

**Nevada Department of Employment, Training and Rehabilitation
(DETR)
Workforce Innovation and Opportunity Act (WIOA)
State Compliance Policy (SCP)**

Policy Number: 1.4

Originating Office: DETR; Workforce Investment Support Services (WISS)

Subject: Workforce Innovation and Opportunity Act One-Stop Delivery System

Issued: REVISED; replacing WIOA State Compliance 1.4, Ratified July 21, 2016 GWDB, REVISED; Approved GWDB Executive Committee, 3-15-17; Ratified GWDB, 04-20-17

Purpose: To provide guidance for the operation of the WIOA one-stop service delivery system.

State Imposed Requirements: This directive may contain state-imposed requirements. These requirements are printed in **bold, italic type**.

Authorities/References: Workforce Innovation and Opportunity Act (P.L. 113-128), 2 CFR part 200, 20 CFR Part 678 and 29 CFR §37; §38; TEGL 4-15; TEGL 15-16; TEGL 16-16.

ACTION REQUIRED: Upon issuance bring this guidance to the attention of all WIOA service providers, LWDB Board members and any other concerned parties. Any LWDB's policies, procedures, and or contracts affected by this guidance are required to be updated accordingly.

Background:

Title I of the Workforce Innovation and Opportunity Act (WIOA) assigns responsibility at the local, state and federal level to ensure the creation and maintenance of a One-Stop delivery system that enhances the range and quality of workforce development services that are accessible to individuals seeking assistance 20 CFR §678.300.

Policy and Procedure:

One Stop Delivery System:

The one-stop delivery system brings together workforce development, educational, and other human resource services in a seamless customer- focused delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers. 20 CFR §678.300(a).

The system must include at least one comprehensive physical center in each local area as described in 20 CFR §678.305. The system may also have additional arrangements to supplement the comprehensive center including:

- An affiliated site or a network of affiliated sites where one or more partners make programs, services, and activities available as described in 20 CFR §678.310. A physical location is one that provides access to the programs, services, and activities of all required partners. Providing services through “direct linkage” as defined in 20 CFR §305(d) is an allowable form of access to services. All affiliated sites must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR part 38. Administrative requirements for affiliated sites are further described in State Compliance Policy 1.20.
- A network of eligible one-stop partners, as described in 20 CFR §678.400 through §678.410 through which each partner provides one or more of the programs, services, and activities that are linked, physically or technologically, to an affiliated site or access point that assures customers are provided information on the availability of career services, as well as other program services and activities, regardless of where they initially enter the public workforce system in the local area; and,
- Specialized centers that address specific needs, including those of dislocated workers, youth, or key industry sectors or clusters.

Required one-stop partner programs must provide access to programs, services, and activities through electronic means, if applicable and practical. This is in addition to providing access to services through the mandatory comprehensive physical one-stop center and any affiliated sites or specialized centers. The provision of programs and services by electronic methods such as web sites, telephones, or other means must improve the efficiency, coordination and quality of one-stop partner services. Electronic delivery must not replace access to such services at a comprehensive one-stop center or be a substitute to making services available at an affiliated site if the partner is participating in an affiliated site. Electronic delivery systems must be in compliance with the nondiscrimination and equal opportunity provisions of WIOA in sec. 188, and its implementing regulations in 29 CFR parts 38.

The design of the local area’s one-stop system must be described in the Memorandum of Understanding (MOU) executed by the one-stop partners as described in 20 CFR §678.500.

Comprehensive One-Stop Center:

A comprehensive one-stop center is a physical location where jobseeker and employer customers can access the programs, services and activities of all required one-stop partners. A comprehensive one-stop center must have at least one WIOA Title I staff person physically present.

The comprehensive one-stop center must provide:

- Career services described in 20 CFR §678.430;
- Access to training services described in 20 CFR §680.200;
- Access to any employment and training activities carried out under sec. 134(d) of WIOA;
- Access to programs and activities carried out by one-stop partners listed in 20 CFR §678.400 through §678.410, including Wagner-Peyser employment services and,
- Workforce and labor market information.

Customers must have access to these programs, services, and activities during regular business days at a comprehensive one-stop center. The local workforce development board may establish other service hours, at other times, to accommodate the schedules of individuals who work on regular business days. The state workforce development board will evaluate the hours of access to service as part of the evaluation of effectiveness in the one-stop certification process described in 20 CFR §678.800(b).

“Access” to programs and services means having either: program staff physically present at the location; having partner program staff physically present at the one-stop appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or, providing direct linkage through technology to program staff who can provide meaningful information or services.

- A “direct linkage” means providing direct connection at the one-stop, within a reasonable time, by phone or through real-time, web-based communication to a program staff member who can provide program information or services to the customer.
- A “direct linkage” does not include providing a phone number or computer website that can be used at an individual’s home; providing information, pamphlets, or materials; or, making arrangements for the customer to receive services at a later time or on a different day.

All comprehensive one-stops must be physically and programmatically accessible to individuals with disabilities, as described in 29 CFR part 38.

Required one-stop partners (20 CFR §678.400) include:

- Programs authorized under Title I of WIOA, including: Adult, Dislocated Worker, Youth, Job Corps, YouthBuild, Native American programs, and Migrant and Seasonal Farmworker programs;
- Employment services authorized under the Wagner-Peyser Act (29 CFR 49 et. seq.), as amended by WIOA title III;
- Adult Education and Family Literacy Act (AEFLA) activities authorized under Title II of WIOA;
- The Vocational Rehabilitation program authorized under Title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et. seq.) as amended by WIOA title IV;
- The Senior Community Service Employment program authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et. seq.);
- Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et. seq.);
- Trade Adjustment Assistance activities authorized under chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2271 et. seq.);
- Jobs for Veterans State Grants program authorized under chapter 41 of Title 38 U.S.C.;
- Employment and training activities carried out under the Community Services Block Grant (42 U.S.C. 9901 et. seq.);

- Employment and training activities carried out by the Department of Housing and Urban Development;
- Programs authorized under state unemployment compensation laws (in accordance with applicable federal law);
- Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and,
- Temporary Assistance for Needy Families (TANF) authorized under part A of Title IV of the Social Security Act (42 U.S.C. et. seq.), unless exempted by the Governor. The Governor may determine that TANF will not be a required partner in the state, or within some specific local areas in the state. In this instance, the Governor must notify the Secretaries of the U.S. Departments of Labor and Health and Human Services in writing of this determination 20 CFR §678.405(b).

Additional partners that carry out a workforce development program, including federal, state or local programs and programs in the private sector may serve as part of the one-stop system if the local workforce development board(s) and chief elected official(s) approve the entity's participation (20 CFR §678.410). Additional partners may include, but are not limited to:

- Employment and training programs administered by the Social Security Administration, including the Ticket To Work and Self- Sufficiency programs established under sec. 1148 of the Social Security Act (42 U.S.C. 1320b-19);
- Employment and training programs carried out by the Small Business Administration.
- Supplemental Nutrition Assistance Program (SNAP) employment and training programs authorized under secs. 6(d)(4) and 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015 (d)(4));
- Client Assistance Program authorized under sec. 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732);
- Programs authorized under the National and Community Service Act of 1990 (42 U.S.C. 12501 et. seq.); and,
- Other appropriate federal, state or local programs, including employment, education and training programs provided by public libraries or in the private sector.

Key Elements of the Memorandum of Understanding (MOU) for the One-Stop Delivery System:

The MOU is the product of local discussion and negotiation. The Local WDB, with the agreement of the CEO, develops and enters into a signed MOU with the one-stop partners, as described above. MOUs must, at a minimum, describe the services to be provided and contain agreement on funding the costs of services and the operating costs of the system, as well as several other elements outlined in section 121(c) of WIOA and 20 CFR 678.500, 34 CFR 361.500, and 34 CFR 463.500. The MOU must include the following:

- Services – The MOU must include a description of the services provided through the American Job Center network, which includes: the method or means of providing partner access to those services; the frequency of program staff's physical presence in an affiliated site, and how specialized one-stop centers, as needed, will be implemented. The

MOU also must include a description of the coordinated delivery of services in the system and methods for referring individuals between the one-stop operators and partners for appropriate services and activities.

- One-Stop Operating Budget – The one-stop operating budget is the financial plan that the one-stop partners, and Local WDB agree will be used to achieve the MOU’s goals of delivering services in a local area. The MOU must contain, among other things, provisions describing how the costs of services provided by the one-stop system (including career services and other shared services) and the operating costs of such system will be funded, including the infrastructure costs for the one-stop system (WIOA sec. 121(c)(2)(A)). The one-stop operating budget may be considered the master budget that contains a set of individual budgets or components that consist of two types of costs that are specifically outlined in the statute: infrastructure costs, defined in WIOA sec. 121(h)(4); and additional costs, which consist of shared operating costs and shared services that are related to the operation of the one-stop delivery system (but do not constitute infrastructure costs), described in WIOA sec. 121(i).
The information required to be included in the infrastructure funding agreement (IFA) is found in 20 CFR 678.755, 34 CFR 361.755, and 34 CFR 463.755; and the information required for an interim IFA is described in 20 CFR 678.715(c), 34 CFR 361.715(c), and 34 CFR 463.715(c). The Departments will soon issue joint guidance providing more detailed information on one-stop operating costs.
- Access - The MOU must include methods to ensure the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials available through the one-stop system.
- Referral – The MOU must include methods for referral to appropriate services and activities between one-stop operators and partner programs.
- Duration - The MOU must include provisions specifying its duration and the procedures for amending it. The MOU must contain assurances that it will be reviewed and, if substantial changes have occurred, be renewed. The MOU must be renewed not less than once every three years.
- Other Contributors - The MOU must also include contributions made to the one-stop system through other avenues, such as donations made by a non-partner entity (e.g., a local business donating computers for a learning lab). Third-party in-kind contributions made to supplement the operation of the American Job Center must also be documented.
- Modification process - The MOU must include a description of the process for amending it. (See section C. below).

- Signatories – The MOU must contain signatures of the CEO, Local WDB director, and authorized representatives of each partner program.
- Appeals - If a one-stop partner’s appeal to the State regarding infrastructure costs, results in a change to the one-stop partner’s infrastructure cost contributions, the MOU must be updated to reflect the final one-stop partner infrastructure cost contributions.

NOTE: *One-stop partner may appeal an infrastructure funding plan in writing, per established policy, to the Governor’s Workforce Development Board whose decision is final.*

One-Stop Operators:

One-stop operators may be a single entity (public, private or non- profit) or a consortium of entities (20 CFR §678.600). If the consortium of entities is one of the one-stop partners, it must include a minimum of three of the one-stop partners as described in 20 CFR §678.400.

In consultation and collaboration with core partners and the State of Nevada workforce development board (GWDB), the LWDBs will issue, in a full and open competitive process, a Request for Proposals (RFP) as required by WIOA Sec. 121(d)(2)(A), at least every four years. The mandatory elements are as follows:

1. An applicant’s proposal must provide a cost containment plan that delineates a process for controlling the operational expenses and defines program goals within pre-planned budgetary constraints.

NOTE: *The LWDB will be responsible for ensuring a cap of 75% of the full time employee (FTE) infrastructure costs in the highest cost JobConnect office within the county of where the One-Stop resides. These costs are to be identified in the table below. If a LWDB cannot for any reason meet the 75% cap as outlined, the LWDB may apply to the GWDB for a waiver of this cap. Within this waiver request, a justification must be provided as to what factors are causing the LWDB to exceed the cap. Any equipment or materials provided directly from a State of Nevada department or division for use within the OneStop, would be considered an offset to overall OneStop costs charged to that State of Nevada department or division.*

Cost Item	Allocation Base (List the method used to allocate costs amongst partners: see suggestions below)	Highest Office Cost (by FTE)	75% Cost (By FTE)
Assistive Technology for Individuals with Disabilities	Customers Served		
Postage and Freight	Customers Served		
Printing	Customers Served		
Outreach	Customers Served		
Telephone Lines - Office Areas	Number of Telephone Lines		
Equipment Repairs / Maintenance	FTE		
Purchase of new Equipment	FTE		
Internet Connections - Common / Shared Areas	Customers Served		
Office Supplies	FTE		
Telephone Lines - Common / Shared Areas	Customers Served		
Internet Connections - Office Areas	Number of Internet Connections		
Insurance	Square Footage		
Lease	Square Footage		
Legal Notices	Customers Served		
Signage	Customers Served		
Electricity	Customers Served		
Janitorial Services	Customers Served		
Landscaping/Grounds keeping	Customers Served		
Pest Control	Customers Served		
Trash	Customers Served		
Water	Square Footage		
	Total Costs per FTE		

2. The LWDB will need to determine, and have written documentation, as to the selection process for the OneStop Operators, including the method(s) used. Once the proposals are received, the LWDB will employ, per policy, the determined method. Available methods include:
 - **Selection Committee-** comprised of four core WIOA partners and include other select committee members determined by the LWDB- who, by a competitive process, review, evaluate and score the proposals in determining the ranking of the applicants and report to and Chief Elected Officials(s), who will designate or certify OneStop Operators.

- **Third Party Selection Committee**-who, by a competitive process, review, evaluate and score the proposals in determining the ranking of the applicants and report to the LWDB with the agreement of the Chief Elected Official(s), who will designate or certify OneStop Operators.
- **A Combination Approach**-of the above where the LWDB, with the agreement of the Chief Elected Official(s), who will designate or certify OneStop Operators.

NOTE: WIOA regulations at 20 CFR 678.605(d) require the entities conducting the competition to prepare written documentation explaining the determination concerning the nature of the competitive process to be followed in selecting the one-stop operator. As explained in guidance, documentation is required for all steps in the competition process. Documentation is key for ensuring transparency in the competition process.

The LWDB, with the agreement of Chief Elected Official(s), are authorized to terminate for cause, the eligibility of OneStop operators. (WIOA Sec. 121(d))

3. The procurement process will follow Nevada's State Purchasing guidelines to insure transparency.

The one-stop operator may operate one or more one-stop centers. There may be more than one, one-stop operator in a local area.

The types of entities that may be a one-stop operator include:

1. Government agencies or governmental units, such as: Local or county governments, school districts, State agencies, and Federal WIOA partners;
2. Employment Service State agencies under the Wagner-Peyser Act, as amended by title III of WIOA;
3. Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as "Indian Tribes");
4. Educational institutions, such as: institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a one-stop operator);
5. Community-based organizations, nonprofit entities, or workforce intermediaries;
6. Other interested organizations that are capable of carrying out the duties of the one-stop operator, such as a local chamber of commerce, other business organization, or labor organization;
7. Private for-profit entities;
8. Local WDBs, if approved by the Chief Elected Official (CEO) and the Governor as required in WIOA sec. 107(g)(2).

NOTE: Elementary and secondary schools are not eligible as one-stop operators except for nontraditional public secondary schools such as night and adult schools, or technical education schools.

The state and local workforce development boards must insure that, in carrying out WIOA programs and activities, one-stop operators:

1. Disclose any potential conflict of interest (20 CFR §679.430);
2. Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term career and training services;
3. The one-stop operator, will avoid “less than arms-length” relationships with business, financial, or political ties with any member of the local workforce development board or its staff, or the local elected officials consortium, or any employee of a mandatory core program located within the one-stop center; and,
4. Comply with federal and state regulations and procurement policies, including 20 CFR §683.295, 2 CFR part 200, Nevada Administrative Code (NAC) 333, and other applicable regulations and policies.

One-Stop Certification:

The state workforce development board, in consultation with the local workforce development board and the chief local elected official(s), will establish objective criteria and procedures for the local workforce development boards to use when certifying one-stop centers (20 CFR§678.800).

As provided in the Workforce Innovation and Opportunity Act of 2014 (WIOA), the establishment and certification of one-stop centers and the one-stop delivery system consist of a two-step process:

- **Local:** Consistent with an approved state plan, a WIOA-compliant local workforce development board for a local area, with the agreement of the chief elected official for the local area, shall develop, designate, certify, and provide oversight with respect to the one-stop delivery system in the local area.
- **State:** The state workforce development board, in consultation with chief elected local officials and the local workforce development board, shall establish objective criteria and procedures for use by local workforce development boards in assessing at least once every three years the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery system, consistent with the requirements of section 101(d)(6).

The on-site review is an essential component for certification of existing one-stop centers prior to the enactment of WIOA, in addition to the recertification one-stop centers. The on-site review provides the local workforce development boards and core partners of the workforce development system the opportunity to validate information provided in a one-stop operator’s certification application, and to make inquiries that may arise post-review of the written material.

Conversely, one-stop operators are provided with additional opportunities to supply information, clarify specific points, or ask questions that they may have about the local workforce development board and/or core partners’ expectations. Combined with the written application, the on-site review provides the local workforce development board and core partners with additional insight as to a one-stop operator’s readiness for certification.

Written notice shall be provided to one-stop operator applicants prior to the on-site review, which indicates the date and time of the visit, names of review team members and the organizations that they represent, and specific topic areas that will be covered. Once the on-site review is completed, a written feedback report will be provided to the one-stop operator applicant.

Evaluation criteria will be reviewed and updated every two years as part of the review and modification of the state plan (20 CFR §676.135).

When the local workforce development board is the one-stop operator, the state must certify the one-stop center.

As of July 1, 2016, each one-stop delivery system must include the “American Job Centers of Nevada” or “A proud partner of the American Job Center of Nevada” identifier on all products, programs, activities, services, facilities, and related property and materials used in the one-stop system (20 CFR §678.900(b)).