file a request for review with WFWV if no decision has been issued at the LWDB level within the 60-day time limit. A complainant may file an appeal if the LWDB has issued an adverse decision. The request for a WFWV review or appeal shall be filed or postmarked (if mailed) within 10 days from the date on which the complainant received an adverse decision from LWDB or 15 days from:

- The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five days from the date the decision was due, or

2. All requests for review or appeals shall include the following:

- The full name, telephone number, and mailing address of the complainant,
- The full name, telephone number, and mailing address of the LWDB,
- A statement of the basis of the request or appeal, and
- Copies of relevant documents, such as the complaint filed at the LWDB and the local decision, if any.

3. WFWV shall request the record of the hearing from the LWDB and shall review the record. WFWV shall notify the concerned parties and the LWDB by first class mail, certified with a return receipt, of the following information at least 10 days before a scheduled hearing:

- The date of the notice, name of the complainant, and the name of the party against whom the complaint is filed.
- The date, time, and place of the hearing before a hearing officer.
- A statement of the alleged violations. This statement shall accurately reflect the content of the complaint as submitted by the complainant.
- The name, address, and telephone number of the contact person issuing the notice.

C. Hearing

1. The WFWV hearing shall be conducted in an informal manner with strict rules of evidence not being applicable. Both parties shall have the right to

present written and/or oral testimony under oath and arguments; the right to call and question witnesses; the right to request and examine records and documents relevant to the issues, and the right to be represented. The hearing shall be recorded.

2. The WFWV hearing officer shall be an Administrative Law Judge (ALJ).

D. Referral of Local Grievances or Complaints

Grievances or complaints filed directly with the State related to the local WIOA programs will be remanded to the LWDB grievance process in accordance with LWDB Grievance and Complaint Procedures.

E. Remedies

1. Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to:

- Suspension or termination of payments under WIOA Title I,
- Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I,
- Reinstatement, where applicable, of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment; and
- Where appropriate, to other equitable relief.

2. Nothing in paragraph 1 shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, State, or local law for a violation of WIOA Title I.

F. Federal-Level Appeal Process

Under Title 20 CFR Section 683.610(a)(1), if the State or Local Workforce Development Board has not issued a decision within the required 60-day time limit, the complainant can file an appeal to the Secretary of Labor. The appeal must be filed with the Secretary of Labor no later than 120 days of the filing of the grievance or complaint with the State, or the filing of the appeal of a local grievance or complaint with the State.

In cases where a decision has been reached and the State issued an adverse decision, the complainant can file an appeal to the Secretary of Labor within 60 days of the receipt of the decision being appealed.

The request for appeal must be submitted by certified mail, return receipt to:

Secretary

U.S. Department of Labor

200 Constitution Avenue, NW

Washington, D.C. 20210

Attention: ASET

A copy of the appeal must be simultaneously provided to the Region 2 ETA

Regional Administrator, U.S. Department of Labor—Employment and Training Administration, Suite 825 East, The Curtis Center, 170 South Independence Mall West, Philadelphia, PA 19106, and the opposing party.

ACTION:

All recipients and sub-recipients of WIOA Title-I funding through the Workforce Development Board of West Virginia shall utilize the grievance and complaint procedures specified in this policy or ensure that any policies or procedures established by the recipient or sub-recipient are in accordance with these requirements.

INQUIRIES:

Please direct inquiries about this directive to the Region VI Workforce Development Board at 304-368-9530.

COMPLETE, SIGN AND MAIL AN ORIGINAL SIGNATURE COPY OF THE FORM ON PAGES 12-13 TO:

**REGION VI WORKFORCE DEVELOPMENT BOARD
17 MIDDLETOWN ROAD
WHITE HALL, WV 26554**

KEEP A COPY OF THE COMPLETED FORM FOR YOUR RECORDS.

**REGION VI WORKFORCE DEVELOPMENT BOARD
WORKKFORCE INNOVATION AND OPPORTUNITY ACT GRIEVANCE/COMPLAINT FORM**
PLEASE PRINT ALL INFORMATION.

COMPLAINANT CONTACT INFORMATION

Name: _____
If Organization, Name of Contact Person: _____
Address: _____
 Street City Zip
Phone #: _____ Cell phone # _____

RESPONDENT CONTACT INFORMATION

Name: _____
If Organization, Name of Contact Person: _____
Address: _____
 Street City Zip
Phone #: _____ Cell phone # _____

Please provide the following information: (You are encouraged to seek technical assistance from the Region VI WDB staff in completing this section, if needed. You may attach additional pages if necessary.)

1. Please provide a clear and concise statement of the facts and dates describing the alleged violation:

2. What provisions of the WIOA, the WIOA regulations, grant, or other agreements under the WIOA, were violated?

3. Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with the law, regulations, or contract.

Remedy Sought:

Complainant Printed Name _____

Complainant Signature _____

Date _____

For Region VI WDB use only: Date Received _____ Initials _____
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